

PUBLIC PETITIONS COMMITTEE

Tuesday 9 September 2008

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2008.

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

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

CONTENTS

Tuesday 9 September 2008

	Col.
NEW PETITIONS	989
Knife Crime (Mandatory Sentencing) (PE1171)	989
Billy Liddell (PE1172)	1005
Acquired Brain Injury Services (PE1179)	1012
Free Public Transport (Under-16s) (PE1174)	1020
Historic Building Listing (PE1176)	1022
Radiation (Genetic Effects) (PE1177)	1023
Wind Farms (Moratorium) (PE1178)	1024
Further Education (Students with Complex Needs) (PE1180).....	1024
CURRENT PETITIONS	1030
Home Loss Payment (PE988)	1030
Oil Depots (Public Health) (PE936)	1037
Shetland Islands Regulated Fishery (Scotland) Order 1999 (Revocation) (PE1003)	1037
Scottish Public Services Ombudsman (Appeal Tribunal) (PE1076).....	1037
Wind Farm Developments (PE1104)	1038
Wind Farms (Moratorium) (PE1178)	1038
Lion of Scotland Statue (PE1117)	1038
Animal Slaughter (PE1118)	1039
Road Haulage Industry (Fuel Prices) (PE1119)	1041
Family Mediation Services (Funding) (PE1120).....	1041
Plastic Bags (Environmental Levy) (PE1121)	1042
Diabetes (Self-management Plans) (PE1123)	1042
Nature Conservation (Scotland) Act 2004 (Snares) (PE1124)	1043
Advocacy Services (PE1126).....	1044
Witchcraft Act 1735 (Posthumous Pardons) (PE1128)	1044
Funeral Costs (PE1129)	1045
NEW PETITIONS (NOTIFICATION)	1046

PUBLIC PETITIONS COMMITTEE

13th Meeting 2008, 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)

*Nigel Don (North East Scotland) (SNP)

*Rhoda Grant (Highlands and Islands) (Lab)

*Robin Harper (Lothians) (Green)

*Nanette Milne (North East Scotland) (Con)

John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Bob Doris (Glasgow) (SNP)

Marilyn Livingstone (Kirkcaldy) (Lab)

John Scott (Ayr) (Con)

Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Alex Fergusson (Galloway and Upper Nithsdale)

Christine Flannery

Karin Forrest

Stephen Garland (Scottish Government Directorate for the Built Environment)

Paul Martin (Glasgow Springburn) (Lab)

Councillor Bill McCulloch (Billy Liddell Memorial Campaign)

Helen Moran (Brain Injury Awareness Campaign)

Christopher Muir

John Muir

John Park (Mid Scotland and Fife) (Lab)

Mike Payne (Billy Liddell Memorial Campaign)

Stewart Stevenson (Minister for Transport, Infrastructure and Climate Change)

Mark Ziervogel

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

Franck David

Zoé Tough

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 9 September 2008

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

New Petitions

The Convener (Mr Frank McAveety): Good afternoon and welcome to the 13th meeting in 2008 of the Public Petitions Committee. We have received apologies from John Wilson, who has to attend another parliamentary committee this afternoon. He will replace Angela Constance as a member of the Public Petitions Committee for the foreseeable future. I place on record the committee's appreciation of the work that Angela put in on behalf of the committee and wish her well in her new role on the Justice Committee.

I remind everyone to ensure that all mobile phones and electronic devices are switched off.

We are joined today by a photographer who is taking pictures for the Scottish Parliament's annual report. If anyone does not want their picture to be taken, they should look to the side to avoid it. That does not apply to members, whose responsibility it is to be photographed sometimes. The photographer assures me that he will not be too intrusive.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): You should comb your hair, though, convener.

The Convener: If I had known he was coming, I would have had a haircut.

There are a lot of items on the agenda this afternoon as well as a number of petitions, so this will be a fairly lengthy meeting. It is our first meeting after the recess, so please bear with us.

Knife Crime (Mandatory Sentencing) (PE1171)

The Convener: The first new petition, PE1171, is an important one and has been submitted to the Parliament by John Muir, who is present this afternoon. It calls on Parliament to urge the Scottish Government to introduce mandatory sentencing for persons who are found carrying knives or other dangerous weapons in public.

I welcome John Muir to the meeting. I met him before the recess, when the petition was submitted. He is accompanied by three members of his family—please make sure that no fights break out, John. If any of you wants to contribute to the question-and-answer session, you can do

so. John has three minutes in which to amplify the core of the petition.

John Muir: For quite some time, there have been many ways of trying to get rid of knife crime from the streets. Some have worked in part, but most have failed. Over the past five years, there have been knife amnesties, education campaigns and increases in sentences that courts can impose, but the rate of knife crime has continued to rise. We think the Government should consider something tougher.

Mandatory sentences in Scotland are not a new idea that we are raising today: for example, there are mandatory sentences for possession of firearms. A person who is found to have a firearm illegally and without proper certification can go to jail for five years. The other mandatory sentence that most people either do not understand or do not know about is for people who deal in drugs. After their third conviction, those people go to jail for seven years. We are saying that if there are mandatory sentences for those crimes, then surely people who carry illegal weapons on the streets should be penalised to the highest and most severe degree. We are not saying for how long they should go to jail; what we are suggesting is that the courts should consider imposing severe sentences. "Mandatory" is perhaps not the right word in this instance, but we are seeking something along the lines of mandatory sentencing.

If some feckless young boy takes out his big brother's scout knife and shows it to his pals, the judiciary must have licence to decide whether that is right or wrong—they must decide in court. We are trying to extend the arm of the police in their patrolling of the streets. A person in Scotland is three and a half times more likely to be accosted by a person wielding a knife, to be threatened with a knife or to be stabbed with a knife—especially in Strathclyde—than is the case anywhere else in the United Kingdom. That is disgraceful.

In my letter to the committee, which members have a copy of, I said that Scotland has "led the world in many fields".

Scotland has led the world in discovery, and we have been good at engineering, medicine and shipbuilding, but Scotland has more knife murders per capita than anywhere else in Europe. Leading the world in knife murders is some record.

I hope that I can answer members' questions about where we are coming from. Thank you for your attention.

The Convener: Thank you very much, Mr Muir. That was powerful. Given the circumstances that led to the petition, mandatory sentencing for knife crime is a personal issue for you, and we must

address the fundamental points that you have made.

Members will now ask questions. You or the other members of your family should indicate when you wish to respond to questions.

Rhoda Grant (Highlands and Islands) (Lab): I thank Mr Muir for his statement.

I want to ask about allowing sheriffs and judges to consider the crime that has been committed before they pass sentence. Are sentences currently too lenient? Are the courts not dealing with knife crime offences seriously enough?

John Muir: I do not think that the increased sentences for carrying knives that were introduced by the Police, Public Order and Criminal Justice (Scotland) Act 2006, which the Scottish Parliament passed—the maximum sentence was increased to four years—have been implemented. Every day, we read in our local newspaper of someone who had previously been found guilty of carrying a knife being back in court three months later facing a similar or more serious charge.

Perhaps greater co-ordination between the parliamentary bodies and the judiciary is required, because there is a Pontius Pilate situation at the moment. One side says, “We’re doing enough” and the other side says, “They won’t let us do that.” The situation is difficult, but you guys will have to sort the problem out. It cannot be done by the public, or by me as an ordinary elector—you guys are here to try to sort it out. The problems that we have are obvious if we go close to the scene of the crime.

Rhoda Grant: We will get more evidence on your petition and we will write to various bodies, but I can almost guarantee that one of the responses will be that the judiciary should consider each case on its own merits and that we cannot interfere with the opinions of the judiciary. It is obvious that the issue is close to your heart, but what would you say to people who said that to us?

John Muir: I may, unfortunately, digress in answering your question, as it relates to our circumstances.

The person who murdered my son got 17 years, but he got a reduction of two years as a discount for pleading guilty. We received a letter from the courts that explained everything—why the person got 15 years, the punishment part of the sentence, and the fact that he will be a life-sentence prisoner. We understood that. The Crown Office then wrote to us to confirm that.

On 8 January this year, we received a letter from the Scottish Prison Service, which clearly said that there would be no parole for the person until 2022. That was fine—the Scottish Prison Service agreed

with what was in the Crown Office’s letter. However, the second paragraph of the Scottish Prison Service’s letter clearly stated that under rule 15, I think, of prison rules, he would be entitled to work placements and home visits. In the best scenario, he could be entitled to them four years before the end of his sentence. Who’s kidding who? The judges gave the person 15 years as the punishment part of the sentence, but the Scottish Prison Service has told us that he may have to serve only 11 years.

I wrote to Lord Brodie, who wrote back to me. His two-paragraph letter said that the contents of my letter had been noted. The second paragraph of the letter said that the sentence was what the court decided fitted the crime and it was up to the Scottish Parliament and the Scottish Prison Service to implement it. The letter was signed off on Lord Brodie’s behalf. That does not bode well, and does not give great confidence. Other people must feel as upset as we do about the untidy way things have happened. We know that the guy will be inside for the next 11 years, so we have plenty of time to work with the committee again on sentencing. Today we are here to talk about knife crime, but I wanted to digress to let you know how we feel and where we are coming from.

Rhoda Grant: Thank you. That was very helpful.

Nigel Don (North East Scotland) (SNP): Thank you for your presentation, Mr Muir. I have a son, and I have been sitting here wondering how I would feel if I were in your shoes—if somebody had killed my son. I am struggling to think how I could possibly sit here, so I want to say that I admire your courage in coming to us and presenting the case so thoughtfully.

From what you have said, I know that you appreciate that many issues arise. I would like to sort out in my own mind exactly what you are asking for and how we should consider mandatory sentencing. As I think you acknowledged in your introduction, if the term means what it says, we would be telling judges that they will have to do something every time. Leaving aside the constitutional position, I think that there is a general consensus that that probably would not be terribly wise, because every case has to be considered on its merits and we always have to consider the exceptions. Can you clarify that? How would the idea behind your petition be written? I am not looking for the precise words—we can let the lawyers worry about that—but what would be appropriate? You feel that sentences are insufficient at the moment, which I understand and accept, but how would we frame a provision that would be mandatory but would allow judges to retain some discretion?

John Muir: Judges have to have the final say, and the police should have the final say at the early stage of arrest. The police would realise whether it was right or wrong to proceed when there could be a mandatory sentence.

I have written a note saying that it is important that some young, feckless and stupid people are not sent to prison when doing so would be inappropriate. The note proposes that the courts should have an opt-out—although by “opt-out” I do not mean that the courts would deny what had happened—if strong mitigating circumstances meant that they should refrain from imposing a custodial sentence. That right has to be given to the courts at all times.

Nigel Don: I absolutely agree—society would be in trouble if we took that right away from judges. Is what you are really asking for a general raising of the sentence, to be applied across Scotland, when there are no mitigating circumstances and when people have just gone out with weapons? I am talking about people carrying weapons in general, not just knives, when they have no useful reason for having them but are just looking for trouble. Is it a fair interpretation to say that you are asking us to use whatever methods we have to ensure that the sentence tariff is raised?

John Muir: Yes, that would certainly be a fair assessment—although it would not stop petitions coming, because that would be pointless at this stage or at any stage. However, the rule of law, and the rules that are laid down by Parliament, have to coincide with what has to be done to ensure improvement in sentencing and to ensure the safety of victims.

The committee is looking at four victims. We felt very sorry for ourselves at the time, but we soon got over that sorrow when we realised that we might be able to prevent some other family from going through what we went through. We have put our backs to the board and have pushed hard. We intend to push hard until we think we have got something that is sensible and appropriate. We will not be hard to persuade if that happens.

I am thinking about where we come from. When you walk round the premises here and look at people, you ask yourself, “Are they at the sharp end of the boat?” No, they are not. We have attended meetings organised by councils and parent bodies, including one in Easterhouse, and we have met people whose daily lives you would not believe—because of people with knives—until you heard about them directly. I came home a very chastened fellow after the second meeting I went to because I had heard what people have to put up with: by goodness, it is dreadful.

14:15

Karin Forrest: Nigel Don talked about mandatory sentences for people carrying knives. The biggest issue is that there should be a deterrent to carrying a knife. The person who murdered my brother had a history. He was not scared of things like a community service sentence: it did not bother him and he did not stop carrying a knife. He was supposed to do community service and he was out on parole for other offences. That did not stop him carrying a knife and—sadly—killing my brother.

For my family, the law needs to be stronger. If someone who is found with a knife has a reputation and the police know that that person will cause harm, they must be put away. My brother’s life would have been saved if that boy had been jailed two or three years earlier, because he would not have done what he did to my family.

Nigel Don: We take the point about deterrence; many of us tear our hair out about finding effective deterrents.

Karin Forrest: The law must be much harder—it must be extremely hard.

Nigel Don: You are right. We are all well aware—Henry McLeish’s report made it clear to anybody who was not—that prison is not a deterrent for many people: they keep going back. The problem is difficult to crack.

Karin Forrest: I know, but a person who carries a knife might be given community service that they do not attend and the police might not realise that they are out on parole. Such people are not controlled. My family wants something to be done. The person who was involved was going to cause problems with a knife. For us, anybody who carries a knife will cause harm. The lesson needs to be that if people carry a knife, they will be punished hard.

