

PUBLIC PETITIONS COMMITTEE

Tuesday 6 November 2007

Session 3

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CONTENTS

Tuesday 6 November 2007

	Col.
INTERESTS	227
DECISION ON TAKING BUSINESS IN PRIVATE	228
NEW PETITIONS	229
Lancastria Commemorative Medal (PE1062)	229
Edinburgh South Suburban Railway (PE1080)	237
CURRENT PETITIONS	246
Fire Control Rooms (PE765 and PE795)	246
NEW PETITIONS	249
A76 (Safety Strategy) (PE1067)	249
Racing Pigeons (Public Health) (PE1068)	249
Educational Maintenance Allowance (PE1079)	251
Historic Sites (Protection) (PE1078)	253
Maritime Organisations (PE1081)	256
Scottish Civic Forum (PE1082)	256
Local Museums (PE1083)	257
CURRENT PETITIONS	260
Dementia Treatment (PE886)	260
NHS Dental Services (PE920, PE922 and PE1018)	260
Hospital Patients (Spiritual Care) (PE923)	262
Neuropsychological Provision (PE981)	263
Animal Carcasses (PE1004)	263
Assisted Suicide (PE1031)	266
Private Bills (Post-legislative Monitoring) (PE1034)	266
NEW PETITIONS (NOTIFICATION)	268
WITNESS EXPENSES	268

PUBLIC PETITIONS COMMITTEE

7th 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)
*Nigel Don (North East Scotland) (SNP)
*Rhoda Grant (Highlands and Islands) (Lab)
*Robin Harper (Lothians) (Green)
*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 :

Malcolm Chisholm (Edinburgh North and Leith) (Lab)
Bruce Crawford (Stirling) (SNP)
Christine Grahame (South of Scotland) (SNP)
Mark Hirst (Lancastria Association of Scotland)
Patrick Hutton (Capital Rail Action Group)
Lawrence Marshall (Capital Rail Action Group)
Mike Pringle (Edinburgh South) (LD)
Andrew Robb (E-Rail)
Fiona Symon (Lancastria Association of Scotland)
Lieutenant Commander Chris Walsh (Lancastria
Association of Scotland)

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERK

Franck David

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 6 November 2007

[THE CONVENER *opened the meeting at 14:00*]

Interests

The Convener (Mr Frank McAveety): Good afternoon, everyone. I welcome members, the public and petitioners to the Public Petitions Committee's seventh meeting in the third session of the Scottish Parliament.

I particularly welcome the representatives from Renfrewshire Council who are here to observe our proceedings. The council is setting up its own local petitions process and is the first council in Scotland to do so. I hope that the discussion that we had earlier was helpful to our visitors and that they, too, will share in the wonderful experience of engaging with the people of Scotland. I hope that observing today's proceedings will be of use to them as they make progress in their local authority.

I have a standing apology from Angela Constance MSP, who is on maternity leave. I welcome John Wilson, who is Angela's substitute. I also welcome Jim Hume, who is the substitute member for the deputy convener, John Farquhar Munro, who is unable to be present today.

We have a new member. As this is Nigel Don's first meeting as a member of the Public Petitions Committee, I invite him, in accordance with section 3 of the "Code of Conduct for Members of the Scottish Parliament"—this is the formal bit—to declare any interests that might be relevant to the committee's remit.

Nigel Don (North East Scotland) (SNP): Thank you, convener. I have no interests to declare.

Decision on Taking Business in Private

14:02

The Convener: Item 2 is consideration of whether to take item 6 in private. First, I draw attention to a typing error on the agenda, which refers to consideration of whether to take item 5 in private. That should read "item 6".

I have had clarification from the clerk on the question whether item 6 should be taken in private. As the committee will simply be invited to delegate to me responsibility for arranging payment by the Scottish Parliamentary Corporate Body of any witness expenses, the decision can be made in public. Because item 2 is on the agenda, I am required formally to put the matter to the committee, but it is not considered necessary for item 6 to be taken in private.

I invite the committee to decide whether to take item 6 in private.

Nanette Milne (North East Scotland) (Con): We should take item 6 in public.

The Convener: Is that agreed?

Members *indicated agreement.*

New Petitions

Lancastria Commemorative Medal (PE1062)

14:03

The Convener: We have a particularly full agenda, with nine new petitions and 11 current petitions for consideration.

PE1062, by Mark Hirst on behalf of the Lancastria Association of Scotland, calls on the Scottish Parliament

“to commission a commemorative medal to be awarded to all those (or the relatives of victims, or relatives of survivors who have now passed away) who were aboard the troopship Lancastria on 17th June 1940 when she was sunk by German bombers, claiming the lives of an estimated 4000 people, mostly troops of the British Expeditionary Force, and which resulted in Britain’s worst ever maritime disaster and worst single loss of life for British forces in the whole of World War 2, in recognition of the sacrifice of the victims and the endurance of those survivors who have tried to keep the memory of their fallen comrades alive for the past 67 years.”

The petition was hosted on the Parliament’s e-petitions system, where it gathered 313 signatures.

To speak to the petition, I welcome petitioner Mark Hirst, Fiona Symon and Lieutenant Commander Chris Walsh. I understand that all three of you will contribute to an opening statement. Mark, do you wish to go first?

Mark Hirst (Lancastria Association of Scotland): Thank you, convener, for giving us the opportunity to say a few short words. The journey that brought our association to Parliament today began 67 years ago, when many ordinary men volunteered to fight fascism and defend democracy. For many, the journey ended in the most horrific events aboard the Clyde-built Lancastria. Although it was acting as a troop ship and was heavily loaded with airmen and soldiers of the British expeditionary force, the Lancastria was also carrying about 200 refugees of various nationalities. In the 20 minutes that it took for the liner to sink, an estimated 4,000 people were killed and many hundreds more were wounded.

As members will have seen from the briefing notes, on hearing of the scale of the tragedy, Churchill issued a D-notice, banning all publicity. As a result, the story of the Lancastria and the extraordinary sacrifice of the thousands of victims have been forgotten, as has the endurance and determination of the survivors, whose strong feeling was that their comrades and friends died without formal acknowledgement.

Successive British Governments have consistently chosen not to mark or commemorate

the incident formally. In Britain—although perhaps not elsewhere—the custom is not to commemorate a crushing blow. The association’s view is that those who took part in this forgotten event deserve a level of official recognition that has, in large part, been afforded to numerous other so-called worthy examples. Such recognition has been denied the people who were aboard the Lancastria on 17 June 1940.

We firmly believe that the sheer scale of the sacrifice that was made on that day, combined with the officially sanctioned censorship of the disaster, sets it aside from all other events involving British forces and refugees in world war two. Our plea to members of the Public Petitions Committee is that you correct decades of silence and reverse the sense of ingratitude that survivors and relatives of victims feel to this day. We call on Parliament to commission a commemorative medal in recognition of the ultimate price that the victims paid, and of the endurance of the survivors who continued to fight on long after the sinking of the Lancastria. I hand over to Fiona Symon, whose father, Andrew Richardson from Kirkcaldy, was one of the victims.

Fiona Symon (Lancastria Association of Scotland): As Mark has said, the sheer magnitude of the loss of life in the worst disaster in British maritime history cries out for acknowledgement. My mother died in 1992, still very bitter and sad that the country seemed to regard my father’s life and the lives of the thousands who died with him as being of less value than the lives of others who died in world war two and who are remembered with honour.

In many cases, the survivors suffered more than any of us. They had to live out their lives with horrendous memories and nightmares. Today, they would have been offered counselling; instead, they were forbidden to talk about the sinking. As a result, they are forgotten and ignored. Recently, I spoke to a survivor who described the disaster as “hell on earth”. He recounted how he had to swim for three hours in the oil spill from the liner, with some of it on fire and tracer bullets landing around him. He had to push dead bodies out of the way as he struggled to reach the rescue boats 5 miles offshore. That is what those men had to live with.

The sinking of the Lancastria and the resulting colossal loss of life is unique in our history—no comparison can be made and 67 years is far too long to wait for recognition of the sacrifice of thousands of men who gave their lives for their King, country and the freedom that we enjoy today. No shame was involved in the disaster: it did not have to be covered up, but desperate times called for desperate measures. The shame is in the silence and cover-up of the past 67 years. As President Theodore Roosevelt said:

"A man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards. More than that no man is entitled, and less than that no man shall have."

Unless someone has walked in the footsteps of the victims, survivors and their families, they cannot even begin to understand the depth of the human tragedy involved, the effects of which continue to this day. I am here today to represent not only the association but the many people who, like me, never knew their fathers. I was 10 months old when he died—the only child. My heartfelt plea to the committee is that Parliament acknowledge the sacrifice that was made 67 years ago by commissioning a commemorative medal and putting the record straight. Thank you for giving me the opportunity to talk to you today.

Lieutenant Commander Chris Walsh (Lancastria Association of Scotland): Good afternoon. I am a member of the Lancastria Association of Scotland. However, unlike the other two petitioners, I have no blood link to the Lancastria incident.

I learned about the Lancastria as Mrs Symon discovered the fate of her father. I knew nothing about it prior to that, although I had always known about military campaigns that had been lost and won. Arnhem and Dunkirk, for example, have been immortalised in thousands of feet of newsreel, numerous books and movies, but public awareness of Lancastria is nil by comparison. At 11.40 on the morning of 14 April 1912, the Titanic hit an iceberg and sank and 1,635 lives were lost. The Lancastria's death toll was three, perhaps even four, times higher than that.

After Dunkirk, 140,000 soldiers and airmen were stranded in France. They retreated across several hundred miles to St Nazaire in the north-west of France, pursued all the way by the German army and the Luftwaffe. Imagine their relief when they were offered the chance to escape on a luxury liner. They were crammed on to that liner—many thousands more were on it than should have been; the crew simply stopped counting. The ship set sail, suffered direct hits and began to sink. As a Royal Navy engineer officer, I am well trained in damage control. I know what it is like when the lights go out, the water starts to flood into a closed compartment and the ship begins to list badly—it is frightening even in a controlled training environment and one quickly becomes disoriented. What must it have been like for the men and women on that liner, who were in totally alien surroundings? Many thousands drowned in fear and panic.

Those who made it to the surface found themselves clinging to bits of wreckage and choking on heavy fuel oil from the ship's tanks. Even then, hundreds survived and were delivered

back to Britain. If that was not enough, they arrived home to be told that Mr Churchill had forbidden their mentioning what had happened. The able bodied among the survivors were cleaned up, kitted out and sent off to fight the rest of the war. Guided by a sense of patriotism, integrity, loyalty or simply blind obedience, many of those men took their experience to the grave. I believe that they deserve a medal.

The Convener: Thank you very much. We have received a request from Christine Grahame MSP to contribute to the debate. Committee members may ask questions first before I invite her to say something.

Nanette Milne: I have a comment to make rather than a question to ask. I doubt that anyone around the table failed to be moved by what we have just heard about people's personal experiences. It is particularly appropriate that the committee consider the petition in armistice week. I have huge sympathy for the petitioners. We must seek a way forward.

My understanding is that legal advice has been sought and that it appears that commissioning a commemorative medal may not be within the Scottish Parliament's competence. If that is the case, how should we progress the matter?

Mark Hirst: The model that we are looking for Parliament to adopt was adopted when Dunkirk municipal town council in France issued a commemorative medal to British veterans who defended Dunkirk. I have seen some of the legal advice that has been provided to the committee and think that there are probably issues with it, if not confusion surrounding the matter. The Ministry of Defence is clear about the distinction between commemorative medals and war medals: only the MOD can issue a war medal, but it says that any competent body can issue a commemorative medal. Therefore, we are asking the committee to answer a question: if French municipal town councils can issue commemorative medals to British veterans, why cannot the Scottish Parliament do so? I do not know whether it would be possible to seek a second opinion on the legal advice that the committee sought, because the advice that we have received is that Parliament can commission a medal.

Rhoda Grant (Highlands and Islands) (Lab): I seek clarification. What advice have we received about commemorative medals, especially about whether we can issue them?

14:15

Fergus Cochrane (Clerk): The advice that was given before the petition was lodged was that the matter would be outwith the competence of the Parliament. However, that is only advice, and

members can reflect on what recognition we give to that advice.

Rhoda Grant: Where did that advice come from?

Fergus Cochrane: It came from the Parliament's legal advisers. It is appropriate for clerks to seek advice for clarification from Parliament's lawyers in consideration of such petitions where there is an issue of competency.

Rhoda Grant: Have the petitioners made any representations to the MOD about the matter, or have they spoken to anyone at the Westminster Parliament?

Mark Hirst: The issue has been raised—we wrote to the previous Administration to ask about a commemorative medal, but the matter was passed immediately to the MOD. The MOD sent back a rather terse response saying that veterans' issues were devolved to the Scottish Parliament. There is a precedent with regard to commemorative medals in that the Scottish Parliamentary Corporate Body—as I understand it from the September 1999 business bulletin—issued a commemorative medal for MSPs. Although that was an unfortunate precedent as it attracted a bit of unfortunate publicity, there is, nonetheless, a precedent for commissioning a commemorative medal.

Rhoda Grant: Was the MOD's response that this Parliament could do something?

Mark Hirst: It said that any competent body can commission a commemorative medal, but commissioning a war medal is reserved to Westminster, and specifically to the MOD.

John Wilson (Central Scotland) (SNP): The question that I was going to ask regarding representation to the MOD has already been asked. As a committee, we have to express some disappointment in response to the MOD's decision. Based on what we have heard today, the majority of those who died and were injured were clearly in the service of their country at the time. That the petitioners are asking the Scottish Parliament to pick up where the MOD is failing to deliver concerns me—I hope that it also concerns other members of the committee.

The committee should make a representation through the Government to the MOD that, although the MOD previously decided not to mark the event, we urge it to do so. Although I do not want to get into the numbers game in terms of how many people from outside Scotland were killed or injured during the incident, the Scottish Parliament could end up being liable for striking commemorative medals for a large number of people who are not covered by its jurisdiction. It is an issue on which the MOD has failed to deliver.

Although I accept the comments that have been made, we need to make the strongest possible representation through the Government to the MOD, to urge the MOD to mark the event and recognise it not by issuing just a commemorative medal, but a medal that is recognised as a war medal.

The Convener: Are there any other questions from the committee at present? I know that Christine Grahame has expressed an interest.

Christine Grahame (South of Scotland) (SNP): The MOD route has been exhausted. I am quite affected by Mark Hirst's question: if a municipal authority can issue a commemorative medal, what on earth is to stop the Scottish Parliament doing so? I challenge the legal advice and am quite happy to do so on the record. Parliament has set precedent by issuing a commemorative medal to frankly unworthy MSPs—I was one of them—who had done nothing, so we ought to challenge the suggestion that it cannot strike a commemorative medal for people who were much more worthy than us. The matter ought to be pursued.

We know that the matter is not reserved, because the MOD website asks the question:

"What is the difference between 'official' and 'commemorative' medals?"

In response it says:

"The term 'official' could be used to describe any medals for which Her Majesty, or her predecessors, has given approval. Only these medals are permissible for wear on a service uniform. Commemorative medals are those which have been produced by organisations or private medal companies to commemorate particular branches of service or areas of operations."

It seems odd that some town council or company can produce a commemorative medal but the Scottish Parliament cannot.

On funding, which might be an issue, I know from shadowing a former minister who had responsibility for communities that that post has within its remit responsibility for taking up veterans' issues. Indeed, the previous Government contributed funds to various commemorative events. It gave £9,500 to the Dundee Combined Ex-Services Association, £5,000 for national veterans day and £5,000 to another war-associated commemorative event.

I have campaigned on the issue for a long time—although not as long as the campaigners—and I would be very disappointed if the matter were not pursued with vigour, even if the aim were simply to test the legal opinion. MSPs have commemorative medals in our houses, so we should pursue the case of people who are much more worthy of medals than we are.

Bashir Ahmad (Glasgow) (SNP): The Government at the time said that acknowledging the event would be bad for the morale of the country. What about now, after so long? Why cannot they acknowledge it after 67 years?

Jim Hume (South of Scotland) (LD): I have a lot of sympathy with the petitioners.

Do we have a comprehensive list of the names of people who were on the Lancastria? I know that there are varying estimates.

Mark Hirst: We have a list of people who have come forward to contact the association over the years. We also have a list of 103 units that we know were aboard. The retreat in the face of the German advance was shambolic—in May in particular—and the British forces were just trying to get out any way they could. However, we have a list of casualties, which has been compiled by a British Commonwealth organisation, and we have lists of survivors.

Realistically, we might be looking at having to produce about 500 medals, initially. There are many members of our association who are from the same families: our proposal would be that each family who had a relative that was killed on the Lancastria would receive one medal.

The Convener: Is there a reasonable approximation of what that would cost?

Mark Hirst: We have sought a couple of quotes already. We would be happy to work in conjunction with procurement officials to ensure that best value was guaranteed. The cost will depend on the sort of metal and the die that is cast. The question that I ask in return is this: What price would you put on the ultimate sacrifice?

The Convener: It was more a practical question to ensure that if, during investigation of the issue, people suggest that the cost would be prohibitive, we can say that we have been given a reasonable ball-park figure. I do not want to get into a discussion of how we value people who have made the ultimate sacrifice. Clearly, the family members and others are concerned with the commemorative value of the medals.

Fiona Symon: The issue is to do with symbolism and the formal acknowledgement, at last, of what happened. That is what is important. The commemorative medal would be a symbol of that and that is what we all desperately need.

The Convener: I will try to summarise the views that have been expressed. If my understanding of what has been said is wrong, members can put me right.

It strikes me that there are three issues. The first is the issue of the MOD fully recognising events that have taken place during conflicts. I get from

the committee a sense that, even although there has been an exhaustive process, we should raise the point again with the MOD.

The second issue is how, if we cannot get the MOD to do what the petitioners are seeking, we can commemorate the incident, if that is appropriate, and which body makes the decision. Again, if I am wrong, members will tell me, but I believe from their contributions that Parliament's corporate body or the Scottish Government could explore that option with the remit to issue commemorative medals, if what Mark Hirst has said is accurate.

The third question is how to raise the issue with those who are responsible. Obviously, the Public Petitions Committee cannot issue commemorative medals, but we can raise the debate. It is a given that we can still raise with the MOD whether it can recognise the incident through a war medal. That is an on-going process, and I am sure that the Lancastria Association is working on that as well. Christine Grahame mentioned that the Minister for Communities and Sport has some responsibility for commissioning medals, and we could write to the corporate body to seek its views on whether Parliament could recognise the incident.