We attended a save our streets campaign meeting in Edinburgh. My dad is campaigning for sentences of two years, but most people in the audience, when they were asked how long a sentence should be, said that it should be five years. People are fed up.

Nigel Don: I understand. Many of my colleagues will have suggestions, but one thing we can do is refer the petition to the Government. If we do that, the Government will say that it is to establish a sentencing council. That will be a mechanism for discussion, so the hope is that it will at least be a productive way forward.

John Muir: I agree with Nigel Don. We have spoken to the Cabinet Secretary for Justice—not at great length, but we had a reasonable conversation. It was good to hear that positive moves are being made in considering violent crime, which is what we are talking about.

The letter that I wrote to the committee explains a little bit. I gave

“Some examples of prominent political and judicial representatives making statements on the crisis of knife-crime but seeming to take a ... light-handed approach to solving the issue.”

Too many people are talking and not enough is being done.

I also said:

“I am sure you are aware of who made the following statements ...

‘I fear for my children’”

was said by Cherie Blair, and

“I feel uneasy and unsafe in our streets at night”

was said by Jacqui Smith, the Home Secretary. What they say on television is enlightening and annoying.

I continued:

“These comments are from people who live in a 24-hour police protection zone far away from that faced by ordinary people in the front line of this crisis.”

If one of those people walked to one of the bad places in Glasgow that we have been shown, I do not think that she would just say she was frightened—she would look for protection. The people in those areas are looking for protection by the law, which must be provided and be done democratically.

We have a website, on which many people have left their names and comments. It comes across loud and clear to us that they want their streets back. They are scared and they want their children to be safe and they want to be safe. Keeping the campaign going is a daunting task for us, but an even bigger task is for you guys to sort out the situation communally. That is not something that one party should do; a cross-section of politicians should work collectively. I have told the Labour Party, the Liberal party, the Conservative party and all the parties that we have talked to, “We know you can sort it out. You’re the only guys that can do it. We can make the noise, but you must do the simple thing of getting it addressed.”

John Farquhar Munro: Good afternoon, folks, and thank you for coming here, which must be pretty difficult after your experiences. I am pleased that you have said that although the judges or the courts are, on serious crime, the ultimate arbitrators on the sentences that are dished out, we must be assured that sentences are undertaken. The largest percentage of knife crime on our streets involves youngsters or teenagers—I read about that daily in the newspapers. Most of the time, knife crime is not perpetrated by hardened criminals, but by toughs on the street who aspire to be hard men. That is my concern.

Most youngsters who are picked up for carrying weapons get community service or go in front of the children’s panel but are back on the streets in a couple of weeks, as you are well aware. The judiciary or the police should take a stiff line with any individual who is caught carrying a knife or other bladed weapon, because if we could arrest the situation at the early stage, that might have an effect on the next generation—the 20-year-olds. What is your view on that?

John Muir: It is difficult to make a comparison on that. We have spoken with the violence reduction unit, which has a solution that should be eagerly sought by Parliament. The unit says that in order to get rid of knife crime over a period, we need to start with children at an early age in the school system and explain to them the damage that knife crime does. The daunting thing that the unit has to deal with is that, if it does not do that brainwashing or have those conversations with children, by the age of 12 they already carry knives. That is where the problem comes from. They then go out on the streets to make their mark. They want to become one of the tough guys.

As I said in my letter to the committee, we have spoken to community councils and councils, some of which back our campaign 100 per cent. That is fine. We must be careful of the mantra about not criminalising the young. The majority of crimes are committed by the younger generation from the age of 15 to 21. That is a terrible indictment. If you go to the sharp end of the ship and meet the guy who has been caught and who is doing time or will do time for having a knife or stabbing someone, he is a junkie. When the police go to his home to speak to the parents, they are junkies. The police might think that the grandfather will take the boy under his wing, but they find that he is a junkie, too. So there is not one, but three generations to convert. That is how difficult it is.

Karyn McCluskey rightly said that if someone is carrying a knife, they are a user. That must be applied whether or not the knife has blood on it. It is good if someone is caught with no blood on their knife, but when they are caught with blood on it, that is really serious.

John Farquhar Munro: We need to curb that element among 12 to 15-year-olds and instil in them that there will be a prison sentence for someone who is caught carrying a weapon—not community service, but a custodial sentence. There should be no doubt that, if someone carries a blade, they will be put in prison.

John Muir: That is a fair comment from you as an individual but, collectively, we must start to get people to think the same way round in a circle to meet up with me. Doesn’t that sound good—“meet up with me”? I do not mean it in that sense at all.

We need a medium that will allow everyone to find a solution so that we can put the issue to bed.

The final paragraph in my letter to the committee says:

“We fervently appeal to our First Minister, his government colleagues and all elected MSPs to impose a bill giving a total ban and zero tolerance to the carrying of dangerous and offensive weapons. Knife crime results in more deaths per annum than deaths from firearms. A law was rushed through parliament that banned the carrying of firearms without licence. Why can it not be the same for knives?”

It is as simple as that to the person on the street. They say it to me regularly at seminars and meetings. We have been going round Scotland listening to people. Honestly, some of the stuff that comes from them.

Elected members—please go and speak to your electorate. They will tell you how difficult and bad it is, if they have not already spoken to you.

Bashir Ahmad (Glasgow) (SNP): What would you say to the criminals who murdered your son, and to other people who are trying to do the same to others? What would you like us to do about them?

John Muir: This is where the water can go over our heads. If we ask for too much, we will not get it, and if we ask for too little, it will not start.

I have made it quite clear that the courts' sentencing powers should agree with what the Parliament recommends as being a proper sentence. At the end of the day, we are lay people: we do not have the experience to know all the imponderables. We have heard so many different questions about how knife crime can be identified, and about the mandatory sentence.

We were at a meeting a week past Wednesday and a special constable with 20 years' experience flung a question into the middle of the discussion like a hand grenade. He said that he has been called to domestic violence incidents in which the wife of the house had taken a kitchen knife and stabbed her partner. He asked whether a mandatory sentence should cover that situation. He also said that he had been at a fight in a pub where two guys were giving another guy a kicking. The guy stood up for himself, and when the police arrived, they arrested the three of them. When the first two had been taken into custody, the police started to take the other guy's details and they found a knife in his pocket, although no knife was used during the affray. Should that guy get a two-year sentence? It is very difficult. We are not in a position to understand all that.

Bashir Ahmad: That is very true. It is a very difficult situation. If three generations of junkies are living in a house, and one is sentenced, that is no punishment. We are giving them a comfortable life in jail.

Christopher Muir: Exactly. A prison should be a prison. Take away their PlayStations. If they are sent to prison for two years, they should be in there for two years. If they are sent there for 15 years, they should be in there for 15 years. It is prison, and this is the outside world. This is a great place to live: if they are on the other side of the wall—well, there you go. The old-age pensioner cannot afford heating, but the guy in the cell can ask for his cell heating to be put up to 68°. No—give them a blanket or tell them to coorie in to their cellmate. Make a prison a prison.

Bashir Ahmad: Yes. You are talking about hard punishment.

Christopher Muir: Yes, and then maybe people will realise and think, “No way am I going in there, and there's no way I'm going to carry a knife, or a broken bottle or a gun.” We need to put an end to it.

The Convener: I am conscious of time, but we should explore two or three things for the benefit of the petition.

Obviously it was unfortunate that you could not have Paul McBride with you today. I would be interested to hear about the kind of discussions that you have been having with him. You have touched on fundamentals today, such as how to interpret a set of circumstances. If you pay the money for a relatively good Queen's Counsel, they can interpret very differently the series of events that you saw with your own eyes. In talking with an experienced QC like Mr McBride about the nuances of sentencing, what kind of things has he shared with you that might be useful for us to think about as part of the next stage of the petition?

At the moment, the problem with the debate is that people in extreme circumstances such as you are in feel powerless. Ordinary members of the public feel that we are not listening to their concerns about some of the most challenging neighbourhoods in Scotland. I represent a neighbourhood that is, statistically, probably the most challenging place in Scotland as far as knife crime goes, so I know about the damage that it does to communities and families. How do we get on the right side of that argument and demonstrate the message that will change generational attitudes of having no respect for the law or the difference between right and wrong? How do we get across to the 15, 17 or 19-year-old, who might or might not have the excuse of being involved in alcohol or drugs, that there is a consequence to their actions when they close the door behind them as they go out on a Saturday night?

14:30

We can get tied up in the nuances of what lawyers tell us. You want to get beyond that to find

out what is the right thing to put in place so that you, as a member of the public, feel that the right thing has been done through the justice system. Privately, you probably feel very frustrated, judging from some of the things that you have said.

I am sorry that I took so long, but I wanted to get to the nub of what the committee needs to address.

John Muir: Our main consideration is something that is important to communities in all Scotland. We were at a meeting in Edinburgh, where knife crime is minimal in comparison with elsewhere. However, everyone has a problem on the streets at present. Our website shows clearly that there are problems on the streets in various locations throughout Scotland. We read stories and think, "Thank God we're not there." We hope that as a result of today's meeting, our petition will get referred to the Justice Committee. When we get to the Justice Committee, we might have been able to do more homework to find out how to proceed.

The violence reduction unit, with John Carnochan and his team, seems to have everything going in the right direction. The team is superb to talk to and what it is trying to do is superb. We need to talk to them, just as we need to talk to solicitors and Queen's counsels and so on. We have the backing of a number of QCs. We also have the backing of the two national papers, as well as our local paper, so people are reading about us. People will see me again tonight on the television, without a song and dance. People will see us in the street and ask how it went and we will tell them that we went to Parliament and what the outcome will be. We trust that our visit here today will assist us to get to the next stage in Parliament, whatever that may be.

Robin Harper (Lothians) (Green): The petition calls on the Parliament to urge the Government

"to introduce mandatory sentencing for persons found carrying knives".

I am getting the sense from the conversation so far that you would like those sentences to be custodial for the most part. Is that correct?

John Muir: Absolutely.

Robin Harper: But that is not what the petition says, so you are leaving it open for a conversation about whether the mandatory sentence would be custodial. The figures show that, at the moment, 30 per cent of those who are convicted get custodial sentences, 31 per cent get community sentences and 29 per cent get monetary sentences.

I draw to the committee's attention my entry in the register of members' interests: I am a member of the Howard League for Penal Reform.

Quite a lot of the people who are convicted will have been in prison before; they might have been released, but reoffended and returned to prison. A mandatory sentence could be 15 to 20 years. If nothing is done for the person who committed the crime during their time in prison, they will be just as likely to commit a knife crime when they come out as they were when they went in—although society will have been protected for 15 to 20 years.

The Convener: I understand what Robin Harper is saying, but I do not think that the two debates are incompatible. We have to separate what we do to rehabilitate those who are sentenced, which is a massive, critical issue, from whether someone who carries a weapon, or takes it to someone else, should get a custodial sentence.

What I think John Muir is saying—what I understand from the language of the petition—is that we need to think more critically about sending a message back to members of the public who, like him, have been dramatically affected by knife crime. Anyone in the public gallery or any member around the table today could face the same thing when their young son or daughter is out on a Friday or Saturday night in any part of Scotland—although there are more obvious hotspots, by the look of things.

I am trying to separate the issues, as I do not think that they are part of the same debate. The current debate is about how we deal with the petition and what we do about knife crime.

John Muir: A senior official in the legal profession has said that some young people put a knife in their pocket as quickly as they put a mobile phone in it. That is quite damning if it is what is happening on the streets—a knife and a mobile phone together. It is terrible. If they have one, they generally have the other.

I thank you for your attention today. Everyone here has been very kind to me. You have been very soft on me as well, convener. I was expecting to get a bit more of a bashing, but it did not come. Maybe it will be worse next time—I hope that there will be a next time.

The Convener: It is fortunate for you that I am a very gentle Glaswegian convener.

You have raised some fundamental issues that we should address on your behalf. Many things still need to be done over the period to address your concerns. We have now reached the bit where we pull together committee members' thoughts about what we would like to explore.

You have already received parliamentary support—I should have mentioned at the outset that your local MSP, Duncan McNeil, has been supportive of the petition. He has also written to

us. I said that I would read out a couple of sentences that amplify what you have said. He writes:

“custodial sentences would be a powerful deterrent to those knife carriers that their actions have consequences before they rob someone of their life.”

He adds that he

“would support the will of the people for tough action against those who carry and use knives.”

I know that that dialogue has been had with Duncan McNeil in the past, when you presented the petition. Unfortunately, he is attending another committee this afternoon.

We need to pull together the concerns that have been raised into a programme of exploration and action on the petition. I am open to committee members' suggestions as to how we should proceed.

Nanette Milne (North East Scotland) (Con): I have not asked Mr Muir any questions, but I have been most impressed with what he has said. I agree with much of what has been said, as do my party colleagues, and I certainly think that we should take the petition forward.

In the first instance, we should get in touch with the Scottish violence reduction unit and the Association of Chief Police Officers in Scotland. We might also contact Victim Support Scotland, which I presume has dealt with clients who have shared Mr Muir's experiences. I suggest that we start by contacting those three bodies.