Are members comfortable with those next steps? There seems to be a general consensus to try to move the issue on—we have heard powerful testimony this afternoon.

Members indicated agreement.

The Convener: I thank Mark Hirst, Fiona Symon and the Lancastria Association for the petition. We will raise the matters directly with the responsible ministers and the corporate body, giving them a copy of the *Official Report* of today's discussion. We will also raise directly with the MOD that we have heard a powerful testimony this afternoon and that we hope that it can reconsider its views.

I am conscious that there was a debate around a legal interpretation—Christine Grahame is a lawyer, so she obviously has a special interest in those matters—but I do not know whether anyone wants still to explore that. The three steps that we will take are positive.

I thank Fiona Symon for her personal testimony. I know that Mark Hirst and Chris Walsh have been involved at administrative and organisational levels, as well as feeling strongly about the issue, but Fiona's submission encapsulated the challenge in trying to address commemoration. I hope that the committee might be able to move things forward. We cannot guarantee it—that is always my one caveat as convener—but the committee will certainly explore the issues on your behalf.

Fiona Symon: By 2040, when the D-notice will be lifted, I will no longer be around; neither, possibly, will my children. We are already into the third generation of families since the disaster, so it would be so good to feel that at last I had been able to do something positive for my father and all the others. Thank you.

The Convener: That is a strong message to end on. Thank you for your time, and good luck.

I propose a slight change to the agenda. Under item 4, which is consideration of current petitions, we are due to consider PE765 and PE795, on the future of fire control rooms in Scotland. I have had a request to bring forward that discussion from the petitioners, who are conscious of the time; firefighters were out until the early hours of this morning—I appreciate their work in my area, where they had to deal with the wonderful sight of teenagers who thought it appropriate to set gas canisters on fire on bonfire night. Therefore, if members agree, we will bring forward consideration of those two petitions and deal with them after PE1080.

Members indicated agreement.

Edinburgh South Suburban Railway (PE1080)

14:30

The Convener: PE1080, which was brought by Lawrence Marshall on behalf of the Capital Rail Action Group, calls for the reintroduction of local passenger services on the Edinburgh south suburban railway. Before the petition was formally lodged, it was hosted on the e-petitions system, where it gathered 1,923 signatures. I welcome Lawrence Marshall, Andrew Robb and Patrick Hutton. You have three minutes in which to make an opening statement.

Lawrence Marshall (Capital Rail Action Group): Andrew Robb is from E-Rail, a company that is involved in trying to get local passenger services back on the south suburban line in Edinburgh. Patrick Hutton is the secretary of the Capital Rail Action Group, and I chair the group.

I thank the committee for its time. We brought the petition because we are aware that ultimately the Scottish Parliament and the Scottish Government have responsibility for determining whether the south suburban railway is reopened to local passenger services, both because control over Network Rail has been devolved and because the Scottish Government is responsible for the franchise that is currently held by First ScotRail. The Parliament is therefore the appropriate body to consider the issue, although other bodies are involved. The City of Edinburgh Council and the south-east of Scotland transport

partnership are supportive and include the reopening of the line to local passenger services in their transport strategies—in SEStran's case, the regional transport strategy. We welcome that support from the statutory bodies.

There is not much to say but, as I perhaps know more about the line than other people do, I will give committee members a few facts. The south suburban line exists and the passenger services that currently run round it are either diversionary services, which operate when work is going on at Waverley station, or Virgin train services, which are timetabled to use the line—some of you might have used the line. A map, which was attached to the petition, is in members' briefing papers and is available online. The map can give you an idea of where the line runs in Edinburgh.

No parliamentary consent would be needed to reintroduce local passenger services, because the line is operational. No tunnelling work or level crossings would be needed, but a little upgrading of infrastructure might be needed—or rather, the putting back of infrastructure that was taken out during the past few decades. Other than that, the line is up and running and we just need stations and the money to make it happen. The issue has cross-party-political support in the City of Edinburgh Council and the Parliament—I am pleased that Mike Pringle has attended this meeting.

If an idea is good, one signature on a petition is enough; if it is bad, 2,000 signatures are not enough. The petition gathered a fair number of signatures from people throughout Scotland—about 2,600, if we include signatures on paper as well as on the e-petitions site. People understand that mobility in the capital city benefits not just people who live here but people who come as tourists, businesspeople or visitors for the day.

The line is a useful facility. It will not solve Edinburgh's transport problems, but it will be a big help. Reintroducing local passenger services would be worth while under the Scottish transport appraisal guidance criteria, because the benefit-cost ratio is more than 1—it is considerably more than 1. It would not cost much money. E-Rail has negotiated a contribution from the private sector, which would help to reduce the contribution from the public sector.

Andrew Robb (E-Rail): Perhaps I can explain who we are. E-Rail was set up in 2000 with the explicit remit of raising private funds for public transport initiatives—heavy rail, light rail, tramways or whatever. We are involved in a number of projects throughout the United Kingdom and through our joint venture partner in Canada. In essence, we seek to tap the additional marginal profit that a developer will make if his development—mainly private housing in this

instance—is within 800m of a halt on a new public transport service. It is evident to them and, subsequently, to people who have houses near such places that they can command a higher price if they can advertise that the property is within a five-minute walk of a station. In property advertising in London, we certainly see mention of the fact that a property is within five minutes' walk of a tube station.

We have been negotiating with property developers who have sites along the length of the south suburban line and we have entered into voluntary contribution agreements with some of them—some are still in negotiation—for them to make contributions from the projected additional marginal profit that they expect to make from the existence of the service. Those agreements have been signed and lodged in a discrete trust, which is tasked with demanding the money when the line is contracted and paying it out to the project sponsor, be that Transport Scotland, the City of Edinburgh Council or whoever.

Rhoda Grant: What would it cost to reinstate the line? Would there be an on-going subsidy cost to keep it running?

Lawrence Marshall: Over the past 15 years or so, there have been three different reports on reopening. By far the most definitive is the Atkins report—WS Atkins is a pretty famous consultancy in transport—which reported just over three years ago in March 2004. The report is on the City of Edinburgh Council's website and available through the reopen the south sub website. I do not want to bore you with figures, but all the costs are in the report—value of time, staff cost, decongestion, economic appraisal.

In brief, according to the Atkins report, if the line were to reopen to Newcraighall—which is a park-and-ride site in south-east Edinburgh near the new Queen Margaret University—the capital cost would be £18 million for just over 2 million passengers a year, with a benefit cost ratio of 1.42. I think that the report stated that the subsidy for a service to Newcraighall would be about £1 million a year, whereas the subsidy for a service to Niddrie, which would require fewer trains because it is possible to get there and back a bit quicker—that is basically the E-Rail proposal—would be about £500,000 a year. Consequently, the benefit cost ratio for a service to Niddrie—that is, to a station by the Asda site near Fort Kinnaird—would be higher, at 1.64.

Tavish Scott asked for an update from Halcrow when he was Minister for Transport in January this year when an all-party delegation from the City of Edinburgh Council went to him. We had hoped that Halcrow might have reported by now, but it will not report until January. As I understand it, various other options are being considered as part

of the Halcrow update—as well as looking at the options of just running services to Newcraighall or doing the full south sub circle again, it is examining some cross-city options. The line connects with every railway line in the area, so it has wider potential.

Nanette Milne: Will there be enough capacity at Waverley to cope, given that it is expected that the Airdrie to Bathgate line and the new Borders rail link will result in an increase in the number of services into the station?

Lawrence Marshall: That has probably been the crucial reason why the reopening of the south sub railway has largely been dismissed as an option. If you visit the reopen the south sub website, you will find a paper by me that analysed the bible of railway operation, the working timetable, for the second half of last year, up until December, when the present works at Waverley started.

The capacity of Waverley for trains travelling west to Haymarket—I will come to the capacity for trains travelling east shortly—is 24 per hour. The works at Waverley will take that up to 28 trains per hour. The finite capacity is 32 trains per hour, but that would require further redevelopment at Waverley. During peak periods, 21 or 22 trains per hour use Waverley. Off-peak, when between 16 and 18 trains per hour use the station, there is no problem. The situation gets a bit tight during peak hours.

The proposal to run North Berwick services through to Newcraighall is a good one, in that it relies on the use of existing train paths. From December, when the works at Waverley have been completed, peak-period trains from North Berwick will again go through to Haymarket and then sit at Slateford, or go on to Glasgow Central. Our proposal is that, instead, those train paths could be used for services on the south suburban line, which would mean that during peak periods we would demand no extra train paths. There is plenty of capacity at Waverley during off-peak hours.

Mike Pringle (Edinburgh South) (LD): I have been a supporter of reopening the south sub railway since my son was nine. The fact that he is now 33 shows how long the campaign has been going on. I think that Lawrence Marshall underestimates the number of exercises on reopening the line that have been conducted. Back in those days, David Begg at the University of Edinburgh was involved. He is now a professor.

There is no doubt that reopening the south sub railway would take pressure off the roads and that the environmental impact of cars is now far greater than it was when we first got involved in the campaign to reopen the line in 1984. It is time that

the Scottish Parliament addressed the issue, which has become more pressing. Perhaps Lawrence Marshall could tell us how many car journeys would be taken off the roads if the line were used by 2 million passengers. My prediction is that even if the reopening of the line does not happen soon, it will happen sometime—it is bound to—so why not bite the bullet and do it now?

The Convener: What have been the obvious obstacles and, if they still exist, how do we overcome them?

Lawrence Marshall: To an extent, the obstacles have probably come from the higher echelons of Railtrack and Network Rail, where there has been concern about the pressure that is caused by trains using a limited number of tracks, which Nanette Milne mentioned. I think that they have thought that it is not appropriate to have local trains in a city the size of Edinburgh. I have never felt that. The statistics for the use of the line that have been obtained from surveys have always been quite positive. The pinchpoint is between Portobello and Haymarket.

There are ways of fitting the trains in but, eventually, I would not rule out the use of tram-trains, such as those that operate in Karlsruhe in Germany, which Network Rail is very slowly getting round to having a look at. They have been running in Germany for 10 to 15 years; they run on the railway tracks and then go into the city centre. That is being considered in the Glasgow area, for example for the Hamilton circle. There are possibilities with that, and it would not take up existing capacity.

14:45

Even with our proposals, we will not take up capacity that Network Rail cannot afford. Even with the Airdrie to Bathgate service and a doubling of the frequency of trains coming in from Bathgate to four per hour, even with the increased use of the Caledonian express line, and even with the non-stop service to Dundee, which take up all the extra capacity that is currently being built in at Waverley, we can still run our proposed service.

That covers the main reason why the scheme has not yet happened. Over the years, politicians have been favourable towards the proposal. It is not the sexiest project in the world—it is not like the rail links to Edinburgh and Glasgow airports or the line to the Borders—and it does not cost all that much. I suspect that those are among the reasons why the project has not thrust itself forward as the best thing to do. It will make a contribution, although it will not be a solution. Sometimes, politicians just look for solutions.

The Convener: An unsexy but effective rail link—that could be the tagline.

Patrick Hutton (Capital Rail Action Group): I would like to give a sense of the potential benefit to the traffic situation in Edinburgh. As we said in our paper, it takes half an hour to get the number 30 bus from Niddrie to Haymarket in the west end. In 1962, it was possible to go by train from Duddingston to Haymarket in 19 minutes.

Things have changed, and the roads are filling up. People need to be able to move efficiently from their home to work or to places of leisure. A station at Niddrie is seen as vital to the regeneration of Craigmillar, Niddrie and Bingham, which is a big project in the south side of Edinburgh. The Atkins report of 2004 predated large parts of the Niddrie project and the movement of Queen Margaret University—which has in excess of 8,000 people—to Craighall. I believe that the car parking there is limited and is heavily charged nowadays. The university is looking for 24 per cent of its staff and students to travel by train. At the moment, they use a half-hourly service to Musselburgh. The personal assistant to the principal told me this morning that her train was packed every morning between Waverley and Musselburgh. We need a scheme such as the south sub as an alternative method for people to travel around the south side of Edinburgh.

Lawrence Marshall: In the past, journeys in cities were always regarded as radial. All the main roads coming in ended up in the city centre. Anybody who is involved in transport these days knows that that is no longer the case. Obviously, there is still a preponderance of people trying to come into the city centre. Increasingly, however, as developments such as Queen Margaret University and shopping centres grow, traffic is generated at locations around the city. People therefore need to move across the city, as well as into the city centre.

The south sub delivers people to the city centre—with a journey from Morningside to Haymarket taking something like eight minutes, for example. It also delivers people round the city, for instance from Morningside to Portobello or Newcraighall. Both those functions are to the scheme's advantage. The city's roads have not become less congested since the railway line was closed in 1962. When it was closed, it was basically felt that the bus service could take over.

Just the other night, there was a piece in the *Evening News* about Barbara Castle's decision regarding the Corstorphine branch line. When that line was shut, it was assumed that the bus services could take over—that was the attitude at the time. Ironically, the line was closed on the casting vote of the Lord Provost of Edinburgh, who was sitting on the transport committee that had the remit of determining whether to close lines or keep

them open. Times have moved on, and the roads of Edinburgh have got a lot more congested since then.

The Convener: You mentioned in your opening remarks that discussion with the Government was on-going, and that you were awaiting an outcome or evaluation. If I have picked you up correctly, you are saying that you expect that in January. Is that correct?

Lawrence Marshall: I am not an expert on the matter. The City of Edinburgh Council, Transport Scotland and the regional transport partnership, SEStran, have all put £25,000 into the update study by Halcrow, which I understand will report in January.

The Convener: Will the Government and Transport Scotland consider the worth or otherwise of the project at that stage?

Lawrence Marshall: When the City of Edinburgh Council looked at the benefit cost ratios in the Atkins study, it took the view that, although the report said that the case for reopening the south sub line was weak, if the case for that project was weak, the case for quite a number of other projects in Scotland would be weak. On that basis, it decided that the project was well worth pursuing, which is why it met Tavish Scott in January.

I guess that some new benefit cost ratios will come out of the Halcrow study, given that it is looking at other options, but I do not think that the passenger use figures will change fundamentally. If they do, I suspect that they will go up rather than down, given what has happened recently. We must wait for the Halcrow study. We had hoped that the committee's consideration of our petition would coincide with the publication of that study, but we will have to wait until January.

The Convener: Okay. Do members have any suggestions about how we should deal with the petition? I have a few.

Rhoda Grant: There is nothing to prevent us from taking soundings from other bodies while we wait for the publication of the update study in January. At least we would have that information, which could be updated once the update study has been completed. I suggest that we ask the Scottish Government, Network Rail and Transport Scotland for their views.

It might be an idea to speak to organisations such as the council and Lothian Buses, because the proposed rail services would run in a totally different way from the city's bus services. The bus services come out from the centre, whereas the railway line goes round the city, almost like a bypass. I can see that the proposed rail services would tie in well with bus services, because

people from outside the city tend to have to go into the centre before travelling back out. The south sub line might mitigate that and work alongside the buses. It might be good to get a view on how bus and rail services would work together.

John Wilson: I support Rhoda Grant's suggestion about getting Lothian Buses involved, because it would be useful to find out what it thinks about a potential competitor delivering the proposed services; perhaps it could even deliver the services itself, if the capacity was there. It might be also useful to get the opinion of the rail operator, First ScotRail. We are not talking only about the opening up of a railway line; other factors must be brought to bear, such as the provision of rolling stock, staffing and the reopening of stations, so First ScotRail should be asked to comment on the proposal as well.

The Convener: We would still want additional submissions from the likes of E-Rail and the Capital Rail Action Group to supplement that information. I am sure that new information is popping up every month that is of added value.

Lawrence Marshall: I forgot to mention that when the Atkins study came out and officials said that there was a case for reopening the line, albeit a weak one, the City of Edinburgh Council put the Executive's decision under scrutiny and wholeheartedly came in behind the south suburban line. That was one of the few occasions on which a scrutiny panel made a difference—the council has now got rid of scrutiny panels.

As part of the scrutiny process, it was necessary to consider how tramline 3—members may remember that tramline 3 was proposed at that time in addition to tramlines 1 and 2—might interact with a reopened south suburban line. The council was worried about the proposal's relation to the reopening of the Waverley route and the proposed tram to Newcraighall, so an additional piece of work was commissioned from Atkins. Even though the original study is only three years old, a slight update was carried out back in the summer of 2004, which concluded that the south sub line was complementary to the trams rather than in competition with them. I put into the equation the fact that some of that work has already been done.

Nigel Don: The south sub line forms part of a complicated city structure. We should ensure that we get advice from the City of Edinburgh Council on its modelling of car and other road vehicle traffic. I do not know what that council does, but I know that Dundee City Council would certainly be able to give us a view on the issue in its area. We should also check how the reintroduction of services on the Edinburgh south suburban railway would interact with the proposed tram schemes. It is a big model.

The Convener: I thank Lawrence Marshall, Patrick Hutton and Andrew Robb for coming along. We will continue to explore the issue. The petition will return to the committee once we have received the information that we are seeking. We will then make further recommendations. Thank you for your time.

Current Petitions

Fire Control Rooms (PE765 and PE795)

14:56

The Convener: As I said earlier, we will bring forward consideration of PE765 and PE795, before taking a brief comfort break. The petitions are linked and have been in the petitions system for a considerable time. Both relate to concerns about the retention of fire control rooms in Scotland.

PE765, from Jim Malone, calls on the Scottish Parliament to urge the Scottish Executive to ensure the retention of the current eight fire control rooms in Scotland. PE795, from Drew McFarlane Slack, on behalf of Highlands and Islands fire brigade, calls on the Scottish Parliament to urge the Scottish Executive to ensure the retention of the current eight fire control rooms in Scotland. Members have had a chance to look at the written submissions that have been made relating to the petitions; those submissions are listed in the committee papers. The petitions have been in the system for a long time. Under the efficient government strategy, an effort is being made to make best use of public resources and to look at how we deliver public services. I know that in the chamber and in the former Government different views were expressed on how the issue should be tackled. How do members want to deal with the petitions, now that they are back before us?

Nigel Don: This is timely. As the new boy on the committee, I am not quite sure how I should proceed on the issue. However, recently I had detailed conversations with representatives of the Fire Brigades Union. As a result of those conversations, I had fairly detailed discussions with Fergus Ewing, the Minister for Community Safety, who assured me that no decision has been made. I understand that he will put a paper to the Cabinet within weeks, although obviously he has no idea what decision the Cabinet will make. I can give the committee that much information on the record. That being the position, it would be best for us simply to write to the Government to ask it how it proposes to proceed.