Nigel Don: We should certainly push the petition to the Scottish Government. However, it calls on the Parliament to urge the Government to introduce “mandatory sentencing”. We have established that that phrase does not mean quite what some people think it means in the context of the petition. The petitioner acknowledges the fact that there needs to be judicial discretion, although some people might feel that that is not what the petition is asking for. I therefore wonder whether, when the petition is sent off, we can include a covering note that conveys an understanding of what is really being asked for. Otherwise, we could get involved in unnecessary constitutional and theoretical discussions.

Rhoda Grant: It is clear from what the petitioner says that he believes that tougher sentences should be made available to the judiciary and sheriffs and that often, even when they impose tough sentences, the parole service gets involved and folk are allowed out earlier. I am therefore keen that we ask the Crown Office and Procurator Fiscal Service for its comments on sentencing and the confidence of those who impose a sentence in how it will be delivered. As the petitioner said, the people who have the information in front of them

and make a decision about the sentence that is passed down are not always in control of the actual sentence that is served. That is a critical point.

John Farquhar Munro: Nigel Don suggested presenting the petition to the Government. I suggest that we pass it to the Justice Committee or the wider Parliament.

Nigel Don: I do not think that there is any purpose in sending it to the Justice Committee. Sentencing is not an area in which we have any locus. It would be interesting to know that committee's views, but it cannot do anything that the Public Petitions Committee cannot do.

John Farquhar Munro: In that case, I suggest that we also communicate with the Association of Chief Police Officers in Scotland, because it is bound to have tremendous influence.

John Muir: We have been assured that if the matter goes to the wire, ACPOS will certainly put its hat in the ring.

The Convener: I offer a big suggestion after having a chat with the clerk earlier. Given that the Sentencing Commission for Scotland's report is being considered by the Government and the Justice Committee's present commitments, is it beyond this committee's ken to pull together some of the folk who have been mentioned, to explore the issues? We did something similar on cancer drugs, which was in the public interest, and it worked well. It strikes me that it is clearly in the public interest to explore the issues in the petition because people have different ideas about what would be useful and effective.

I am struck that there has not been an opportunity to get stuck into the matter and allow ordinary citizens to contribute to the debate and, I hope, walk through the process. I believe that if people are confronted with some practical issues they will arrive at sensible, intelligent solutions if information is shared with them, even if they start out being pretty angry. Is it beyond our ken to think about pulling together people who might help to influence that broader debate?

Somewhere down the line the matter will have to go into the chamber or through the ministerial process to get a Government response, but the debate should be informed rather than partial. I throw that out for members to consider, as we did good work on the cancer drugs inquiry, which shifted the debate in the right direction. Perhaps the same could happen with Mr Muir's petition. I realise that my suggestion is a bit of a sidewinder.

Rhoda Grant: Your suggestion might be really helpful because knife crime is a concern to lots of communities. Mr Muir talked about some of the folk who live at the sharp end and who live with

knife crime on a daily basis. As well as speaking to the decision makers, it would be good to speak to—

John Muir: We do not live at the sharp end; we just happen to be part of—

The Convener: But you did. You did not expect to be there, but the reality is that you were.

Rhoda Grant: Mr Muir, you spoke in your evidence about the people who live at the sharp end daily, with the consequences and the fear. It would be good to speak to people from those communities to give us, who are lucky enough not to live in that situation, a better appreciation of what it is like.

The Convener: Do we want, in principle, to explore those suggestions? The clerk would have to come back to the committee with a fleshed-out model for our approach. It would be helpful to us to understand the nuances of the debate, because I am sure that if you were to put three Queen's Counsel in the room they would give us three different answers—at a price.

John Muir: If legal bodies sat with you and gave you advice about what can and cannot be done, a solution would be found much more quickly than would happen if the matter were referred to someone else.

Robin Harper: I agree that we should move heaven and earth to put a stop to the rise in knife crime and, I hope, to reduce it considerably. The convener's idea of consulting further and our producing a report is excellent. I suggest that we add the Association of Directors of Social Work to the list of people we write to. My reservation is about how much mandatory sentencing can contribute to the debate.

John Muir: By the time we have finished, we will have you believing in it, like us.

14:45

Rhoda Grant: Could we also write to children's panels? We have heard evidence that the carrying of knives can start very young. It is often young people who are involved; the adult services do not always become involved initially.

Bashir Ahmad: We read about the knife problem among youngsters almost every day. Most of the young people concerned are taking drink, which is so cheap and so easy to get. To me, drink is the main cause of the problem. Drink should be available to buy only after the age of 21. By providing for that, the Government is taking a very good step forward to deal with the knife problem among youngsters.

The Convener: I am sure that we will have a petition on that anyway, from people aged 18 and

over. The evidence base for alcohol fuelling much of people's negative behaviour is available. It is a cultural and social thing that we in Scotland must deal with. How we deal with it is a debate that we parliamentarians will have over the forthcoming period, but there is a shared belief that the excessive alcohol culture does lead to some other excesses.

There are also statistics that indicate that some folk, who are perfectly sober but have a very violent attitude, also go out weaponed. In my area, which is in the east end of Glasgow, people are not drunk when they make up the weapons that will cause the damage. They might be fuelled up three hours later, but they will have made up the weapons in their living room. That is the tragedy of a mindset according to which it is okay to graft three different implements together to create something that will cause maximum damage to another human being. Those people do not take it out just as a show weapon; it has a purpose, should it be required. The drink might fuel the event but the mindset is already there, and we need to try to deal with that.

The benefit will come from the sort of work that John Carnochan is doing. He is looking at the links between family, social background and alcohol and drugs, and the combination of those elements that results in some of the tragedies that have happened to too many families.

This is possibly the longest that we have spent on one petition, which indicates the seriousness of what you have raised with us this afternoon, Mr Muir. We have come up with some reasonable suggestions for where to go next. I will not kid you on, however—you are on a journey to get a sense of closure, not just personally but in the form of fairness and justice in Scotland. I am sure that you and your campaign will be doing other things to highlight the matter. I hope that today has been useful for that process. We will return with a report about what we want to do next. As the petitioner, you will be kept fully informed. Whenever the matter comes back in front of our committee, or when there are any further developments, you will be fully involved in a dialogue with us. We will spend time working through the issue, and I hope that that is of use and benefit to you and your family.

John Muir: I thank the committee for taking the time to listen to us. I say on behalf of the girls with me and my son that we look forward to hearing from you and meeting you all—or some of you—again.

The Convener: Thank you very much for your time, which we appreciate.

Billy Liddell (PE1172)

The Convener: I thank everyone in the public gallery for their patience. Petition PE1172, by Bill McCulloch, on behalf of the Billy Liddell memorial campaign, calls on the Parliament to urge the Scottish Government to consider what support and assistance can be provided to local authorities to erect lasting memorials to local sporting legends. I welcome Bill McCulloch and Mike Payne to the meeting. John Park MSP is here to speak in support of the petition.

The deputy convener, John Farquhar Munro, said that he is too young to remember Billy Liddell, but I am not convinced and wonder whether it is another highlander's tale. In the next three minutes, the witnesses have a chance to explain why they seek recognition of Billy Liddell and others who have contributed to Scottish sport over the years.

Councillor Bill McCulloch (Billy Liddell Memorial Campaign): I thank the committee for giving us the opportunity to speak in support of our petition.

Watching the Olympics recently, I was struck by how many of our sportsmen and sportswomen talked about the people who inspired them to take up sport and to reach the pinnacle of winning gold medals in the Olympics. If we want our young people to get involved in sport—which we do—we need to provide the facilities and training to enable them to develop their skills. We also need to provide them with a belief that they can succeed wherever they come from, whether it is a big city, a town or a small village, such as Townhill near Dunfermline. One way of doing that is by recognising and honouring our local sporting heroes. In Scotland, we are not very good at that; many sporting heroes have not been recognised.

Sadly, Billy Liddell is one of those forgotten heroes. The son of a coalminer, he was born in Townhill in 1922. He signed for Liverpool Football Club just before the outbreak of the second world war, for the princely sum of £3 a week. If we contrast that with the fortunes that are paid to today's footballing stars—if that is the right word—such as Wayne Rooney, we can tell that we live in a completely different world.

Billy Liddell was awarded 29 international caps for Scotland and he scored eight goals—we could probably do with somebody like him today.

The Convener: Certainly tomorrow night.

Councillor McCulloch: He was a good left wing, and he scored quite a few goals coming in from the left. He would undoubtedly have gained many more caps but for the second world war, in which he served as a bomber command pilot and pathfinder. He died in 2001. In 2004, he was the

first player ever to be honoured by Liverpool Football Club with a commemorative plaque at Anfield. Sadly, to date, there has been no recognition for his achievements in his home town, or indeed in Scotland.

I have provided the committee with background information about our campaign and about Billy Liddell, which I will not repeat. The wider aspect of the petition is that it is important that we recognise our sporting legends, not least because it provides our young people with role models that they can look up to and emulate. Billy Liddell fits that bill in terms of his footballing achievements and how he led his life on and off the field. As you said, convener, there are others who probably deserve recognition: in Fife there is John Thomson, a Celtic footballer who, sadly, was killed.

What do we want the Scottish Government to do? One possibility would be to establish a fund or national scheme to which local authorities and community groups can apply. However, the campaign is not just about funding projects; we realise that we will need to do a fair amount of fundraising—but we need local authorities to be encouraged to be more proactive, to put projects such as this on their agendas and to integrate them into their general thinking about sport.

We have had some good support from officials in Fife Council to help establish our group, but when it comes to getting things done this sort of project does not seem to fit into anyone's work plan. It is not really on the radar, so it is difficult to get people to take such a project forward. If the committee thinks that getting local authorities to recognise local sporting heroes past and present is a worthwhile objective, we would invite it to discuss with local authorities how that might best be done.

John Park (Mid Scotland and Fife) (Lab): This is a grass-roots campaign that has been built up around Townhill and in Dunfermline. Billy Liddell is recognised most in Liverpool, mainly because of the number of years he spent there. It is important that he should be recognised in Dunfermline; that is why I have been happy to support the campaign. Bill McCulloch made an interesting point about how role models can be developed in all sports. If Billy Liddell were alive today, he would be a role model; he was a role model while he was playing football. I am more than happy to support the campaign, and anything the committee, the Scottish Parliament or the Scottish Government can do to assist it will be very welcome.

Mike Payne (Billy Liddell Memorial Campaign): I echo what Bill McCulloch and John Park have said. My focus is on Billy Liddell the person and the role model. Today, Billy Liddell would be an unusual football player: he did not smoke, he did not drink, he believed in God, he

went to church and he turned up at prizegivings for young people. I try to get across to young people the message that being a football star is not about receiving £160,000 a week in wages, but about what people do when they are in that position.

Claire Baker (Mid Scotland and Fife) (Lab): Do you have links with the people in Hill of Beath who organised a memorial to Jim Baxter? There seem to be parallels between the two campaigns. There was a fundraising process to pay for the statue that has been put up in Hill of Beath. Have you had discussions with people in the area about how they managed to establish that memorial?

Councillor McCulloch: I spoke to former Councillor Alex Sawyer about it. Billy Liddell's widow felt that a statue would not be appropriate for someone as modest as he was, so we decided to campaign for a cairn, with a plaque, in a community garden.

Claire Baker: I am interested to know whether you have had discussions with people in Hill of Beath about how the money for Jim Baxter's memorial was raised.

Councillor McCulloch: We have had more contact with the John Thomson campaign. Mike Payne knows a bit about that.

Mike Payne: The difficulty that we face is that whereas most Scottish sporting heroes lived and played their sport in Scotland, Billy Liddell spent his whole football career in Liverpool. Collections were taken at Ibrox for the Jim Baxter memorial, but the distance between Dunfermline and Liverpool makes it extremely difficult for us to do the same. We have spoken to people about it.

The Convener: My question is about the dialogue with folk that needs to take place. The nature of the memorial—whether it should be a statue or a cairn, or whether there should be a plaque recognising the player's birthplace—is probably a matter for private discussion, but there must also be discussions with the likes of VisitScotland. A number of folk from ordinary communities have made a contribution, not just in the sporting sphere.

We want to say to people that, no matter where they live in Scotland, there is someone who can inspire them. At one end of one road in Paul Martin's constituency was the Celtic and Scotland legend Jimmy McGrory, who was, by any standards, the greatest ever goal scorer in British football. At the other end, in Kennedy Street, was the guy who, playing, I think, for the New York Giants—I am not an expert on American baseball—hit what the Americans quaintly called the shot that rang around the world. It rang only around America, but you know what Americans are like. At each end of the street were folk who are really important in sporting history, but it is not

recognised in that patch. Are you suggesting that there should be on-going efforts at local authority and VisitScotland level to do a bit of storytelling?

15:00

Councillor McCulloch: We are in the early days of our campaign; lodging the petition was one of the first things we did. In our experience, it is difficult to know who to turn to for advice and support. We are looking for some sort of focus, either nationally or locally.

Nanette Milne: Is it possible that the idea might develop into a living memorial that would involve all sorts of sporting heroes and encourage young people? That might involve setting up a fund in the name of some of the bygone sporting heroes to help young people who are coming forward in sport. I wonder whether sportsScotland and other active bodies might become involved. Have you thought about that?