Rhoda Grant: I have concerns about reducing the number of control rooms. The area that I cover is hugely diverse and is served by a mixture of retained and full-time fire crews. That local knowledge helps to get the best service out as quickly as possible. It would be wise for us to get in touch with the minister to find out officially how he intends to pursue the matter, how decisions will be made and what input members can have into those decisions.

15:00

John Wilson: It might be appropriate to contact the heads of the fire service in each region to find out their views. There might be a Government view, but chief officers will also have a view about how they want to take forward the service. It would be useful to find out what discussions chief fire officers have had. Just to stir the pot slightly more, there is the possibility of combining a range of emergency services' operations by centralising control rooms. We have to try to get under the skin of that, to find out whether the developments that have been discussed will go much further than just retaining eight control rooms. We might be looking at a rejigging of all the emergency service control rooms in Scotland. We should contact chief fire officers to start with. We will get more information from the Government in the next couple of weeks.

The Convener: We will ask about the timescale for the existing review and when Parliament will be able to scrutinise recommendations that come out of a Cabinet discussion or discussion within the relevant portfolio. John Wilson suggested that we also seek the views of local authority fire boards. Do we agree to take that approach?

Rhoda Grant: If we are going down the route of considering concerns about merging emergency services, would it be wise to get in touch with the Scottish Ambulance Service and the police throughout Scotland to find out their feelings? I know that that is digressing a bit from the petition.

The Convener: That is not a bad suggestion. The previous Government had the efficient government agenda. I presume that, given the signals that we have had from the Cabinet Secretary for Finance and Sustainable Growth, the present Government will need to adopt a similar approach. I wonder about the nature of the Government's approach to efficient government. It might be worth while asking the relevant minister how the organisation of control rooms fits in with the efficient government agenda.

Some fire authorities or other agencies might say that they think that they can share resources, but the petitioners have a different perspective on that. We need to find out what the Government's direction of travel is. It is clear that the Cabinet will have to make a tough decision at some time. We would like to know when it will make that decision and on what criteria the decision will be based. We could also raise the matter with fire authorities. We could make a general inquiry to the other emergency services; I am sure that they must be having discussions behind the scenes on a regional basis to share expertise and knowledge. Are we happy with that course of action?

Members *indicated agreement.*

The Convener: I am conscious that the petitioners will not have had a quiet night last night. The purpose of the discussion is to move the petition to the next stage. We need to seek further comment from the likes of the Government ministers. I know that the Fire Brigades Union, the trade union responsible, has raised the matter with me, as convener of the committee, and other members with which it has contact. The FBU is keen to get a resolution to the issue. The petitions are at least two years old, so we need to expedite matters. I hope that we will be able to do that through our discussions with the relevant minister.

I say for the benefit of people who have just arrived that after we take a five-minute comfort break we will return to the original order of agenda items.

15:04

Meeting suspended.

15:11

On resuming—

New Petitions

A76 (Safety Strategy) (PE1067)

The Convener: We can return to the original order of the agenda. PE1067, from Councillor Andrew Wood and Councillor Gill Dykes on behalf of ward 8 in Dumfries and Galloway, calls on the Scottish Parliament to consider and debate the need for immediate action to upgrade the A76 and to implement a safety strategy for the road, and identifies a series of actions that could be taken.

Members have had a chance to read through the submissions that have been made in relation to the petition. Does anyone have any suggestions for what to do with it?

Rhoda Grant: We should write to Transport Scotland to seek its views.

The Convener: I agree that we should do that as the first step. We need to find out whether there is any strategy in place to tackle the problems and whether it might be possible to invest greater resources to deal with the design of the road.

Do members agree with that suggestion?

Members *indicated agreement.*

Racing Pigeons (Public Health) (PE1068)

The Convener: PE1068, from John Ferguson, calls on the Scottish Parliament to urge the Scottish Executive to investigate the public health risks associated with racing pigeons and to introduce measures to ensure that racing pigeon lofts are not situated within residential areas and that owners are made responsible for dirt, damage and public disease.

A letter from Derek Brownlee MSP has been circulated to members. He points out that the petitioner's concerns are not confined to the petitioner. He indicates that one of his constituents has experienced significant stress as a result of activities related to the keeping of racing pigeons in his area and suggests that existing laws are not adequate to deal with the concerns that have been raised.

Do members have any suggestions for how we should deal with the petition?

15:15

John Wilson: The problem is arising more often, but racing pigeons are not the only issue—pigeons in town and city centres are also an issue. I would like more information on health effects,

particularly from environmental health departments throughout Scotland, if that is possible. Different local authorities seem to take different approaches. I am thinking about how pigeon lofts are sited in Glasgow. The racing pigeon fraternity has a strong lobby that deals with the sporting aspects of racing pigeons, but if there are public health issues, we should certainly try to explore them. No matter what legislation is in place, it will not draw out the health implications associated with racing pigeons and other pigeons and whether people are aware of those implications.

Rhoda Grant: It appears to me that adequate legislation is in place to cover racing pigeons. Obviously, there is an issue with wild pigeons, and I wonder whether there is some crossover. I would not be against seeking more information. I think that there is an association of environmental protection officers, which might be a good starting point. We could find out whether it thinks that the current legislation adequately covers racing pigeons and what can be done about the problem of wild pigeons congregating and causing nuisance and mess. Obviously, dead birds are monitored, but we can ask about the work that is undertaken to check for diseases in the wild pigeon population.

Robin Harper (Lothians) (Green): It does not seem that we need to find out anything more about racing pigeons, as the legislation that is in place seems to cover them adequately. As long as owners obey that legislation, particularly that on keeping them in their cages when cases of avian flu are around, racing pigeons do not seem to constitute any more danger than any other kind of pigeon. If we investigate anything, it should be the wild pigeons that infest parts of our cities. I would not be against closing consideration of the petition.

John Wilson: There may be a desire to close the petition, but I suggested seeking further information for a reason. I think that Rhoda Grant mentioned the disposal of dead birds. We would expect a reasonable pigeon keeper to check whether a dead bird was carrying any reportable disease and to dispose of that bird properly. Legislation is in place, but the difficulty lies in how it is applied. We can have all the legislation that we want on the statute book, but we do not know whether it is being properly applied or adhered to or whether racing pigeon keepers in particular are reporting problems to the environmental health services or other services. We should try to get that information and find out whether the current legislation needs to be strengthened.

Rhoda Grant: I want to clarify something. I am not concerned about reports about racing pigeons, as it is in a keeper's interest to report what has happened to a racing pigeon and check things out.

If a pigeon dies in its owner's pigeon loft, they will want to ensure that it was not from something that will affect the whole loft. I think that adequate legislation is in place to cover racing pigeons, but I am concerned that there is no cover for wild pigeons. We could be straying from racing pigeons to wild pigeons—wild pigeons could be causing nuisance that racing pigeons do not necessarily cause. Perhaps we could find out what checks are carried out on wild pigeons rather than racing pigeons.

The Convener: I do not want us to race to a decision on this one—that is my gag for the day. There are separate issues involved, and I am reluctant to close the petition. I would like to know about the implementation and enforcement of the legislation and about the environmental health issues that John Wilson mentioned. We also need to deal with the impact of wild pigeons in neighbourhoods, which is the more persistent and obvious problem that everybody has. Also, there is the issue of folk being concerned that some of the measures that can be taken to deal with the problem can be excessive.

Shall we explore further the points that John Wilson raised, or do members want to close the petition? We can return to the petition fairly quickly once we get a response on it. If we explore the issues that have been raised, we can keep an eye on it. Is that agreed?

Members indicated agreement.

The Convener: PE1078 is from Peter Paterson and the Save the Gillies Hill committee. The petition calls on the Scottish Parliament to consider and debate the need for new legislation to protect historic sites such as the Gillies Hill from physical destruction through mineral extraction and to preserve such sites in their present condition for the amenity of the community.

We were told that Bruce Crawford wanted to come and speak to the petition. He was present when the petitioners handed the petition to the Parliament. Does the committee want to postpone discussion of the petition on the off-chance that he has been delayed? I think that that is fair, as the member has expressed an interest in a petition. Perhaps the Parliamentary Bureau is more exciting today than might have been expected. Shall we leave discussion of the petition until the end of the meeting, to give him the chance to speak to it?

Members indicated agreement.

Educational Maintenance Allowance (PE1079)

The Convener: PE1079, from Laura Long, calls on the Scottish Parliament to urge the Scottish

Executive to review the eligibility conditions for the educational maintenance allowance programme to take account of the number of children in a household between the ages of 16 and 19 who are in full-time education. Before being formally lodged, the petition gained 16 signatures on the e-petition system. Do members have any views on how we should deal with the petition?

Rhoda Grant: I think that the petitioner has a point. I would be keen to get further information to see whether somebody has considered the issue. One child could fall through the net and not receive benefit, which could have an impact. We could write to the Scottish Government, to ask whether it is going to carry out a review.

The Convener: Are members happy with that course of action? It is not an issue on which I have had a big case load. I wonder whether there is any other agency whose views the committee would like to seek. I do not know whether the Scottish commissioner for children and young people has had to deal with the issue, but we could write to her to see whether it has popped up in her staff's consultation with young people. The Child Poverty Action Group may have specific examples of families that are in those tight circumstances.

Nigel Don: I wonder whether we might write to one or two local authorities to see whether they have a view on it. We do not want 32 responses, but the local authorities are the people who use the scheme.