Mike Payne: In Scotland, we are not very good at singing our own praises. We have people who are good at sports and people who are famous throughout the world for other things. I see that you are wearing a Malawi badge. David Livingstone is probably more famous in Malawi than he is here. The Chinese consider Eric Liddell to be their first Olympic gold medal winner, but he was not known about in Scotland until a movie was made. We need to sing our own praises more.

We see value in working with local primary schools to raise the profile of Scottish sporting heroes and speaking to the kids about what it means to be a role model, or a model citizen, I suppose.

Nanette Milne: I just wonder whether a living memorial might be more effective than something static, such as a cairn or a statue. Perhaps it would be better to have something that will go forward in perpetuity.

The Convener: The concern of the petition is who would take that forward, is it not?

Mike Payne: Yes.

The Convener: If someone comes up with an idea for which they get support from one or two sympathetic people in a local authority, where should they go first to act on that idea? I remember that, years ago, there was discussion about recognising the contribution of the international brigaders in Glasgow because the city was a major place of recruitment. That was a controversial topic, but something was done to recognise the role that those people, who were mostly volunteers, played in the 1930s, before the second world war. In that case, it was the local authority that acted.

There might be a story to tell about all the different neighbourhoods where ordinary citizens have made a contribution, whatever form that story would take, but I would not know where to start in trying to do that. I think that that is what the petitioners are anguished about.

Robin Harper: I echo that in part. The primary responsibility for erecting a plaque to—or remembering in other ways—people who contributed to politics, science, art, literature or whatever usually lies with the local authority. The statues in Edinburgh were put up with funding from a combination of sources. Some of it came from the local authority, but in many cases the majority came from private contributions. Have you thought about scoping with our 32 local authorities the number of people whom they might want to remember in one way or another and the size of the fund that you think the Parliament should provide to cope with the demand?

Councillor McCulloch: I think that we were hoping that you might do that. No, we have not. Our campaign is focused on one particular sporting legend. We are drawing it to the committee's attention that the wider issue needs attention. Scotland should give more recognition to people who have made a contribution to sport and other fields.

Robin Harper: There are two issues. There is a strong case for Billy Liddell to be remembered in his home town, but it is not necessarily for the Government to provide a large pot of money for which councils can bid whenever they want to erect a statue, a plaque or some other memorial to someone who made a significant contribution to sport or who can be held up as a role model.

Rhoda Grant: I am slightly puzzled by your petition and am trying to get the bottom of what you want. I understand where you are coming from with your memorial proposal but, to my mind, setting up an agency to deal with memorials and the like takes away from the idea of a memorial as something that comes from the grass roots. If a community wants to commemorate a person's life and contribution, surely it is better for it to commission the memorial, carry out the fundraising and so on. After all, the memorial needs to reflect back on the person for whom it has been erected. Simply having an agency that puts up statues all over the place does not accomplish anything; part of the person's legacy must lie in the community's strength of feeling that leads to the memorial being erected in the first place.

If we put that to one side, the next question is how a community with such strength of feeling goes about getting a memorial. Are you suggesting that we need someone who would guide a community or group of people through the

whole process of commemorating someone or something, present the options available and explain what permissions and so on are needed?

Councillor McCulloch: Yes. The community is a very important element in all this and, as John Park said, this is a grass-roots campaign. However, when we sought to take this proposal forward, we were looking for some support from national Government or local authorities for groups such as ours. A national approach, for example, might invite applications for proposals whereas local authorities might focus more on sports provision and on encouraging more people to get involved in sport. One aspect of that, of course, might be the creation of role models.

Rhoda Grant: We have discussed things such as statues, gardens and plaques, and Nanette Milne talked about a living memorial that young people are encouraged to get involved in. No one body can happily accommodate such a range of proposals, so perhaps what we need is someone who can take a more cross-cutting approach and say to groups, "Have you thought about this or that? If that is where you want to go, so-and-so or such-and-such an organisation might be able to help." Instead of having an agency that takes away a proposal and gets it done, we probably need someone who provides help and guidance.

Councillor McCulloch: That is the idea. I am not criticising the council, but this kind of project is just not on its radar. I looked for an answer in the single outcome agreement—

The Convener: I do that, too.

Councillor McCulloch: Although the agreement contains many worthy things, nothing in it really fits our proposal. We need to get councils to accept that they should be doing these things.

The Convener: We are still waiting for responses to a petition on blue plaques that we discussed at a previous meeting; in fact, we expect the Government to respond before Christmas. I certainly think that someone should be beavering away at co-ordinating some options here. As the planning authority, the local authority is responsible for the erection of statues and other such memorials and will therefore play a key role in this matter. However, we want guidelines that provide folk with points of reference. I do not think that it would be inappropriate to use this petition as a means of addressing some of those issues. We will certainly see what we can do in that respect.

As Mike Payne tried to emphasise, the other issue is to do with showcasing Scotland's history. After all, when you look at the names of those commemorated in our municipal squares, you might recognise many of them, but there will also be many that you will scratch your head about and

think, “Why did that person receive such recognition?” The answer, of course, is that they were probably very important or very powerful at the time. However, very ordinary citizens from very ordinary communities have made a contribution to sport, popular culture or whatever, and memorials to them provide those communities with inspiration and a sense of lineage.

We should write to the Government to find out how this petition might fit in with that debate. We could contact the likes of the Historic Environment Advisory Council for Scotland—if, of course, it still exists by that time. It is, after all, on the radar in the clean-out of the quangos, but getting a lovely suggestion from that organisation might serve as a good parting shot. We should also get in touch with VisitScotland.

I am open to suggestions on which local authorities we should contact. It is certainly worth exploring the views of a couple of our big city authorities, but we should remember that tourism is important in other parts of the country. I suggest that we ask Highland Council for its views, given the area that it covers.

Do members have any other suggestions on how we might go about exploring the issues in the petition? What about, for example, the hall of fame proposal? How far have you got with that, incidentally?

Councillor McCulloch: I have to say that it is not very clear to us how people get inducted into the Scottish Football Association’s hall of fame.

The Convener: Well, we are talking about the SFA.

Councillor McCulloch: Our application has certainly been received and we should hear something in October.

The Convener: Good luck with that. It could be helpful. However, we need to pull together suggestions for dealing with statutory and Government agencies.

Nanette Milne: It might be a long shot, but is there any point in getting in touch with the organisers of the Commonwealth games? They are looking for a legacy, after all.

The Convener: That is not a bad idea. We could write to those who are organising the legacy debate. I had better choose my terms carefully, but I imagine that the success of the Scottish athletes and the Great Britain team will be used to extol the virtues of sport and physical activity in the six or seven years leading up to the Commonwealth games.

The Government and Glasgow City Council are also putting together consultations on legacy issues, so it might be useful to get in touch with those who are involved in that activity.

Nanette Milne: Would sportscotland have anything to do with that?

The Convener: It could have.

Robin Harper: I nominate the City of Edinburgh Council, given the huge number of plaques and statues in the city.

The Convener: I realise that, coming from a member for the Lothians, that suggestion contains a reasonable degree of self-interest.

I hope that this discussion has been useful to the petitioners. Essentially, you are asking us to try to open the door a little bit.

The committee wishes you well both in your campaign and in your endeavours with the hall of fame proposal. It is good to see that other football legend, John Park. I have seen John play for the Scottish Parliament football team—and I cannot imagine that there will be any rush to put up plaques for him. I should say, though, that I am just as bad.

I hope that we can secure some support for your proposals. I thank you for your time and patience this afternoon.

Acquired Brain Injury Services (PE1179)

The Deputy Convener (John Farquhar Munro): As members will see, the convener has left us for a few minutes so, for my sins, I will take over the chair of the meeting.

PE1179 is from Helen Moran, on behalf of the Brain Injury Awareness Campaign. It calls on the Scottish Parliament to urge the Scottish Government to introduce a separate and distinct health and community care client category of “acquired brain injury” to ensure that people with acquired brain injury and their carers get the services and support that they need and that agencies can plan and deliver services more effectively.

The usual format is that petitioners get about three minutes to speak to us and make their case. We then throw it open to questions from the committee.

15:15

Helen Moran (Brain Injury Awareness Campaign): I represent the Brain Injury Awareness Campaign—also known as BrainIAC—which is a group of people who have acquired brain injury and their carers. It is because of our experience of the services and the gaps in services that we have come together to ensure that future services are more effective.

From personal experience of having acquired brain injury, I know that ABI does not have a cure.

The brain cannot rebuild itself, so ABI affects people for life. That means that people need the support of services over a long period or even for life. ABI does not discriminate; it affects people from all walks of life and affects each person differently. Some people are left with profound physical disabilities, some with cognitive thinking problems and some with emotional problems. The majority of people feel isolated. People usually have a mixture of those problems. The brain controls everything, so the effects can be anything.

ABI also has an effect on the social side of people's lives. It leaves people unemployed, vulnerable to abuse and isolated from society. It affects the family and friends of the person and it also affects the society in which we live.

It seems that, when it comes to funding sources, the buck is being passed between learning disability, physical disability and mental health. ABI is separate from all those and needs to be funded separately. We believe that if the funding were separate, local planners would be more able to set up suitable services in their areas.

The services are patchy and piecemeal across Scotland. If someone does not live in the right place, they might find it difficult to get access to appropriate support. I ask whether, if one of you or one of your family had ABI, you would like them to be treated like that. We believe that the outcome of change would be more than just an improvement for the individuals or in the services being funded. If people had the proper support, that would reduce the number of people who are on medication for depression, who commit suicide or feel suicidal, who are assaulted, who abuse alcohol and drugs, who are stuck in hospital long-term or who are in prison. There would also be a positive effect on society overall.

It is more than interesting to note that, 10 years ago, Sam Galbraith, who was then responsible for health in the Scottish Office, agreed to have community care planning guidance changed to recognise ABI as a separate group. However, that does not seem to have been followed through.

I am speaking to you today because you have the power to change the way in which acquired brain injury services are funded and planned. We know that things will not change automatically, but we think that the ideas outlined in the petition will make a positive start. We ask you to introduce a separate and distinct health and community care client category of acquired brain injury.

Thanks for listening. With me are Mark Ziervogel, who is a carer, and Christine Flannery, who is from the managed clinical network for ABI. We would be pleased to answer your questions.

The Convener: Thank you very much.

We will move on to questions. Paul Martin has expressed an interest in the petition. I will give him a chance to comment and then we will have a question-and-answer session.

Paul Martin (Glasgow Springburn) (Lab): Thanks, convener. I met Helen Moran's group some months ago. My meeting with the group informed me about areas in which I would have expected there to be services in place and clarity about those services. One of the points that Helen has made so eloquently today is about the need for clarity: ABI should have a specific category within the care plan.

A number of the issues that Helen's group raised do not necessarily require resources—not yet, anyway; Helen might clarify that at some point in the future—but clearly people with ABI want to be recognised as a separate group to ensure that they are supported during a difficult period in their lives.

I think that Helen has publicly stated her position on the challenges that she has faced as a result of ABI and the challenges that carers face. Some basic improvements could be made as a start. When a patient is discharged from hospital, a basic manual or information pack could be provided to them so that they and their families have the necessary information to assist them on returning to the lives that they previously led. Work by the Government is required on clarifying the specific needs of the ABI group and on how to progress matters.

Nanette Milne: The Scottish acquired brain injury managed clinical network is consulting on national standards for adults with traumatic ABI. Have you been involved in that consultation? Would standards apply across the board? I presume that national standards for traumatic ABI could be rolled out to cover other forms of ABI.

Christine Flannery: I am the manager of that network; I am not a member of BrainIAC. The network does not campaign, but I recently fell over Helen Moran and her group in my work.

The Scottish acquired brain injury managed clinical network, which is basically a way of working—it is not a department or a service—came about because it was thought that better co-ordination and integration of services were needed and that attempts to get services in place should be made if they did not exist. We are considering traumatic brain injury as the first step simply because the subject is so big to tackle. Traumatic brain injuries are one reason—indeed, they are the biggest reason—for people getting acquired brain injuries.

The three-month consultation, which has been passed through BrainIAC and other groups, such as Headway, started only this month. We hope

then to move on to the other categories. At the moment, we are considering people from 16 to 65 only, but we hope to consider a bigger age group and to widen the categories over time. However, as I said, the consultation has just started, and we have not received many comments back from health boards or local authorities.

Nanette Milne: So it is early days.

Christine Flannery: It is very early days.

Rhoda Grant: Again, we are talking about such a huge subject that it is quite difficult to quantify things and see where you are driving towards. My understanding is that the support for a person who has an acquired brain injury can vary hugely across a range of elements, depending on the problems that they face. Therefore, I am not sure how we could box the support into something that is easily tracked funding-wise and service-wise.

I wonder whether an organisation such as NHS Quality Improvement Scotland could draw up helpful guidelines as opposed to our saying that acquired brain injuries should be seen as a specific field with all the funding following it, because I think that some of the funding would come from local authorities and some from the health service. Given the difficulty in tracking money through the health service, would it be better to say what the outcome that we want is rather than, "This is the badge and this is the funding"?