Rhoda Grant: We could write to the Convention of Scottish Local Authorities.

Nigel Don: We could write to COSLA, but if we wrote to just one or two local authorities we would get a response.

Nanette Milne: We could also write to a representative body of the directors of education.

The Convener: Bruce Crawford is now with us. You must have heard us talking about you, Bruce.

Bruce Crawford (Stirling) (SNP): I am very sorry that I am late.

The Convener: I hope that you were getting a hard time at the bureau.

Bruce Crawford: It was an interesting time in the bureau, and I am due in Cabinet shortly, too.

The Convener: Okay. We will finish consideration of PE1079 and then return to PE1078.

Nanette Milne: We could write to the Association of Directors of Education in Scotland.

The Convener: Okay. Shall we do that and write to a mix of four local authorities—say, two urban and two rural?

Members indicated agreement.

The Convener: I will leave it to the clerk to arrange that.

Historic Sites (Protection) (PE1078)

The Convener: We return to PE1078. I have explained what the petition asks for—it is about historic sites and so on. Bruce Crawford MSP has previously expressed support for the petition. We held back discussion until you could get here, Bruce. You may speak to the petition, after which committee members will make their observations on it.

Bruce Crawford: I am grateful to you, convener, and to other committee members for allowing me some latitude in getting to you at this particular time of the day—

The Convener: I will remind you of that at an appropriate moment, when I am in trouble.

Bruce Crawford: I am duly warned.

The original permission for the Gillies Hill quarry was granted in 1982, almost 30 years ago. During the 1980s, a considerable amount of quarrying took place. At that time—I am reliably informed by local people—houses were damaged and lorries travelled at speed through the village of Cambusbarrow. An undertaking to tidy up the area and to replant trees was for years simply ignored. That gives the committee a flavour of what I have been told is the community's view of the matter.

The permission for the quarry was affected by the 1995 environmental legislation and was reviewed in 2002, when it was casually extended until 2042. Therefore, the quarry has a fair bit of life left in it yet. At that time, the community council was not consulted. The statutory requirements were satisfied by placing a small notice in an edition of the *Stirling Observer* in 2002 that no one noticed, as might be expected in the circumstances. No environmental impact assessment has ever been carried out. The first that locals knew about the prospect of renewed quarrying was when their homes were shaken by test blasting.

So far, Stirling Council has refused to comment except to protest—perhaps understandably—that its actions have been legitimate. However, it recently appointed a Queen's counsel to investigate the matter, including whether it was legally required to undertake an environmental impact assessment. That process could take up to two years.

If quarrying proceeds in the way that is allowed under the current permission, it will potentially impact on the local trees and wildlife, which are abundant in the area. The Gillies Hill is one of the most spectacular local beauty areas. The hill takes its name from the part that it played in the battle of

Bannockburn, when the sma folk came over the hill to chase away Edward's men.

As I said, a QC is investigating the matter and will report back to Stirling Council on 13 December. I am concerned that the process has involved such a total lack of transparency. Some 3,000 people have put their name to the petition that is now before the Parliament. No environmental assessment has yet been undertaken. In this day and age, I find that incredibly difficult to accept and understand.

If the quarrying proceeds, it will do so in circumstances in which there has been a considerable and material change since its time of operation in earlier years when the original—much more limited—permission was granted. For example, the village has almost doubled in size since then. Town and country planning legislation allows for planning permission to be revoked where there has been a material change in conditions, so I have asked Stirling Council to examine that matter.

The lorries that will be used will be at least 25 tonnes in weight. As they travel through the villages south of Stirling, they will—I am told by local people—pass at least four schools. During the day, there could be as much as one lorry every 12 minutes. This is a disaster waiting to happen.

The quarrying could proceed without any laws actually being broken but, using mechanisms such as the requirement for an environmental impact assessment and the ability to revoke permissions under the town and country planning legislation, I believe that we will be able to check the development. At the end of the day, the locals must be given a real say. In ensuring that the process is properly examined, I believe that the committee could work well with the community.

For the record, I should say—I am sure that the convener will understand this—that all my comments today are as the MSP for Stirling rather than as a minister of the Government.

The Convener: Do committee members have any observations or comments on the petition?

15:30

Rhoda Grant: I understand that scheduled monument consent would also be required to quarry there. My previous experience of scheduled monument consent indicates that it seems nigh on impossible to get, regardless of whether planning permission has been given, so I suggest that the community is perfectly safe. Perhaps that comment is a bit flippant and does not show the community the concern that the petitioners would wish.

We could write to Stirling Council to get an update on its position and write to Historic Scotland to check whether it is minded to grant scheduled monument consent or how it would act when such an application is received.

John Wilson: Although the petition stems from the planning consent for the Gillies Hill, the petitioners have asked the committee to ensure that there is also protection for other sites. There is concern among committee members about other occasions when planning consents have been granted and the destruction of historic sites and archaeological sites has taken place.

In addition to Rhoda Grant's suggestion, I ask the committee to agree to contact COSLA to find out what is happening with other local authorities. Such consents are being granted not only in Stirling but in other areas. It would be useful to find out Historic Scotland's views on the matter and also those of the Council for Scottish Archaeology in relation to other sites in Scotland. Although the Gillies Hill is the site before us, I know from my experience that it is not unique, as similar planning consents have been granted and some developers of quarrying sites or landfill sites are totally ignoring the archaeological sites and historic sites that exist in communities.

I welcome the petition because it gives us the opportunity to widen our consideration of the issue and get other views.

The Convener: Are there other recommendations on how we should deal with the petition?

Bruce Crawford: I know that I cannot make a recommendation, but if the committee accepts that Scottish Natural Heritage and the Scottish Environment Protection Agency would also be appropriate bodies to contact with regard to the potential impact on the area, that would give a fuller perspective on the matter.

Nanette Milne: There is also the Historic Environment Advisory Council for Scotland.

The Convener: A review of the heritage sector has been conducted, so HEACS has made a series of recommendations about how Historic Scotland could face the future—we might drag it into the 19th century in the 21st century. The issue is about the framework within which it operates. We can ask about the position in respect of the recommendations made by HEACS about the preservation of historic sites, battle sites and so on. We will take on board Bruce Crawford's suggestion and write to the other agencies that he mentioned.

Members indicated agreement.

The Convener: I thank Bruce Crawford for his time. I hope that in his absence the vote in the Parliamentary Bureau was 5-4.

Maritime Organisations (PE1081)

The Convener: PE1081, from Ronald Guild, calls on the Parliament to urge the Executive to seek a UK-wide reappraisal of all organisations—Government, local authority and non-governmental—with maritime and maritime air space responsibilities, taking into account European Union and International Maritime Organisation contexts and worldwide best practice. The petition has received 12 signatures. How do members think we should proceed?

Nanette Milne: We know that the Government plans to introduce a marine bill, so we could write to it to get an update on its plans.

The Convener: And to ask what relation any such bill has with EU maritime policy.

Does the committee accept the recommendation that we raise the matter with the Scottish Government and ask what its plans are for a maritime bill, and about its discussions with the EU on an integrated maritime policy?

Members indicated agreement.

Scottish Civic Forum (PE1082)

The Convener: The next petition is PE1082, from John Dowson. It calls on the Scottish Parliament and the Scottish Executive to undertake an urgent review of their consultation and participation practices, to consider a proposal to reinstate funding to the Scottish Civic Forum at a level of at least £250,000 per annum and to adhere to the guidance on participation as published in the Scottish Parliament's participation handbook. Before being formally lodged, the petition received 246 signatures.

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

John Wilson: The previous Administration made a decision about the funding of the organisation. I do not know the reasons why that decision was made but, clearly, it would be incumbent on the committee to seek the views of the present Government and the Scottish Parliamentary Corporate Body about the possibility of reinstating the funding.

The Convener: As the petitioner asked for a chance to address the committee directly, I would like to take this opportunity to state, as we did at the previous meeting, that, although we do not have the time to take oral submissions from everyone, all petitions are considered openly and transparently by the committee. My responsibility, as the convener, is to ensure that the committee has the ability to engage with the issues properly rather than being burdened with additional time commitments.

John Wilson's suggestion is reasonable. Obviously, this is an issue on which members will have a variety of views, but I think that it is legitimate to ask the SPCB and the Scottish Government whether they feel that it would be appropriate to continue to engage with the Scottish Civic Forum, if the funding were available.

Do members agree with that course of action?

Members *indicated agreement.*

Local Museums (PE1083)

The Convener: PE1083, from John Arthur, calls on the Scottish Parliament to urge the Scottish Executive to support the creation of local museums such as the proposed Leith museum. The petition has received 72 signatures.

The Public Petitions Committee must be really popular with members of the Parliament, as we have with us another non-committee member who is keen to engage with us in an open way. Malcolm Chisholm represents the area that would contain the proposed Leith museum. Members have before them a letter from George Foulkes saying that he is supportive of options relating to the proposed Leith museum. I invite Malcolm Chisholm to speak to the committee.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): The campaign for a Leith museum has widespread support. I note the number of people who have signed the e-petition, but I know that people have been out in the streets of Leith with petitions for several weeks and that a few thousand people have signed them. There is massive public support for the museum and many of the local bodies and community groups support it too. The campaign has been going on for a long time.

There is a strong feeling in Leith that we have a rich and varied history. Notwithstanding the fact that we are now a part of Edinburgh, there is a strong feeling that we still have a distinct identity. Because of those factors, there has long been a feeling that it would be appropriate to have a museum that celebrates the history of Leith.

I do not have time to summarise Leith's history today, but I can say that many important events in Scottish history have taken place in Leith—the arrival of Mary Queen of Scots there in 1561 springs to mind. More recent events that merit being marked in a museum in Leith include the joining—some residents of Leith might say the forced joining—of Edinburgh and Leith.

The museum would benefit not only Leith. Clearly, tourism is a massive issue for the economy of Edinburgh, Leith and the surrounding area—I think that about 10 per cent of the jobs in that area depend on tourism. Such a museum

would be a further boost to tourism. It would be popular not only with local people but with the wider public and visitors to the area.

The campaign is seeking to secure the support of as wide a range of bodies as possible. Members of the campaign have spoken to the local council and the National Museums of Scotland, for example. The campaign also wants the support of the Parliament and the Scottish Government. One reason for talking to the National Museums of Scotland is that the customs house in Leith, an early 19th century building on Commercial Street, is one of the buildings that have been earmarked. That building is owned by the National Museums of Scotland and is used for storage at present, so that organisation might be willing to give the building, or part of it, if somewhere else could be found to store the artefacts that are kept there.

It is clear that the National Museums of Scotland has an involvement, and therefore so does the Minister for Europe, External Affairs and Culture, who has responsibility for museums. More generally, we seek the support of the Parliament and of the Government. In particular, the campaign would like a feasibility study for the project to be carried out, so I hope that some in principle support will be given and that the petition will be referred to the appropriate bodies to further the objectives of a Leith museum. The campaign is presented as a petition for local museums in general, and we certainly support that in principle, but the petition that is before the committee today is targeted particularly at a museum for Leith.

Nanette Milne: I am glad that Malcolm Chisholm mentioned the fact that the campaign for local museums goes beyond the immediate environs of Edinburgh. Across the country there is an increasing interest in our built heritage and traditions, and it would be interesting to know how the Government and the Scottish Museums Council feel about the setting up of local museums, not just in Leith but elsewhere, and what sort of funding anyone intending to set up a museum might expect to get. Could we write to the Government and to the Scottish Museums Council to find out about their attitude to that? Perhaps the City of Edinburgh Council could also give us its views on the local situation in Leith.

Rhoda Grant: Could we also get the views of COSLA and of the enterprise companies? There are two strands to the campaign. First, local museums build communities and communities can unite around their local history. Secondly, local museums pull people in from outside—people who have roots in the community, perhaps—and can enhance tourism and ensure that people stay longer in an area. There is therefore an economic development issue involved, so it might be worth

asking COSLA and the enterprise companies for their views, as well as the Scottish Museums Council. If more such initiatives are developed, there will be funding needs, and we should point out the benefits as well as the funding required.

John Wilson: I support the suggestion that we should approach COSLA, because I am aware that there is an annual discussion about the number of museums that are threatened with closure. It would be useful to get COSLA's view as well as that of the Scottish Museums Council, to find out what issues arise in relation to funding at present and what constraints there may be. As has been pointed out, the petition ranges much wider than just the Leith museum, and we should consider it in the context of what is happening with funding for local museums in every local authority in Scotland.

Robin Harper: As an MSP for the Lothians, perhaps I should declare an interest.

The Convener: I thought for a moment, Robin, that you were going to volunteer yourself as a museum artefact.

Robin Harper: I am sure that Malcolm Chisholm would agree that there are many smaller communities in Scotland that have their own museums. I would have thought that Leith's size, and the fact that it is expanding, were reasons why it merits a museum of its own.

The Convener: It is a shared Edinburgh debate.

Malcolm Chisholm: Robin Harper makes a good point. It is probably one of the largest historic communities that does not have its own museum. It reaches into the changing and developing community of Leith, and we think that it would be good, as the new communities develop along the waterfront—the main area of expansion in Edinburgh and Leith—to have a museum that helps to bind the community together. The other bodies that I omitted to mention are the national tourism bodies, which would also have a strong interest in the matter.

The Convener: Okay. And there is no truth in the rumour that, as a Leith member, you have been setting up a Hogmanay commemorative 7-0 artefact with a ball and a jersey? There is a rumour that you have lost half the votes in the area.

The petition is good and is worth exploring. The folk who can deliver on it are obviously the larger parties at local authority, national and private sector levels. It opens up a debate. If we take on board what committee members have said, we can move forward on the petition. Is that agreed?

Members indicated agreement.

The Convener: I thank Malcolm Chisholm for his patience.

Current Petitions

15:45

The Convener: We have dealt with PE765 and PE795.

Dementia Treatment (PE886)

The Convener: PE886 is from James McKillop, on behalf of the Scottish Dementia Working Group. The petition calls on the Scottish Parliament to urge the Scottish Government and NHS Quality Improvement Scotland to ensure the continued availability on prescription of various medications—even when they are printed I cannot pronounce them—for use in the treatment of Alzheimer's disease and other forms of dementia. Members have copies of the written submissions relating to the petition in their committee papers. Do members have any suggestions on how to proceed with the petition?

Rhoda Grant: We could write to the Scottish Government, asking for its views in the light of the fact that it is going to produce some proposals on prescribing.

The Convener: You want to get the views of the Government on the action plan that will be developed and other clinical treatment models.

Rhoda Grant: Yes.

The Convener: I can hear a high-pitched noise. Is everything okay? My knee operation has not worked—something is howling through.

Are members happy to ask for further clarification on the action plan?

Members indicated agreement.

NHS Dental Services (PE920, PE922 and PE1018)

The Convener: PE920, PE922 and PE1018 all relate to national health service dental services. PE920 is from Helen Smith and calls on the Parliament to urge the Government to commit further resources to the provision of NHS dentistry. PE922 is from Peter Thomson and calls on the Parliament to consider implementing a different model from the current plan to ensure that NHS dentistry is available in remote and rural areas in the medium to long term. PE1018 is from Keith Green, on behalf of Save NHS Dentistry (Kinross Group), and calls on the Parliament to urge the Government to restore NHS dental services throughout Scotland.

Members have copies of further papers that have been submitted to us for consideration. We are invited to consider whether we want to write to

the Scottish Government, seeking an update on the specific issues that are raised in the petitions.

Claire Baker (Mid Scotland and Fife) (Lab): The previous committee spent quite a bit of time considering the matter. However, there still seems to be a lack of NHS services in certain areas of Scotland in spite of the previous Government's efforts, which the current Government seems to be continuing. The letter that we have received from Shona Robison outlines the measures that have been taken and the considerable investment that has been made in NHS dentistry.

In Fife at the moment, more dentists are closing their NHS lists and there continue to be real concerns about the issue. I suggest that we ask the Scottish Government for an update on the matter. The last time that we heard from Shona Robison was 5 June, and I do not know whether she will have much on which to update us. However, the matter has increasingly become an issue in Fife over the past month or so. It is a local issue that I would like to be addressed, but I imagine that other members will have similar issues in the areas that they represent.

The Convener: I am sure that that is true. Not a week goes by without members having that concern raised with them. It is a structural issue that we need to address.

Nanette Milne: I agree with what has been said. I am still picking up concerns in the north-east—particularly in Grampian—about dental services.

We last heard from the minister in June, but the cabinet secretary and the minister have been doing their NHS board review since then, so I would not be surprised if they have picked up more information. It would be timely to get in touch with them again and ask for an update.

Nigel Don: I wonder whether there are any organisations on the other side, as it were, that could advise us on what is going on from the patient's perspective. The risk of our referring every health issue to the Government and asking what it is doing is that we will hear only one side of the story. I do not know whether there is a patients group or some other group that could tell us the other side of the story, even if it is only a local group.

Rhoda Grant: The health councils work with health boards to highlight patients' concerns.

The Convener: There are a number of local health councils or forums, but I do not recollect that any of them focus specifically on dentistry. There are certainly patients associations that consider the health service in general. We could raise the matter with them and ask for their comments on dentistry.

Nanette Milne: The British Dental Association, could update us on how things are going. I have certainly found it helpful in the past.

John Wilson: The issue that has been raised is the number of dental practices that are deciding to become private. Everyone is concerned about that, because it means that people have less opportunity to access dental practices. We should contact the BDA to find out why its members are deciding to go private rather than remaining within the NHS. We need to explore that in some detail because, as Nigel Don indicated, despite the money that the previous Administration ploughed in and the commitment that has been made, something out there is making dentists go down the private route rather than staying within the NHS.

Claire Baker: I support that. However, I note that Shona Robison's letter mentions dental practitioners' earnings in the past year and their average NHS earnings, and I would like a response from the BDA on that issue as well. When we write to ask about the issues that are taking dentists out of the NHS, we should ask what influence earnings have on dentists' decision to go private.

The Convener: Okay. Are members happy with those suggestions?

Members indicated agreement.

Hospital Patients (Spiritual Care) (PE923)

The Convener: PE923 is from Ben Conway and calls on the Scottish Parliament to urge the Scottish Government to promote pastoral and spiritual care in hospitals to ensure that the physical, psychological, social and spiritual needs of patients are properly addressed.

Do members have views on how to deal with the petition? I do not have a lot of knowledge of the issue.