Mark Ziervogel: As a carer, I would like to illustrate the problems that exist. The problems are hugely complex for carers. The patient—the person for whom one is caring—is treated in a neurosurgical unit in the acute phase. From there, they are moved to their local hospital, which may or may not have a brain injury policy—it may have a head injury policy but not a brain injury policy.

The person for whom one is caring could be placed in a short-stay surgical ward that wants to put patients through quickly, even though they have a long-stay problem that might last for months, with the result that they are viewed as a bedblocker because they are affecting the ward's statistics. There is a desire to get such patients out and, although the staff all work hard, with the best will in the world, they have no facility for looking after or managing people who, by that stage, are agitated rather than critically ill. Accidents happen—people fall out of bed and break their jaw, for example. Efforts are made to move such patients into rehabilitation.

Age discrimination is another problem. Some units will not take people who are over a certain age. The idea of rehabilitation is to get people back into the community. The title of the excellent unit in Glasgow is the physically disabled rehabilitation unit. However, brain injury is not just

physical. Although support staff are available to deal with other aspects, the injury is treated basically as a physical disability, but it is not a physical disability—it is a brain injury, with all the problems that go with that.

There is huge pressure on the beds, so hospitals want to move patients with brain injuries out into the care of the local authority. There are 14 health boards and 32 local authorities. Some have fairly good policies for handling traumatic acquired brain injury, but some have none at all, so the level of care that someone will get is a lottery—it is both a postcode lottery and an age lottery.

I have not even mentioned the problems that arise if the person for whom one is caring is employed. What agencies should one refer them to? If they are bringing up children, there are all sorts of long-term problems. It is not a question of being let off after a couple of months. We are talking about a separate condition. The number of people who have it is large—others here can tell you how many people have it. Once one becomes involved, one realises that it is a hidden epidemic in our society. Trying to get other services to fund treatment for and look after people with acquired brain injury is not the answer. If the petition is taken up, we will at least be able to find out what the real problem is and to put in place appropriate care programmes, so that even if the care that people with the condition get is not the best, it is at least appropriate. That would be a great help to those who look after people who have a brain injury.

The Convener: Forgive me for not being present for the opening statement. You have emphasised your experience of the process. As your campaign evolves, do you feel that you are getting anywhere with any senior decision makers or do you feel that you are just going round in circles?

Mark Ziervogel: I can speak only from my own experience. A group in Glasgow tried to put through a plan for dealing with acquired brain injury, but it was not funded, so funding is an issue. I would not say that it is possible to make great progress. It is pot luck—one needs to see the right person at the right time or to be told about and referred to bodies such as Headway or Momentum. Some people say that it took them 18 months before they got the necessary advice. That is not the way to handle a large group of patients. The figure that I have is that 275 people a day are seen for head injury and 45 of them get admitted to hospital, but head injury is not brain injury. People who have brain injuries are haunted by problems years after they acquire the injury. The problems remain with many people for the rest of their lives.

15:30

The Convener: You are articulating an issue that we have encountered whenever we have dealt with health issues, which is that the pathways of information are so haphazard that if we were to find ourselves in the situation that you have faced, we would not know where to go and would find out what to do only through luck or opportunity. We would not have a sense of what could be done.

There will always be a resource allocation issue in the health service, as we all recognise. The issue is how to reduce the barriers of trauma and assist people in their emotional struggle in the most traumatic circumstances, so that they can deal with the reality of their injury. We need to do better there. It is not sufficient that, in 2008, whether someone gets a basic level of information depends on who they are or whom they know.

I also get the impression from our papers that we are not collating the right information in the right place. How can a patient identify what to do next if the information about where the appropriate resources can be accessed is not even catalogued in the right place? Even if someone finds the money, where would they put it if they did not know the evidence base and did not know how resources are allocated?

Those are the two things that struck me as important, having read the papers. You may wish to add to that.

Helen Moran: Acquired brain injury needs to be recognised for what it is. It covers a lot of different things. Many hospital patients are not given any outside services. They are not given any help. Patients sometimes come out of hospital and are just told, "Bye." They might go around looking for help, going from one service to another, but always being told to go and see a different one. Each time, they are just looking for one type of help, but that is not being recognised.

The Convener: Let us try to pull the discussion together.

Nigel Don: I do not have any questions for the petitioners. It has been impressed on me that this is a classic case of what we are here for. Sometimes I wonder what we are talking about—that is not meant to be critical of people who bring their issues to us—but Helen Moran has put a whole range of issues in front of us and has basically said that the health service does not really know how to deal with them. Perhaps it could deal with them, but it is not doing so at the moment.

This is a classic case of a petition that we need to refer to the Government and the appropriate minister, and a few other folk as well, so that they

can talk about an issue that has been brought to us but which we do not technically understand—I do not, although Nanette Milne, who is professionally qualified, might well do—and which requires somebody's professional skills, mind and time. The issues need to be drawn together, no doubt in consultation with the petitioners, so that a scheme might be drawn up to make things better.

The Convener: We are all in agreement with that. Paul Martin has expressed a similar view.

Paul Martin: It is important to consider what has happened to Helen Moran and other people—to carers and patients who have had similar experiences through their own journeys. Helen Moran has set out her experience clearly and publicly and has said where she thinks that there are failings in the system. The approach is quite clear, and we need to ask where we need to improve the system.

It is sometimes a matter of basic information. How do people interrogate the system? For instance, Momentum might be available to provide a service, but should it be by accident that people find that out, or should information be provided in a more sophisticated manner as the patients are being treated? If the Government could commit to carrying out a more detailed piece of work, as Nigel Don has suggested, that would at least be a start.

The campaign will continue, as Helen Moran and others try to improve people's experience. Their work will serve as a legacy for others; they are trying to ensure that other service users in the same position have an improved experience, through some simple reconfigurations of the service.

Some of the measures that are needed are basic, such as providing a manual to families who find themselves in a similar situation to that of Helen Moran. It could list the organisations that can support them through the process. I do not believe that that is a difficult step to take. It would not have required significant resources to provide Helen with a manual or some sort of information brochure saying what help she could get from the national health service. That should have been provided, and such information should be made available without the need for the Parliament to carry out any studies about it.

The Convener: I now invite suggestions on what to do next with the petition. The discussion has been helpful for us in deciding how to proceed. Nigel Don has said that we should communicate the concerns that the petition has raised directly with the appropriate minister. That will be done.

Nanette Milne: It will be interesting to see what comes out of the consultation that the managed

clinical network is carrying out. I presume that you do not know when the report is likely to be made, once the consultation is over.

The Convener: I have October 2008 down as the date.

Christine Flannery: The consultation closes at the end of October. We intend to revise the standards in November and publish them by January.

The Convener: That will be useful.

Christine Flannery: The MCN has also been carrying out a mapping exercise across all health board areas in Scotland. It is not high-tech research, but it gives us an idea of the different pathways that exist across the country. We hope to have that available in November.

The Convener: That, too, will be useful.

We should communicate with some of the key organisations that provide assistance in this area, for example Headway and Momentum, and perhaps two or three others. Are there any other organisations that members wish to suggest?

Rhoda Grant: I would be keen to hear what the health boards have said. Given that the mapping exercise is now going on, however, we might wish to wait until that is completed, rather than write to individual boards. It would be good to find out what facilities are provided by the different health boards.

The Convener: Are there any other suggestions?

Rhoda Grant: Perhaps NHS Quality Improvement Scotland.

The Convener: Okay. We need to explore the matter with a range of health agencies. We should get the information from the managed clinical network. We should write to the minister and the health department for their assessment of the situation and of the gaps that exist. Specific questions are raised in the petition, which we can pull together as we make our inquiry to the minister.

A strong emphasis, which has been amplified by Paul Martin in particular, has been put on the issue of the availability of information at the initial stage for anyone who finds themselves in these circumstances. Are there any other strong suggestions?

Christine Flannery: Of interested parties to contact?

The Convener: Yes.

Christine Flannery: The Association of Directors of Social Work.

The Convener: It is always useful to ask. Sometimes we might omit an organisation that might be able to participate to great effect.

Mark Ziervogel: Unless you define the entity, which is what the petition is calling for, it is not possible to work out a care pathway, as exists, for example, in the excellent breast cancer programme, or for heart disease or diabetes. A definition of acquired brain injury as an entity is required, so that it can be processed.

The Convener: We will build that expectation into whatever inquiry we make. We will say that we want absolute clarity and attention to be paid to how information is gathered. As I said earlier, there has not been a time when a health petition has been presented and someone has not said that we do not have the necessary data or information, or that it is not categorised in the right place. It is hard to be specific about things if that is the case.

Your experience could be said to be absolutely specific. You are describing the reality from the point of view of users—those who experience, or rather do not experience, the level of service that we would hope for. We will make sure that that point is clearly made in any correspondence or communication that we send on your behalf.

Rhoda Grant: Could we also write to the Princess Royal Trust for Carers? The trust might be able to give us an insight into the problems that carers face.

The Convener: I hope that this has been useful. This is just the beginning stage of the petition, however, and there is a long way to go as we raise the issues that you have presented to us. Following the presentation today, and with the opportunity that the clinical networks present, there is a chance to tackle the issue. I am sure that the committee members who have expressed their interest and concern about the matters that you have raised will be happy to continue to pursue them.

I know that this has been a long afternoon. Thank you for your time.

15:39

Meeting suspended.

15:46

On resuming—

Free Public Transport (Under-16s) (PE1174)

The Convener: I thank the public and committee members for their patience. We move to new petitions on which we will not hear verbal

presentations. PE1174, by Juliana Wolkow on behalf of Holy Cross high school secondary 4 pupils, calls on the Parliament to urge the Government to provide free public transport for all under-16s who have no income.

Do members have suggestions for dealing with the petition? As usual, we received the petition in advance of the meeting, so we are aware of the issues that it raises. I look to our younger committee members—I am sorry, Nanette; I was not being cheeky. How do we feel about the petition? Does any member have strong views?

Rhoda Grant: As an older committee member, I think that the petitioners have a point. Young people tend not to have an income, but they nonetheless have to pay bus fares. Could we write to ask the Scottish Government what plans it has—if any—to consider the matter? We could also write to Young Scot, which has petitioned the committee and has a good strong voice on young people's behalf. I am keen to hear what that organisation has to say.

The Convener: As a Green party member, does Robin Harper have strong views on the petition?

Robin Harper: Are we looking at petition PE1174?

The Convener: Yes.

Robin Harper: My view is that free public transport for everybody would be quite nice, but I do not have a strong view on the petition.

The Convener: The Government has manifesto commitments on access to public transport by different cohorts in society. A commitment has been made on finding measures for people who are in full-time education post-school and a commitment was made to the scheme for older people and to considering extending that to people with disabilities and so on. That has been explored, so the request in the petition is not unreasonable. However, cost is an element and the proposal would have to be compared with other priorities.

We will write to the Scottish Government. I presume that the pupils have written to the Scottish Youth Parliament—do we know whether they have done that? We should refer the petition to the Youth Parliament for its consideration, as I would like it to be filtered through that debating chamber. I would also like to write to Transport Scotland about the cost basis and whether such a commitment would provide value for money.

Nigel Don: The world is a very big place and I was just wondering whether there are parts of the globe where people of different ages get free transport. Someone could look up that data and find out whether there is a comprehensive review of what goes on.

The Convener: We will ask the Scottish Parliament information centre to do a paper.

Nigel Don: Yes; maybe SPICe are the right people to do a search.

The Convener: Those are reasonable suggestions to deal with at this stage.

Members indicated agreement.

Historic Building Listing (PE1176)

The Convener: The next petition, by Thomas Ewing and Gordon Prestoungrange, calls on the Parliament to urge the Government to provide a right of appeal against decisions by the Scottish ministers, following advice from Historic Scotland, not to list a historic building and to review the criteria used to list such buildings to ensure that the value that a community places on local heritage assets is fully reflected, and that buildings can be considered for listing even when a planning application affecting them has been submitted. Are there any suggestions about how to deal with the petition?

We need to do some exploration on this petition this afternoon rather than come up with any firm views.

John Farquhar Munro: It is very strange when an application is made on a building and then, all of a sudden, Historic Scotland takes an interest, says that the building should be listed and puts a listing on it that curtails any development or restricts the type of development that was proposed. I do not like the idea, but that is what happens.

Nanette Milne: There is also a problem when a building is not listed but a lot of local people want it listed to prevent it from being demolished.

The Convener: The petitioner has other options. The petition is new to the committee but it is not dissimilar to one or two others that have popped up about the role that Historic Scotland or Government guidelines can play. We should write to both the Government and Historic Scotland. Are there any other strong views?

Nanette Milne: We could write to the Royal Town Planning Institute.

The Convener: Okay. Anyone else?

Nigel Don: Forgive me, but I plead ignorance. I do not really know what organisations deal with this kind of thing. I presume that there are sets of people who worry about our architectural heritage—it is almost a matter of finding the right list. I guess that this is an opportunity to write to everyone who is on the standard list, wherever that is.

The Convener: Okay; we will do that. Is that all right?

Members *indicated agreement.*

Radiation (Genetic Effects) (PE1177)

The Convener: The next petition, by John Connor, calls on the Parliament to urge the Scottish Government to carry out research into the genetic effects of radiation for all Ministry of Defence radiation workers and to investigate whether child clusters exist in those parts of Scotland where nuclear submarines were, and currently are based.

Are there any initial observations on the petition?

Claire Baker: John Connor is a constituent of mine and he has contacted me, along with other Fife MPs and MSPs. He is very concerned about the issue and he has been feeling a bit frustrated with the process of getting it resolved. It is fair to say that he remains unsatisfied with current research.

The papers that John Connor has provided show that his main concerns are the health of MOD radiation workers and childhood clusters near nuclear installations. He gives details of a report on Rosyth that shows

“a trend in risk with distance from the plant”

which does not seem to have been resolved. That is one of the areas that still vexes him. The covering note to the petition says that ISD Scotland is carrying out research into childhood clusters and their distance from Rosyth. It would be worth trying to find a way to pursue the issue within Scotland. I appreciate that the issue is reserved and devolved, but the petitioner feels that he has been passed around a bit over the years, so if we can make progress, it would be much appreciated by him.

The Convener: From my reading of the papers—as someone who has no great specialist knowledge—it strikes me that it is worth seeking further information before the committee takes a firm view. Obviously, the MOD is a reserved matter, but the health implications for folk in the locality are clearly a devolved responsibility. If the evidence base suggests that such radiation has an impact, the devolved health service and support services would be affected by that.

It would be useful to seek further information from ISD Scotland to see whether any effect is reflected in the statistics. We should also approach the Health and Safety Executive, which covers not just Scotland, but the United Kingdom. It might also be worth our while—this suggestion is missing from our papers—contacting the main union, given that most of those places were

unionised. I should perhaps declare an interest in that my brother is a convener of Amicus—now part of Unite—but it would be worth exploring whether the union’s stewards and works conveners have found such impacts. Given that asbestosis became an issue from the 1990s onwards rather than in the 1950s when the buildings were constructed, there might be latent health impacts whose outcome is still to be seen.

It would be useful to gather that information before we determine whether the issue should properly be addressed by the committee or referred to Westminster.

Robin Harper: We should also ask the Committee on Medical Aspects of Radiation in the Environment for a summary of its conclusions. We are informed that the issues were considered by COMARE, but I do not know how deep that consideration was.

The Convener: Are members happy that we explore those issues with the appropriate core agencies as well as with the Committee on Medical Aspects of Radiation in the Environment and the trade union?

Members *indicated agreement.*

Wind Farms (Moratorium) (PE1178)

The Convener: PE1178, by Professor Dixie Dean, calls on the Scottish Parliament to urge the Scottish Government to call a moratorium on all wind farm installations until its chief scientific officer has completed consideration of their mechanical vibration long-term impact, the implications for planning regulations and the need for research into such impacts.

On the issue of timescale, we can perhaps defer consideration of this petition until we come to PE1104. I have just realised that my notes point out that PE1104 is very similar. Can we deal with both petitions at the same time?

Members *indicated agreement.*

Further Education (Students with Complex Needs) (PE1180)

The Convener: For our final new petition today—I should be courteous here, because he can determine whether I am on my best behaviour in the chamber—I welcome Alex Fergusson, who has joined us in his capacity as a constituency MSP. Presiding Officer, I am not offering any quid pro quo, but I will show tremendous courtesy, as we are meeting prior to question time this Thursday.

PE1180, by Tom and Josie Wallace, calls on the Scottish Parliament to urge the Scottish Government to ensure that students with complex

needs are supported in achieving further education placements and that appropriate funding mechanisms are provided to enable such placements to be taken up.

Given that we have been joined by the Presiding Officer—as always, I am his humble servant—I ask him whether he wants to comment on the petition.

Alex Fergusson (Galloway and Upper Nithsdale): Convener, it is good to know that you know which side your bread is buttered on, but let us see how this goes. I am grateful to you for allowing me to comment briefly on the petition.

Mr and Mrs Wallace, who are constituents of mine, drew this problem to my attention some time ago. They are by no means the first constituents to draw the issue to my attention. I should point out that Mr and Mrs Wallace have made the long journey from Wigtonshire to be here today and I am sure that the committee will want to welcome them. They are in the public gallery with their daughter.

Mr and Mrs Wallace have a son, Thomas, who is now 19 and has very complex educational needs. During his school education, he was provided with a considerable amount of support, which is what we all agree should be the case. Like all children with complex needs, he went through a process of assessment for his further needs. During that process, the steer given—if I may put it that way—was very much that, on leaving school, Thomas would benefit best from residential educational facilities and support. Indeed, it was with that expectation that his parents went forward.

On leaving school, all children, but particularly children with complex needs, undergo a transition from being under the umbrella of an education department to falling under that of a social services department. It has become obvious to me and, vividly, to Mr and Mrs Wallace and the others who have contacted me about the issue, that there is a great difference in the support that is available and the assessment procedures when people leave the education department and come under the social services department. In Thomas's case, the assessment that was put in place suggested that local facilities were adequate to attend to his needs and, in effect, all thoughts of residential accommodation were put to one side.

16:00

Whatever the rights and wrongs of the procedures, the result is that a set of parents who expected to receive a certain sort of support, including educational support and access to facilities, in this case residential, had their expectations dashed by the procedures in social

services. They were left to fend for themselves, whereas previously they had been given every reason to think that they would be supported and helped through the process. That is a real issue. There is certainly an issue about local government departments not communicating properly with one another. That could be addressed locally, but the Government could take a lead on ensuring that cross-communication between departments takes place and that parents' expectations and hopes are not dashed in that way. Obviously, Mr and Mrs Wallace will do everything that is humanly possible for their son, but I like to think that the system could have done an awful lot more and did not have to put them through the heartache that they have been through.

With those remarks, I leave the matter to the committee's deliberation. I hope that members will take the petition extremely seriously.

The Convener: That clarified your experience of the process that you went through on behalf of your constituents. In the petitioners' additional submissions to us, they clearly set out the processes that they experienced that made it almost impossible, if not impossible, for their young son to continue his educational experience, which should be a right for everyone in Scotland.

We want to explore a couple of issues. We need to find out about the mapping exercise. I note with interest that several elected members have been addressed on the issue, which raises the question why we have not been able to encourage local authorities to share expertise and opportunities. One local authority might find it difficult to find resources, but why cannot there be a willingness to exchange? In exceptional circumstances, the costs could be shared equitably if there was a mechanism for that. In all my years of public service, I have not seen a case quite like the one that the petitioners have raised. I am sure that that is true of most other members. It is unfortunate that a young boy has been denied access to FE when he could cope with it perfectly well if he was given the right support.

Members want to explore a couple of issues.

Nanette Milne: I find the case disturbing in this day and age, when we are trying to provide equal opportunity for all. A couple of years ago, the Equal Opportunities Committee produced a lengthy and significant report on disability and access to education and other opportunities in life beyond school. I wonder whether there is anything in that that might be of help. I do not recall the detail of the report, but it might be worth looking at it.

The Convener: I ask Alex Fergusson about his experience of dealing with the local authority. Was the situation basically driven by cost?

Alex Fergusson: Without any doubt.

The Convener: So the issue was not that no practical experience was available; it was that putting together a package would have been too costly for the authority within its budget.

Alex Fergusson: I can safely say that, when the matter came within the social services rather than the education budget, cost became a considerable factor.

The Convener: We will have to interrogate that issue. Cases such as this are exceptional, but any big budget within an authority could absorb the costs if they could be allocated within the structure. It can be a case of getting a nod and a wink from various folk at different budget levels within government, to say that things can be done without much difficulty. That has been people's experience.

Robin Harper: The usual expectation of a student going to university is that they will get residential accommodation. I cannot remember the exact figure, but hundreds of thousands of students automatically get residential education, but here we have a case of one student who desperately needs a residential education but is being told that none is available. We should take this issue very seriously indeed.

Alex Fergusson: More than one case exists; I have three cases similar to this one. The set of circumstances here is not unique. The facilities are there, but it is a question of resourcing the placements at those facilities, which is expensive.

The Convener: The petitioners have raised extremely concerning issues. What shall we do next?

John Farquhar Munro: Can we not find out why such a difference exists between the provision in different local authorities? One would think that there would be a yardstick that would apply to all local authorities. A lottery should not decide who gets funding and support and who does not.

The Convener: An additional complication for local authorities might be location and isolation. However, two or three authorities in reasonable proximity might come together and say, "We will share the burden, so that whenever any family in our areas requires residential support, one of us will be the host but all of us will share the cost equitably." Government could then respond to that, recognising that flexibility would be needed within social work budgets when there were exceptional circumstances. It is not beyond the wit of people to sort this out if they want to. We will have to ask people in Government, directors of education and directors of social work about the efforts being made. Reports tell us that people are

supposed to be sharing knowledge and expertise more and more. This type of issue is surely a key example of where expertise has to be shared. It is quite right that a child should get support at school, but why should it be that, as soon as he or she hits 16, support is not allowed? That is not equitable.

Mention has been made of the Equal Opportunities Committee's report that covered special needs. We can explore what the previous Government did, and what the new Government is doing, on the recommendations in that report.

Bashir Ahmad: Education, education, education—that was the motto of the previous Government, wanting to educate the nation. When a student has needs for their education, our Government should do its best to provide whatever that person needs, so that they can get the education that they want.

The Convener: The clerks have told me that, not that long ago, there was a funding mechanism whereby some costs could be absorbed when local authorities and training boards were in partnership. Some felt that, from an educational point of view, that was not the best model and I understand—although I will apologise if I am wrong—that it has fallen by the wayside. A mechanism was there but is no longer there, and no alternative has been developed. We are therefore in limbo and people are not getting the support that they should be getting. We will need to unravel that.

We will take on board what members have said, but someone should be able to pull together a grouping of folk to try to find a way forward.

Robin Harper: This will not be the only area in which much would be gained if small groups of local authorities got together to provide services that would be too expensive for a single authority. Several authorities could combine to provide high-quality services of the kind required.

The Convener: So they should aim for a version of the historic concordat with each other.

Claire Baker: We have identified one of the big issues, which is about financing the courses. The other issue raised by the petitioner is about whether there is sufficient provision in Scottish colleges. I understand that in the petitioners' case the son will have to go to the north of England for the quality of setting that he requires. I see from our notes that there has been a mapping study of the further education available to students with profound and complex needs within Scotland's colleges. When we agree to write to the Scottish Government and other agencies, we should also ask about the level of provision in Scottish colleges and what steps will be taken to make progress on improving it.

The Convener: We have pulled our ideas together and will contact the FE and college sectors about provision and liaise with the Government and other agencies including the Association of Directors of Social Work and the Association of Directors of Education in Scotland, as the matter falls between those two agencies' areas of concern.

John Farquhar Munro: What about sending a note to the Convention of Scottish Local Authorities?

The Convener: Yes, there has been a mapping exercise in local government so we can ask COSLA whether it is issuing any guidelines or recommendations on taking a collegiate approach, whereby local authorities share the cost of a single resource within a reasonable geographic distance that meets the needs of that part of Scotland—as Robin Harper mentioned.

Alex, do you want to suggest anything else?

Alex Fergusson: No, I am grateful for the committee's deliberations and for what you propose to do. I will point out only one thing: we all know about the educational facilities that exist through the colleges and other means; it is support outwith the residential educational facility that is lacking. I am grateful to the committee for the time that it has given the matter.

Rhoda Grant: Can we write to the voluntary sector groups? In my area, such groups help people get into work and provide one-to-one assistance. A voluntary sector group that has a view on the matter is probably out there. It might have an answer to our questions, but we need to find it first.

The Convener: Okay, we have identified a range of individuals to approach. I thank the petitioners for their patience this afternoon. As they know, it is a journey and a half to get here. We will not hesitate to raise your issues through the petitions process and I know that your constituency member will be assiduous in pursuing them on your behalf too. Thank you.

Current Petitions

Home Loss Payment (PE988)

16:13

The Convener: A number of petitions are on the go. I thank the members of the public who have attended the committee so far.

PE988, by Ian Macpherson, on behalf of Harvieston Villas residents, calls on the Scottish Parliament to urge the Executive to increase the home loss payment. The Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson MSP, is waiting to speak to us, as is Stephen Garland, an official from the Scottish Government. I thank the minister for his patience—we overran ever so slightly because of earlier petitions.

PE988 has been in our system and the minister has had a chance to see the communications and read about the discussion so far. Minister, do you wish to say something now or will we go straight to questions and answers?

Stewart Stevenson (Minister for Transport, Infrastructure and Climate Change): I will say a few words, if I may.

The Convener: I thought that you might.

Stewart Stevenson: Thank you for the opportunity. We have undertaken an internal review to consider whether any changes should be made to the home loss payment system. As the committee is aware, having considered the situation, we decided not to increase the levels of payment or to change the system for calculating the amount of the home loss payment.