Nanette Milne: I have been approached by people who are concerned that they cannot easily get the pastoral care that they want in the health service. We should ask the Government to update us. I am aware that the issue arose through data protection, which has spoiled what was a good pastoral service whereby clergy were notified when their parishioners were in hospital. That no longer happens unless the patient issues a positive instruction to involve the clergy. I am not sure what we can do about the matter, but I would like to know the Government's views.

The Convener: In addition, new communities are emerging. Information came out at the weekend about rooms now being made available at Scottish Premier League clubs for players who respect the Muslim faith. The issue is one of

allowing a broadness of spiritual reflection, given the diversity that exists in hospitals now.

Robin Harper: A number of issues remain to be considered. Presumably, we have not heard from the Scottish Inter Faith Council on the matter since January 2006—which is coming up for two years. It might be good to consult it again to find out whether it has any further views. We do not know whether information relating to the Data Protection Act 1998 has been published in a form that people understand. We need to know that the view that has been taken by the information commissioner on the passing on of information has been sufficiently well explained.

We need a further update from the Scottish Government. It would also be advisable, or at least polite, to find out whether the Scottish Inter Faith Council and chaplains themselves have any further remarks to make.

The Convener: We will take those points on board and will explore those issues.

Neuropsychological Provision (PE981)

The Convener: PE981, by James Japp, on behalf of Neuropsychologists UK, calls on the Parliament to urge the Government to ensure that the recruitment and appointment of psychologists to NHS Scotland is based entirely on skills, competency and experience—I would hope that that happened; if it did not, I would be really worried—and to initiate an independent review of neuropsychological provision within NHS Scotland. Members have copies of the relevant written submissions.

A whole series of policies and practices should now be in place, as set out in “Delivering for Health and Applied Psychology: Current workforce, future potential”. Any concerns about competency, skills and experience can be referred to the structures that are set out in that document. With that in mind, and as members have no other views, I suggest that we close the petition.

Members indicated agreement.

Animal Carcasses (PE1004)

The Convener: PE1004, by David Adam, calls on the Scottish Parliament to consider the environmental impact of animal gasification plants and to urge the Scottish Executive to ensure that SEPA has sufficient powers and resources to deal with the environmental problems that are associated with the burning and rendering of animal carcasses. How does the committee wish to deal with the petition?

Nigel Don: The issue seems both very specific and general. I am hesitant to get drawn into the specific part of it. However, we should ensure that

the relevant local authorities are doing what they should be doing. I suggest that, if we are comfortable with doing so, we stop dealing with the specific matter. Whether the petition raises important general issues that we should explore is another question.

I state an interest—it is not declarable—as a former chemical engineer. I have found one or two surprising points of detail in the petition, on temperature measurements and so on. For example, spot measurements of exit temperatures once in six months are quite meaningless. I wonder whether the right people are doing the right things. However, I do not want to apply the particular to the general and demand that SEPA come and talk to me about it. I am not quite sure what to do with the petition but my instinct is that, if the local people are doing the right things and are exercising the powers that they have, it would be best for us to back off and not take the matter further.

The Convener: Do we wish to make further inquiries of SEPA? There is an issue around its review and enforcement process, which concerns the general matter, rather than the specific one. There might be scope at least to raise that point with SEPA. Ultimately, local assessments are for the companies involved, local residents and, I presume, local elected members. They can raise the issues of detail relating to the plant in question. The issue of principle is the criteria that SEPA and others apply to address concerns that may arise in relation to future facilities.

16:00

Nigel Don: If we go to SEPA and the Health and Safety Executive on that basis, we will be asking a totally open-ended question about how the HSE works that goes right to the top and is absolutely general. I am not sure that that would be terribly productive.

The Convener: We have the option of closing the petition. I am getting a quizzical look from Robin Harper in the corner. I was just expressing a thought for open discussion.

Robin Harper: With all respect to Nigel Don, there are a lot of details that concern me. I do not know whether it is the committee's duty to ask for those to be explained to us, but they need to be explained to someone. I would like at least one further report to be sought, given that there have been a number of incidents, rather than just one. However, we are still being told

“that existing enforcement powers have been put to good effect”.

The Convener: If you make a recommendation, the committee can express a view on it.

Robin Harper: I would like to get a further update from the Scottish Government on the issue.

The Convener: Are members comfortable with that?

Nanette Milne: We have received quite a detailed letter from the Cabinet Secretary for Rural Affairs and the Environment, who is closely involved with the issue. A further update from him would be welcome. We could then decide what to do with the petition.

Rhoda Grant: Could we ask a specific question about when people step in and what action they are able to take if there is a series of incidents and they think that there is an on-going problem? There could be a series of minor incidents that do not add up to much, that could be investigated and dealt with and that are not connected. Surely someone must be checking whether such incidents are related, but when does that become an issue that cannot be dealt with by on-going investigation? When does someone say that a plant is not being run properly and that something must be done? That is a general, rather than a local, issue. If the power to step in and deal with problems exists—I am sure that it does—we may be able to draw a line under the petition.

Nigel Don: I am slightly concerned about what we can achieve. All incineration plants have events when they start up and shut down; that is what happens when stuff is burned. If we ask local representatives of the HSE and SEPA—I am not sure who is involved, but those organisations will know—what their particular protocol for inspection of the plant is, that will be interesting, but it will be relevant only to that plant. If we ask them for their general protocol for inspections of chemical plants, we will get something so general as to be, effectively, meaningless in our deliberations. There will be protocols, but they will always be plant specific. That will not help us.

The Convener: I knew that I should not have asked a chemical engineer to comment on the issue.

Nigel Don: The problem is that every plant, like every human being, is different. In medicine, you look at each patient individually.

John Wilson: As Nigel Don has indicated, every plant may be different, but we are trying to standardise the operation of plants, especially when they deal with carcasses, given the issues that those raise. Hopefully, SEPA and the HSE are trying to do the same. We could ask SEPA and the HSE what the guiding principles for the operation of plants are, how the plant in question complies with them and what enforcement structures are in place for SEPA and HSE in relation to plants.

As Nigel Don pointed out, incidents happen. We are trying to reduce the number of incidents that take place and ensure that the agencies that are tasked with the job of making sure that we have zero incidents are making the operators of those plants well aware of the implications of any breach of the regulations. However, we also need to know what the regulations are, because that would help us, as members of the Scottish Parliament, to advise the public.

I was involved in a situation in which an incinerator plant was breaching a number of regulations. Nobody seemed to know who to take the issue to or how to deal with the breaches. We need to get SEPA and HSE to tighten up their regulations and tell us what their enforcement powers are, and we need to ensure that the message gets out that they are prepared to use their enforcement powers to prevent breaches from taking place.

The Convener: That was a helpful contribution. Shall we see what response we get and then determine the final outcome of the petition?

Members indicated agreement.

Assisted Suicide (PE1031)

The Convener: PE1031, by Professor Donald M MacDonald, calls on the Scottish Parliament to oppose the introduction of any legislation that would permit assisted suicide. I have checked with the clerk and, as noted in members' papers, there is no bill to permit assisted suicide before Parliament. The issue has been explored by a member, which may result in a bill, but that is not the position at present. I would expect such a bill to get extensive parliamentary scrutiny because the issue is about the very essence of who we are as human beings, and how we address such an issue is important. Do members have any ideas about how we should deal with the petition?

Nanette Milne: I do not see the point in taking the petition any further. When the suggestion was last tested in the Parliament, there was no support for it and, as the convener said, there is no bill before the Parliament. I suggest that we close consideration of the petition.

The Convener: If assisted suicide becomes the subject of a bill, any individual is perfectly entitled to raise the issue again. It is certainly not an issue on which there will be no public comment. Do we agree to close the petition?

Members indicated agreement.

Private Bills (Post-legislative Monitoring) (PE1034)

The Convener: We come to the final current petition. PE1034, by Kristina Woolnough, on

behalf of the Friends of the Roseburn Urban Wildlife Corridor Association, calls on the establishment of a post-legislative monitoring body to ensure that commitments that are made by the promoter during the passage of a private bill are adhered to. We discussed the issue previously. Do members wish to recommend a particular course of action?

John Wilson: We should write to the Scottish Government seeking a response on the specific arrangements that will be put in place to monitor any conditions that may apply.

The Convener: The issue is perhaps whether people can take legal action if an undertaking is not delivered on and, if there are grounds for taking such action, whether we could close the petition. Those are the two choices facing us. Do members have any strong views on the issue?

Rhoda Grant: I would go with closing the petition. Changes may be made in the run-up to legislation as a result of discussions that take place—people probably sign up to such changes for practical reasons. I think that people have access to legal redress when a change is made that has not been signed up to and properly discussed, on the basis of information that arises once a bill has been passed.

The Convener: Given the volume of petitions I am comfortable with closing this one. When we had the petition in front of us previously we discussed it fairly extensively and there were pretty good exchanges. I recommend that we close the petition.

Members indicated agreement.

New Petitions (Notification)

16:09

The Convener: Members have a list of existing new petitions that have been lodged since our previous meeting and which are timetabled for discussion in the near future.

Witness Expenses

16:10

The Convener: We agreed to discuss witness expenses in public. Are members content for me to arrange under rule 12.4.3 of the standing orders for the Scottish Parliamentary Corporate Body to pay—where appropriate—any witness expenses in connection with the committee's consideration of petitions?

Members indicated agreement.

The Convener: We will refer it to the *Sunday Herald* for scrutiny in case it is a wee bit concerned.

Meeting closed at 16:11.

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