Home loss payments, lest we forget, are made in recognition of the distress that inevitably is caused when a person loses their dwelling mainly, but not exclusively, as the result of compulsory purchase. The payments are part of the wider compensation package, which includes compensation of the market value of their property and assistance with the cost of relocation. We are aware that the maximum levels of home loss payment are higher in other parts of the UK, which means that people there may receive a bigger payment, depending on the value of their property. However, that fact in itself does not justify increasing levels in Scotland at the expense of vital infrastructure projects.

16:15

Home loss payments are made by the promoters of compulsory purchase orders. Cumulatively, increases in home loss payment

levels could have serious implications for the delivery of key policies, especially new-build housing under the affordable housing investment programme. We estimate that increasing home loss payment levels to the equivalent levels in England would raise the cost in the period 2008 to 2011 from the current £19 million to £51 million. We believe firmly that it is better to allocate that money to other priorities, such as increasing the availability of social housing.

I take the opportunity to reassure members of the committee that, although we have decided not to make changes to the Scottish home loss payment process at present, we will continue to monitor the situation in the context of Scottish policy priorities. If circumstances change in the future, we may revisit the issue. We examined whether there were issues that we should consider further. I am happy to take questions from the committee.

Nigel Don: This may be a tangential issue, but according to my notes the maximum payment that can be made is £15,000 and the minimum is £1,500, depending on the value of the property. If a home loss payment is made for what I might describe as distress at having one's property taken away, it is not immediately obvious to me why its size should depend on how big the property is or how much it costs. Are you in a position to rationalise to me to some extent how a tenfold difference in anguish can be justified in monetary terms?

Stewart Stevenson: The member makes a fair point. Distress is unlikely to be related directly to the value of the house. At present, the home loss payment is set at 10 per cent of the value of the house, up to a house value of £150,000. The distress that is suffered by owners of higher-value properties should not be materially different. People also receive compensation for the financial value of their house and financial assistance in moving to a new property.

Rhoda Grant: It seems unfair that the level of home loss payment is based on the value of a person's house rather than the length of time that they have spent there. If someone has lived in a house for a couple of years, it is unlikely that they have grown hugely attached to it; if they are compensated properly for the house's value, they can move on. If a home has been in a family for generations, having to move out of it might involve huge emotional trauma, even if the house is not worth very much. I am disappointed that you seemed to state that you do not intend to re-examine the issue. It would be good if you took away some of the issues that are raised in the petition and re-examined the matter, if only to give the petitioner some assurance that their concerns have been dealt with.

Stewart Stevenson: The member makes an interesting point that I do not seek to disregard, but the petition asks us to increase the levels of payment. I draw committee members' attention to the fact that more than 90 per cent of compulsory purchases are settled before the compulsory purchase order process has been completed. There is a high degree of acceptance of the financial compensation that is on offer to people.

One of our considerations is that home loss payments are made by the promoters of compulsory purchase orders, which are used primarily when old properties are demolished to build social housing. Any increase in payments would have implications for the social housing budget.

The key point in the petition relates to increasing the payments. I am saying that we have considered the matter and we are not minded to increase them.

Rhoda Grant: So you have not closed the door to considering the other aspects.

Stewart Stevenson: I do not want to mislead committee members. It is not our immediate intention to reconsider the scheme. I do not disregard the point about the time that someone has spent in their house, and we will take it on board when we next consider the scheme.

Nanette Milne: Do you know how the financial compensation for loss of house in Scotland compares with the compensation in England?

Stewart Stevenson: In England, the ceiling is three times higher, or thereabouts, and it is incremented annually. At the moment, the compensation goes up to £47,000, which is substantially more than in Scotland. However, I return to the point that we are making different policy choices for the money. I will give you some figures. If we adopted the English model, we would spend an extra £32 million on the scheme over three years and an extra £75 million in the period to 2016. That money would be displaced from our investment in affordable housing. The policy choice that we have chosen to make, which I defend, is to put the money into social housing rather than use it to increase home loss payments, especially as the clear evidence from the behaviour of people in Scotland is that the overwhelming majority—more than 90 per cent—accept the compensation package including the compensation for distress.

Nanette Milne: I was asking not about the part of the package that compensates for distress but about the compensation that householders get anyway. Is that higher in England than in Scotland?

Stewart Stevenson: There are three parts to the financial settlement that people get: home loss payment, which is the subject of the petition; the purchase of the property at a fair market value, which is always the subject of some negotiation, as you would expect; and the expenses associated with moving. In the great majority of cases, the matter is settled by voluntary purchase, which is freely entered into and made, and there is no need to complete the compulsory purchase order process. Even when compulsory purchase is put in place, more than 90 per cent of purchases are completed without the order having to go through the full legal process. By and large, and in the generality, the evidence is that the system is working reasonably satisfactorily.

Bashir Ahmad: How many houses are involved in compulsory purchase?

Stewart Stevenson: It varies from year to year, but broadly there are about 5,000 demolitions per annum.

It is perhaps worth while for me to make the additional point, as it has not arisen either in questioning or in my remarks, that tenants are entitled to compensation for the loss of their home and owners are entitled to compensation for the value of the house. Tenants are included in the figures as well.

Claire Baker: The petition raises an issue of fairness. There is possibly room for a review of the system in Scotland. I accept the minister's point that, if we moved immediately to the levels that exist in England, the spending increase would be around £35 million. However, there is a case for making a slight and perhaps incremental increase to a maximum of £20,000 and then having a review of the kind that Rhoda Grant suggested and considering basing the payment on years in the house or something else that better reflects the distress that is caused. I accept the minister's point on the policy choices that have been made and the budget within which he is working, but things can be done within the current budget that might address the petitioner's concerns.

Stewart Stevenson: We certainly intend to continue to monitor the situation, although, as I have said, having just completed an internal review we shall not be doing a further review immediately.

Fairness is about striking a balance. Our overriding concern is to ensure that we improve the quality of housing that is available to people—particularly affordable and social housing—and our preference is to put the money into that pot rather than increase the home loss payment.

I accept Rhoda Grant's interesting point, which has not been made to me as minister before—although it might have been made to officials in

the past—and we will certainly take it on board for future reviews. I appreciate the logic of what she said. However, raising the payment when no substantial pressure to do so arises from the outcomes of compulsory purchases would simply divert money away from providing affordable housing and supporting the social housing sector and would increase the amount of money that is available to people with more expensive houses. The policy choice that we will continue to make is to retain that money for affordable housing and the social housing sector.

Claire Baker: The Waverley Railway (Scotland) Bill Committee pointed out that people had to move out of their houses to make way for publicly funded projects, so it seems unfortunate that the money has to come from the social housing budget rather than one that is more closely linked to the project that is displacing people.

Stewart Stevenson: Remember that compulsory purchase orders are available only to the public sector for a defined public benefit. The promoter of the compulsory purchase order has to pay all the costs that are associated with it, including the home loss payment, so if the overwhelming majority of home loss payments are made in the context of housing and urban refurbishment, the budgets for those activities must bear the cost of the home loss payment and the other costs that are associated with compulsory purchase orders. The budget for railway or road schemes would bear the cost of any compulsory purchase orders, because that is part of the process by which the necessary resources for such projects—the land and so on—are put in place.

It would be difficult in policy terms to change the way that the home loss payment scheme operates only in relation to railway projects. That position would be unsustainable. The overwhelming majority of compulsory purchase orders are associated with the demolition of homes to make way for urban regeneration, urban refurbishment and housing, so the primary home of additional costs would be the budgets that relate to the policy choices that arise from our priorities.

The Convener: Have you ever had a legal challenge on the home loss payment?

Stephen Garland (Scottish Government Directorate for the Built Environment): In what terms?

The Convener: In terms of equity. Has anyone challenged it because a certain calculation is relevant elsewhere in the UK but not in Scotland?

Stephen Garland: We have not had a legal challenge. We raised the issue of human rights concerns, which may touch on that, and it did not come up.

The Convener: The minister mentioned that, in the rest of the UK, there is an incremental figure. Does the incremental figure happen to be different in Scotland or is there none?

16:30

Stewart Stevenson: To be clear, Northern Ireland has a higher figure but no incremental increase. England and Wales have a higher figure that is incremented annually in line with inflation. We have a lower figure that is fixed. That is the position as of today.

Stephen Garland: The convener might mean different payment levels, as opposed to the situation in England and Wales, where the level is reviewed annually.

The Convener: I have two questions. Does England have annual uprating?

Stephen Garland: Yes.

The Convener: How much is that uprating and does it apply to other parts of the UK?

Stewart Stevenson: No annual uprating takes place in Northern Ireland or Scotland.

The Convener: Is that difference of long standing or, in these complex post-devolution times, is it the product of changes since 1999?

Stewart Stevenson: In 2003, the system in England and Wales changed from one that was similar to ours.

The Convener: That raises another question. In 2003, was a different view taken about the uprating figure? You say that England and Wales have a higher uprating figure, which you have chosen not to use in Scotland—that is your call. Is that because England and Wales uprated extensively in 2003 or have the different rates accumulated historically?

Stewart Stevenson: The uprating since 2003 in England and Wales is not the substantial contributor to the ceiling of £47,000. The level in Northern Ireland was amended in 2004 to £45,000, but no provision was made for annual reviews. The position is simply the result of a policy decision, to which the Government adheres. I cannot speak for what ministers might have thought about in 2003. I have—properly—no access to any advice that they might or might not have been given. The previous Administration chose not to follow England then and we do not choose to follow it now.

The Convener: So we are living up to our reputation.

As members have no other questions, I thank the minister for his contribution and for waiting patiently.

Stewart Stevenson: It was fascinating to return to an old stamping-ground.

The Convener: Are you telling me that this committee is much better than previous ones?

Stewart Stevenson: Just as you did not wish to fall out with the Presiding Officer, I do not wish to comment on that remark.

The Convener: Thank you for your time.

After the minister's evidence, we now have to determine our response to the petition. Do members have any observations or comments?

Nanette Milne: We heard a clear answer, so I do not think that we can pursue the matter.

The Convener: There was some sophistry in the comparisons, but I leave the judgment on that to other committee members.

Budget and policy options are compared in many ways. The only trouble is that when individuals in Scotland lose their homes, they are signally less advantaged than their equivalents in Northern Ireland and England and Wales—I presume that the England figure applies to Wales, because of the structure of the National Assembly for Wales. If I were an ordinary citizen and the house in which I had lived all my life was taken away from me, I would feel aggrieved. We need to address the petitioner's concern. I understand the minister's argument, but the petitioner has an issue.

Nigel Don: We have done what we should do. We have taken the issue to the appropriate authority and discussed it seriously. The minister has done what ministers do, which is make decisions, by which he will stand or fall. We have finished. We might have personal views, but it is time for the committee to close the petition, because we have done what we can. I suggest that that is it.

Bashir Ahmad: I agree.

The Convener: I do not have a problem with that, although I have concerns about a cumulative failure. I am not talking only about the present minister—the same applies to colleagues of mine who were in government previously. I can understand that that can happen when a civil servant is pushing and saying, "No change, buddy, because it would have an effect," but we are not even taking an incremental compensation approach for ordinary punters in Scotland who find that their houses are to be taken away from them. We might have a different starting point. However, I concede Nigel Don his point. The petition has raised an issue, it has gone to the top of the tree and a policy decision has been made. We must accept that, although we might have different views on what happens after that. That is a matter

for everybody around the table and beyond. Nigel Don suggests that we close the petition on the basis of the response from the minister, although the petitioner might find other ways in which to explore the issue. Are members happy to accept that recommendation?

Members indicated agreement.

The Convener: Claire Baker has to leave because of other commitments. I thank her for her time.

Oil Depots (Public Health) (PE936)

The Convener: PE936, from Simon Brogan, calls on the Scottish Parliament to urge the Executive to review the public health implications of siting oil depots in residential areas, in light of the Buncefield oil depot explosion in December 2005. Do members have any observations on the petition, which has been in the system for some time?

Robin Harper: Asking the Government to submit a definitive list of the improvements that have been made would not be an enormous imposition. It is reasonable to ask for that.

The Convener: That is reasonable. We can then determine what to do.

Rhoda Grant: The Buncefield major incident investigation board recommended that devolved Administrations should consider reforms to the major hazardous substances consents system. Could we ask whether the Government is considering that?

The Convener: Okay. We will pursue those two issues on the petition.

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

The Convener: PE1003, by Sydney Johnson, calls on the Parliament to revoke the Shetland Islands Regulated Fishery (Scotland) Order 1999. Although the Government has decided not to revoke the order, it has issued specific recommendations to the Shetland Shellfish Management Organisation and the petitioner has established a line of communication with the Government to address his concerns. In that light, do members agree to close the petition?

Members indicated agreement.

Scottish Public Services Ombudsman (Appeal Tribunal) (PE1076)

The Convener: PE1076, by D W R Whittet, calls on the Parliament to set up an appeal tribunal to review final decisions of the Scottish Public

Services Ombudsman where any complainer so requests. We are still awaiting action arising from the Crerar review, so we could explore that issue. The petition is in its final stages, but do members agree to seek a final response from the Government on it?

Members indicated agreement.

Wind Farm Developments (PE1104)

Wind Farms (Moratorium) (PE1178)

The Convener: We said that we would consider PE1104 alongside PE1178, both of which are by Dixie Dean. PE1104 calls on the Scottish Parliament to urge the Government to consider the impact of mechanical vibrations that are transmitted through wind turbine installations on peat, soils and various other aspects of the base of the food chain when considering applications for onshore wind farms. The Government recently commissioned research on the matter, which found that vibrations from wind farms do not pose a threat and that sufficient regulation exists, in the form of environmental impact assessment, to take such matters into account. That is for members' information. What to do with the petitions is members' call.

John Farquhar Munro: Close them.

The Convener: Okay. We have a recommendation to close the petitions. Do members agree?

Members indicated agreement.

The Convener: Both petitions will be closed in the light of that investigation.

Lion of Scotland Statue (PE1117)

The Convener: PE1117, by Rosalind Newlands, president of the World Federation of Tourist Guide Associations, asks the Parliament and the Government permanently to secure for the people of Scotland the sculpture by Ronald Rae that is known as the lion of Scotland, which was temporarily exhibited in Holyrood Park until March 2008.

In response to the petition, the Scottish Parliamentary Corporate Body has looked into the matter and has announced that it will not acquire the sculpture for display in the Parliament's grounds or add it to its permanent collection. However, the statue will remain in position in the grounds of Historic Scotland for the duration of the current loan, which expires in April 2010.

Robin Harper: Commissioner—I mean convener—

The Convener: I like that title.

Robin Harper: I should remove myself from the discussion as I am convener of the Parliament's art advisory group.

The Convener: I understand. How should we address the petition?

Nanette Milne: We cannot take the petition any further. We have had a clear decision from the corporate body and the art advisory group, and we have to accept that decision.

The Convener: Do we accept Nanette Milne's recommendation? We should note that the statue will still be in its current position until 2010 for those who enjoy the sculpture, and I am sure that there will be more discussions about the appropriate recipient.

Nigel Don: Some of us might want to note our regret at the decision. I quite like the statue, but we have done our job, and we need to be clear that we are sticking to our job, rather than making other people's decisions for them.

The Convener: Okay. We will say in writing that we regret the cultural vandalism—[*Laughter.*] Sorry. We will say that we regret the decision that was taken but recognise that it is the role of the SPCB to make such decisions.

Animal Slaughter (PE1118)

The Convener: Petition PE1118, by Josey Rowan, calls on the Parliament to urge the Scottish Government to bring forward legislation to ban the killing of animals through methods that are mentioned in the petition—I can never pronounce them—and to require the stunning of all animals before slaughter. Do members have any views about the issues raised in the petition? I presume that Bashir Ahmad wants to make a contribution.

Bashir Ahmad: Nowadays, new methods are being used to get chickens to grow. I know that most of the chickens that are slaughtered never see daylight. They are kept in the dark and given special food that makes their meat grow quickly. Most of, if not all, the chickens that we get in the shops nowadays have never seen daylight and do not get a chance to grow properly.

When chickens are stunned, a lot of them have heart attacks and die. In such cases, we eat meat from an animal that died before it was properly slaughtered, which is not good for a human being. We need to make sure that we get the right meat to eat from the shops and that the animals are alive and healthy before they are slaughtered, so that people cannot say that they might have eaten the meat of an animal that was dead before it was properly slaughtered.

The human being should come before the animal; sympathy for the animal facing cruelty

comes later. If human beings are not looked after better than animals, we are not doing our duty. I think that the petition is saying that we should stick to pre-stunning when killing or slaughtering the animals.

16:45

The Convener: Do members have any other comments or observations to make on the petition?

Robin Harper: It is a question of what the committee can do. It is difficult for us to counter a judgment—in fact, I am not sure whether that is our job. It is for the Government to decide between the competing interests. However, the very least that we could do is ask the Government to state its position clearly and indicate what investigations it has carried out, or will carry out, into each of the recommendations from the Farm Animal Welfare Council. Specifically, we can ask it to respond to each of the recommendations, detailing what action it will take—if any—and why.

Rhoda Grant: The Government has been quite clear about the action that it is taking and its reaction to the petition. Therefore, I do not think that there is a lot to be gained from writing to it again—that would just keep the petition going. I do not see anything in the correspondence that we have received to indicate that there has been any change of view. I therefore suggest that we close the petition, as I do not think that we are going to get anywhere with it.

John Farquhar Munro: I agree.

The Convener: We have two options: to close the petition or to refer the matter for further discussion of, or observations on, the Farm Animal Welfare Council's recommendations.

Bashir Ahmad: A human being should come first, then an animal—if at all. If a human being is given—

The Convener: I do not know about that. In our house, the dog gets better treatment than I do, at times. The kids like the dog better.

Bashir Ahmad: Can we make sure that we are not eating the meat of animals that died before they were properly slaughtered?

The Convener: Essentially, we have to decide whether we want to refer on issues from the Farm Animal Welfare Council. Robin Harper has indicated his support for that course of action. However, the comment has been made that we have gone as far as we can with the petition. Is the committee agreed that the petition should be closed? [*Interruption.*] I see that although Robin Harper wishes to keep the petition open, the majority is in favour of closing it. We cannot really take the petition much further.

Road Haulage Industry (Fuel Prices) (PE1119)

The Convener: PE1119, by Philip Flanders, on behalf of the Road Haulage Association, raises issues that are related to fuel price increases and the idea of a fuel duty regulator. The committee has two options. The matter has been amplified in the chamber both here and at the House of Commons. It will not necessarily go away, but there are many different voices and perspectives on the matter. I think that we have gone as far as we can with the petition, given the responses that have been received so far. Do members share that view?

Robin Harper: I think that we should close the petition.

Nanette Milne: I agree. However, in his letter Philip Flanders suggests that the Scottish Government could offset the increased costs by, for example, funding training courses to teach hauliers how to achieve greater fuel efficiency. In closing the petition, could we suggest that the Government should consider such action?

The Convener: Okay. We can ask the Government to liaise with the petitioner on that. That is a good suggestion. With that, do members agree to close the petition?

Members indicated agreement.

Family Mediation Services (Funding) (PE1120)

The Convener: PE1120, by Brian McNair, asks the Scottish Government to review its family law policies and spending levels to ensure that greater emphasis is attached to family mediation services and to the provision of more focused family support to children.

In my view, we should write to the Government to ask what funding will be made available in each year up to 2010 and what other mediation and child support policy measures are planned to address the petitioner's concerns. That is not unreasonable.

Nigel Don: Many of the issues that are raised in the petition will be addressed in Thursday evening's members' business debate, which is on a motion in my name. We could ask the Government about legal aid, in particular. This is one area where spending a bit more on legal aid would save a great deal of money in the courts. We need to support mediation services and to encourage people to use them. If services are not adequately funded, we need to encourage the Government to fund them, in one way or another.

The Convener: Do members accept those recommendations?

Members indicated agreement.

Plastic Bags (Environmental Levy) (PE1121)

The Convener: Petition PE1121, from James Bell, calls on the Parliament to consider and debate the reintroduction of the Environmental Levy on Plastic Bags (Scotland) Bill. I understand that the member in charge of the bill has taken other measures, in conjunction with key stakeholders, to address the issues raised in the bill. Given that those issues are being explored by different means, do members agree to close the petition?

Members indicated agreement.

Diabetes (Self-management Plans) (PE1123)

The Convener: PE1123 is from Stephen Fyfe—he is here, and I thank him for being patient all afternoon—on behalf of Diabetes UK Scotland. The petition calls on the Scottish Parliament to urge the Government to ensure that all NHS boards provide the necessary resources to promote and deliver diabetes self-management plans to all people with diabetes.

I have received a further communication from the petitioner—I do not know whether other members received it—that provides some helpful suggestions, which I will highlight to the committee. First, it is suggested that we seek a response from health boards and managed clinical networks for diabetes on what plans exist for rolling out structured education and setting a timetable for full delivery of such provision. Secondly, the petitioner asks us to investigate what mechanisms could be put in place to audit the delivery of diabetes education. Thirdly, if time allows and the Health and Sport Committee is receptive to the suggestion, we could ask that committee to address some of the issues that have arisen from our exploration of the issues so far. The petitioner's suggestions are not unreasonable. What do other members think about them? Do members have any other observations?

Nanette Milne: The audit that the petitioner suggests would be particularly useful, as it would enable us to see how diabetes education is being rolled out in different health boards.

The Convener: We will leave the petitioner's three suggestions with the clerk. We will place a strong emphasis on auditing and identifying what has been done. It would also be helpful if boards could provide us with a timescale for delivery. We accept the petitioner's recommendations and thank him for his contribution.

Nature Conservation (Scotland) Act 2004 (Snares) (PE1124)

The Convener: Petition PE1124, from Louise Robertson, on behalf of the League Against Cruel Sports, Advocates for Animals, the International Otter Survival Fund and Hessilhead Wildlife Rescue, calls on the Scottish Parliament to urge the Government to amend the Nature Conservation (Scotland) Act 2004 to introduce provisions to ban the manufacture, sale, possession and use of all snares. Do members have suggestions on how we should deal with the petition?

John Farquhar Munro: The Minister for Environment made a substantial statement to the Parliament on the Government's views on the future of snaring. Perhaps we should write to him again to seek information on the current situation and to ask whether the Government intends to implement the suggestions that he made in his statement.

Nanette Milne: I agree with that suggestion. Recently I met the Grampian wildlife crime officer, who made it clear that snares are key to the management of predators in the countryside. However, they must be used properly and legally, so as not to cause undue distress to the animals that are caught in them.

Policing will have to be done properly; ideally, we would have significantly more wildlife crime officers than we have now. I agree with what the minister said about snaring, but it will be interesting to hear how he will enforce his measures.

Robin Harper: The last time I inquired, there was confusion about the number of wildlife crime officers in full-time posts. I would like us to put a specific question on that to the Government, along with the more general questions.

John Farquhar Munro: The minister said that the design of snares was to be amended to make them more humane—if that is the right word. Legislation suggests that those setting the snares have to examine them again within 24 hours, but that has never been enforced. More should be made of the legislation to ensure that such re-examination takes place. We should find out from the minister what the current situation is and when the Government is likely to introduce legislation.

Rhoda Grant: We should also ask how the Government will review the legislation. As Robin Harper and Nanette Mine have said, very few wildlife officers are in post to track how the new legislation is working. I would be keen to hear how the Government plans to review the legislation, and I would be keen to hear whether the legislation has had the desired effect.

The Convener: Issues arise on monitoring and implementation, but also on alternatives to snaring—differing views exist on whether to snare or not to snare. Let us get some responses from the Government.

Advocacy Services (PE1126)

The Convener: PE1126 by Lesley Learmonth and Joan Mulroy, on behalf of Enable Scotland, is on dealing with legislation in order to ensure that people with learning disabilities have an enforceable right to the services of an independent advocate, and that such services are adequately funded.

We should explore the matter. Before recess, Enable gave a good presentation to the committee. We should find out whether people can get adequate guidance on the procedures if they wish to challenge a lack of independent advocacy. We should also ask for guidance on what practical steps have been taken—for example, through outcome agreements or adult protection committees—to ensure that NHS boards and local authorities work together to help with advocacy issues.

Nigel Don: Rather than going through the Government, might we write to one or two NHS boards and ask them what their approach is, so that we can get a view on what is going on?

Robin Harper: The issue was debated during the festival of politics. It is a serious issue.

The Convener: Okay, we will take all those recommendations on board.

Witchcraft Act 1735 (Posthumous Pardons) (PE1128)

The Convener: PE1128, by Ewan Irvine, on behalf of Full Moon Investigations, calls on the Parliament to urge the Government to take the necessary action to grant a posthumous pardon to all persons convicted in Scotland under all witchcraft legislation.

The Government has indicated that it does not consider the use of the royal prerogative of mercy appropriate in this case. It may well be difficult to apply what we now know to the circumstances of centuries ago.

Rhoda Grant: It is regrettable, but we have come to the end of the line with the petition. We have asked for a response and we have received a pretty definitive response. Some of us are disappointed, but I do not think that we can do anything else with the petition.

The Convener: We will recommend the closure of the petition.

Members indicated agreement.

Funeral Costs (PE1129)

The Convener: Our final petition today is PE1129, by Paul Dowsland, on behalf of Rights Advice Scotland. The petition calls on the Scottish Parliament to urge the Scottish Government to ensure that adequate resources are made available to local authorities to ensure that no family is driven into poverty as a consequence of meeting the cost of arranging a funeral, and to urge the Scottish Government to make representations to the UK Government on the funding levels and eligibility criteria under the social fund funeral payments scheme.

Representations have been made to the UK Government, but we could urge the Scottish Government to keep the petitioner informed of any dialogue that it has with UK ministers on this issue. Individual social fund budgets are for local authorities to allocate appropriately, bearing in mind the other pressures on them.

Shall we close the petition?

Members *indicated agreement.*

New Petitions (Notification)

17:00

The Convener: New petitions will be timetabled to come before us for consideration at the earliest opportunity in the next week or so. We will next meet on Tuesday 23 September.

Meeting closed at 17:00.

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

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

The deadline for corrections to this edition is:

Tuesday 23 September 2008

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

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

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by RR Donnelley and available from:

Blackwell's Bookshop

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

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

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

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

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

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

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

Scottish Parliament

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

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers