

PUBLIC PETITIONS COMMITTEE

Tuesday 7 October 2008

Session 3

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PUBLIC PETITIONS COMMITTEE

15th 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)

*Bill Butler (Glasgow Anniesland) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Marlyn Glen (North East Scotland) (Lab)

*Robin Harper (Lothians) (Green)

*Nanette Milne (North East Scotland) (Con)

*John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Claire Baker (Mid Scotland and Fife) (Lab)

Bob Doris (Glasgow) (SNP)

John Scott (Ayr) (Con)

Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED :

Claire Baker (Mid Scotland and Fife) (Lab)

Ted Brocklebank (Mid Scotland and Fife) (Con)

Mike Dailly (Govanhill Law Centre)

Annabel Goldie (West of Scotland) (Con)

Anne Lear (Govanhill Housing Association)

Paul Martin (Glasgow Springburn) (Lab)

Tricia Marwick (Central Fife) (SNP)

Netta MacKenzie

Janice McEwan (Govanhill Housing Association)

Ronald Page (Glenrothes Area Futures Group)

Jayne Smith (Glenrothes Area Futures Group)

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

Franck David

Zoé Tough

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 7 October 2008

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

Interests

The Convener (Mr Frank McAveety): Welcome to the 15th meeting in 2008 of the Public Petitions Committee. I welcome in particular the members of a delegation from Wolverhampton City Council, who have been with us today to find out about the work of the committee, as they are developing a petitions system in their local authority. I hope that they—and members of the public—will be able to get back home in spite of the challenging traffic situation this afternoon.

We have had useful discussions with the members of the delegation. I hope that they have taken on board some of our experiences since the creation of the Parliament, and that those will shape the work that they do in Wolverhampton. I wish them luck.

Following recent changes, I welcome two new members of our committee, Bill Butler and Marlyn Glen. I know that they both have other commitments on Tuesdays, and that Bill Butler will shortly have to leave today's meeting for a while in order to attend to business in another committee. In accordance with section 3 of the code of conduct, I invite Bill and Marlyn to declare any interests that are relevant to the remit of the committee.

Bill Butler (Glasgow Anniesland) (Lab): Thank you for your warm welcome, convener. I have nothing to declare other than the information that is already included in my entry in the register of members' interests.

Marlyn Glen (North East Scotland) (Lab): I also thank you for your welcome, convener. I have declared various interests in the register of members' interests, to which I have nothing relevant to add.

The Convener: I put on record our appreciation of the work that has been done on the committee by Rhoda Grant and Claire Baker, and I wish them well in the work that they will be doing on other committees.

New Petitions

Social Rented Housing (Standards) (PE1189)

14:02

The Convener: Item 2 concerns our consideration of new petitions. We have a full agenda today, and, as I said before, I am conscious of the challenging traffic situation and want to make sure that people can get home in good time. We will therefore deal with business as quickly and efficiently as we can. All presentations to the committee should be about three minutes long—I draw that to the particular attention of Anne Lear, as I have heard her speak in the past.

The first petition today, PE1189, is from Anne Lear, on behalf of Govanhill Housing Association. It calls on the Parliament to urge the Scottish Government to conduct an inquiry into the responsibilities of private landlords, the levels of social housing that are below tolerable standard and the impact of slum living conditions on the health and wellbeing of residents and the wider community, and to consider whether such conditions merit housing renewal area status and additional Scottish Government funding. I welcome Anne Lear, the director of Govanhill Housing Association; Janice McEwan, the chair of Govanhill Housing Association; and Mike Dailly, who is a senior solicitor operating in the south side of Glasgow and the Govanhill area and who has examined the legal issues around tackling landlords and dealing with the consequent challenges.

As Govanhill is in my constituency, I would like to join the body of the committee while we deal with the petition, rather than acting as convener. Therefore, I pass the chair temporarily to my deputy convener, John Farquhar Munro.

The Deputy Convener (John Farquhar Munro): Thank you, convener.

As Frank McAveety has explained, Ms Lear, you have three minutes to make your opening statement, after which members will be able to ask you questions.

Anne Lear (Govanhill Housing Association): What Frank McAveety said about me is true: I speak too much. However, I have asked my colleague to kick me when I pass the three-minute mark.

We are grateful for the opportunity to speak to the committee. We are glad that people are paying some attention to Govanhill. Last week, we had a tenement collapse in the area, and we have spoken many times about the potential for such

incidents to happen. Thankfully, nobody was hurt—the building was successfully evacuated and eight families had to be rehoused. The cause of that collapse could be the cause of other tenements collapsing in the area if we do not take action. That is why we are here.

I will not repeat a lot of the information that we have already presented to the committee, but it would be useful if I presented some statistics for those members who do not know the area.

Govanhill is in the south-east of Glasgow. The population has increased from 10,000 to 14,000 or 16,000—depending on which statistics are used—over the past three years. There has been mass migration to the area of east European migrants—particularly from Slovakia and Bulgaria—with more promising to come. I do not like to use the word “ghetto” because it is quite emotive and, in the past, it has been used in a sense in which I would not use it. However, we feel that the south-east area of Govanhill has become a ghetto for Roma migrants.

The problem is that the properties were unimproved before the eastern European migrants came to the area. A particular problem has arisen because of mass overcrowding in the tenements and levels of poverty that we have not seen since the 1960s in the Gorbals—that is not an exaggeration.

Glasgow City Council is doing what it can to manage issues around education, health, welfare and health and safety, but, given its budget, it cannot deal with the problems of mass infestation of cockroaches, dampness, leaking roofs and tenement collapse.

Over the past 30 years, Govanhill Housing Association has received £120 million of public money, which has been spent on the improvement of 2,000 tenement flats in the area. Unfortunately, over the past four years, we have improved no tenement flats. That slow-down in the programme, in parallel with the mass migration of people into the area, has caused the problems that we have.

In our paper, we outline the particular problems that we have with the Housing (Scotland) Act 2006. I am sure that members will be aware of the detail of that, so I will not go over it again. Today, we are here to say that the community in Govanhill is suffering greatly because of the problems in the area. As a housing association, we are not interested only in bricks and mortar; we are also interested in who lives in the area and the stresses and strains that are becoming increasingly evident. We need to resolve the problems that have arisen.

We think that the bricks-and-mortar approach has to run in parallel with the work that is being carried out in the area by Glasgow City Council

around the education problems, such as the challenge of getting kids into school; the health problems, such as difficulties with immunisation; and the language problems. However, the key to all the problems is to ensure that we have decent housing for all and that we deal with the problem of overcrowding in tenemental flats.

We want an inquiry into the situation. We want to look, along with the Government, at why the 2006 act is not helpful in some respects. We think that there should be some minor changes to the legislation so that, for example, the local authority is able to support work under work orders and then recover the money. At the moment, the 2006 act has gaps in respect of people who say that they will not pay. Local authorities have the ability to help those who cannot pay, but the issue of those who will not pay cannot be addressed through local authority finance, which means that work cannot be done under repair notices.

Because the relevant guidance has not yet been issued, we have a problem with trying to implement the part of the 2006 act that relates to housing renewal area status. Although we have been promised guidance, we are still waiting for it, and we think that we will have to carry out a pilot scheme to ensure that it works.

We are looking for a keen focus on the issues in Govanhill, which already has significant problems. The ghetto has developed in an area of Glasgow that has the highest number of people presenting to local hospitals with drug overdoses, the highest incidence of wife battering, the second-highest number of alcoholics and the highest level of serious crime. Given that the area already suffers from those problems, members can imagine that the addition of 4,000 migrants—who have significant issues arising from the fact that they are not employable, do not understand their rights, live in overcrowded conditions and are badly used by unscrupulous landlords and gangmasters—causes problems for the whole community.

I have passed to the committee an excellent report produced by Oxfam. The conclusions contain some excellent suggestions in relation to the parallel work that needs to be done. The issue is not just about the members of the Roma community, although they need support and help and have faced real racism in the countries that they come from and also here—not solely from local people; institutionalised racism is also a problem. We need to focus on solutions for the whole area and all the communities in the area. Oxfam should be praised for the way in which it has set that out in its report.

Basically, we want an inquiry.

The Deputy Convener: That was quite a revealing statement. The statistics that you quoted are quite alarming.

I invite your colleagues to say something.

Janice McEwan (Govanhill Housing Association): I am a tenant of Govanhill Housing Association and I have been the chairperson of the organisation for almost 30 years. I have been proud of what we have achieved during my time as a voluntary member of our committee. We have been responsible for spending millions and millions of pounds, and we are an A-rated organisation. I have been proud of our success, but I am beginning not to be proud. That is not because of the work that the housing association has done but because we cannot continue with what we started to do.

My aim today is to explain about the community that I am part of and in which I work. The community is angry. We all agree that people are entitled to live in safe, warm houses, but that is not happening in Govanhill. However, the issue is not only about housing, as Anne Lear said. We need to take some control, and we need money. I am sorry, but everything boils down to resources. I would like Govanhill Housing Association to take a lead role in spending any money that might be invested in solving the area's problems. We have the necessary experience and we need to be part of that process. We cannot be excluded. We have built the community up, and other things have made it go downhill.

Before the crime and the drugs, Govanhill was a nice place to stay, but that is no longer the case. However, my colleagues and I will be there to try to bring the area back up, as long as we get support from the politicians. The issue boils down to money, but, if money is made available, we have the experience that is needed to ensure that it is used properly.

Please give us a chance. We have 30 years' experience, we have spent millions of pounds and we are an A-rated organisation.

Mike Dailly (Govanhill Law Centre): I have been a community solicitor for 15 years and, in that time, I have never seen a community with problems on the scale of those that are faced by Govanhill. There is severe overcrowding—I have seen 15 to 25 people living in a two-bedroom flat with no hot water in conditions that are not fit for a dog. Those problems are exacerbated because of the fact that gangmaster agencies are working hand in hand with the slum landlords to exploit the migrant workers who come over from Europe to make a better life for themselves but who find that the conditions in Govanhill are very bad.

I am delighted that we are at the committee today—I am grateful to be here.

14:15

The Deputy Convener: Thank you. I invite members' questions.

John Wilson (Central Scotland) (SNP): Just where do we start with this one? The petition raises so many issues that I broke it down into about five different sections. The first is the responsibility of private landlords; the second is social housing that is below tolerable standard; the third is the impact of slum living conditions; the fourth is health and wellbeing; and the fifth is the issue of additional Government funding.

I want our questions to draw out more information. For example, we heard Anne Lear's evidence that a tenement has collapsed. I would like to know who owns that tenement, or who the main landlord is. It would be interesting to find out whether the issue is about slum landlords, who are accused in the petition and accompanying evidence. We need to draw out whether the landlords or the residents, including tenants, are failing to maintain the properties. We can then start to consider how to tackle the issues.

Mike Dailly referred to gangmasters. I think that, if gangmasters are operating in the Govanhill area, the committee would want to take that issue on board. However, the Scottish Parliament is not responsible for the legislation or the regulations that deal with gangmasters, who are monitored by the United Kingdom Government through HM Revenue and Customs.

That is a starter for 10, anyway, as we try to find out what is happening in Govanhill and who are the main landlords who are to blame. The question of overcrowding involves consideration of how we view Glasgow City Council's interpretation and operation of the legislation, particularly the 2006 act.

Anne Lear: You have asked me as many questions as we posed in our evidence, and perhaps more.

John Wilson: Do not worry, because I have many more.

Anne Lear: I will try to answer as many as I can on the housing side; I will then hand over to Mike Dailly to deal with the issues that relate to the responsibilities of national Government.

There are 750 individual tenement flats in the Govanhill area, and we think that the majority of them are now owned by private landlords. On the last page of our evidence, we list things that we want from the Scottish Government, including a feasibility study—a physical and social survey—of all the properties.

Glasgow City Council has not carried out feasibility studies for several years now, but we

carried out one recently on four streets with about 110 houses. We got a huge amount of valuable information about the condition of the properties, who lives in them and what conditions they live in. For example, we found that 14 nationalities lived in one block, which is fascinating. People are not aware of such information.

We still have 600 flats to look at, so we ask for the committee's support in finding the finance for Govanhill Housing Association to do that work. The work has not been done so far because individual owner-occupiers, who are still peppered throughout the area, may think that that would mean Government or council money going into improving their properties—their hopes would be raised. However, that would be irresponsible. We need to go in and see what condition all the properties are in.

If I were asked today about the percentage of private landlords in the area, or how much money we needed to improve all the properties, I could not give an honest answer. I suspect that we could tell you that it would cost—you might all fall off your seats at this—£60,000 per flat to improve the properties, although individual closes might not need so much. We know the area and we are pretty clear that the results of the most recent feasibility study that we carried out, which showed that we need between £60,000 and £80,000 per unit to improve the properties, will apply to the rest of the unimproved stock. However, we do not know that for sure because we have not done the necessary feasibility work.

We know that there are problems in all those properties and that they are overcrowded. We need hard-and-fast technical information, but no funding is forthcoming to do the necessary studies.

I go to meetings with the fire service, the health service and the community health and care partnership, at which the fire service asks how overcrowded some of the flats are so that it is known how many fire engines to send out. Is that not shocking? We do not have the data that we need, so we need the feasibility studies to be done.

Mike Dailly: I echo those comments. There is the same lack of information about gangmasters. Govan Law Centre was involved in taking on a particular gangmaster agency. John Wilson was right about the Gangmasters Licensing Authority, which we are arranging to meet to see how we can work together. However, the Scottish Government, local authorities and police could do a lot because the gangmaster agencies are committing fraud and other criminal offences.

For example, we discovered an agency that was operating a scam on the south side of Glasgow.

The scam involved migrant workers, who were working as cleaners for 70 hours a week. They were given a wage slip that showed that they had made more than £300 that week, but they were given less than £100 cash in hand. That defrauded HM Revenue and Customs and the worker, and there is a Scots law remedy for it.

We also know that there are cases of bonded labour. We think that the gangmasters are in cahoots with some of the slum landlords, some of whose tenants have to work with the gangmasters.

A lot of exploitation is taking place, but there is a lack of information. Most of the information that we have come from HMRC and was confirmed by Strathclyde Police. As far as anyone knows, three main sets of gangmasters operate in Govanhill—basically, they are criminals who are armed with guns. No one knows exactly who they are because there is a lack of intelligence about that. That is why we need to get to the bottom of the issue. These criminals have been allowed to fester in our communities and they are destroying the fabric of the Govanhill community. Surely we cannot allow that to happen.

The Deputy Convener: I welcome Tricia Marwick MSP to the meeting. I understand that she has to leave for another engagement.

Tricia Marwick (Central Fife) (SNP): No, I am fine. I am here for a petition that will come up later.

Mr Frank McAveety (Glasgow Shettleston) (Lab): You are just awfy keen.

Tricia Marwick: I am keen. Can I ask the witnesses a question once the committee has finished questioning them?

The Deputy Convener: Yes.

Mr McAveety: I am familiar with most, if not all, of what the witnesses have said so far. They have made a number of recommendations about what could be done in the short to medium term. I know that there has been dialogue with senior figures at local authority level—with Glasgow City Council—and at Scottish Government level. Which of those short-to-medium-term recommendations would it be worth the committee raising with the council and the Scottish Government—and Oxfam, given its report on how we can support integration in the community? We need to get a sense of your views in relation to that because they would be useful to us during our deliberations on finding ways forward. All layers of government can do something to assist the community.

Anne Lear: I do not want to give the impression that nothing is happening in the area. The community health and care partnership has set up a working group that is made up of all the service providers in the area working together to provide input about the action that they are taking. There

is going to be a community conference soon, which will include the police, the health boards and other service providers in the area.

In the meantime, the Government should be looking at the possibility of ring fencing some funding for the improvement of tenement stock in the area. If that does not happen, the problems will continue. Over the past 30 years, the housing association's approach included technical and social surveys of the properties, which flushed out some of the problems of overcrowding and so on. We need support from the local authority and Government for changes in the legislation, and for the introduction of strong compulsory purchase order powers, without which we will not get very far. I understand that people are reticent and nervous about such powers, but we feel strongly that nothing will happen unless we have stronger powers to deal with some of the major issues.

The Deputy Convener: You mentioned that there is serious overcrowding in some properties. If a fund to renovate or improve properties were available, how would you address the issue of overcrowding?

Anne Lear: We would address it in the same way in which we address overcrowding for any member of the community—by providing the kind of housing that people need. At the moment, the Roma community and other migrants to Glasgow have no access to social housing. I am conscious of time, so I stress the Oxfam report that we have provided to the committee, which contains a good explanation of why they do not have such access. Some of the blockages that have been identified, such as people's lack of understanding of their rights, need to be unblocked. In addition, the local authority, with the support of Government, must accept that the European legislation that was supported by the Government and which brought people into the area favours the equal treatment of those migrants, including giving them access to housing rights as well as benefits. People receive such access after they have been working here for a year, but most of these people do not know that they need worker registration, so they do not have it. They have no proof of having stayed in one place, because they have no tenancy agreement. The issue sounds terribly complicated, but it is not rocket science—there are ways of dealing with it. We have always had to deal with migrants in Govanhill, which is an area of mass migration. This situation is no different, except that far more people are coming at once without support or welfare rights.

Nanette Milne (North East Scotland) (Con): Are there other sanctions that can be imposed on rogue landlords who do not follow procedure properly? If so, are those sanctions being enforced?

Mike Dailly: Our discussion so far demonstrates that there is a great need for advice. The Scottish Government has funded us to set up the Govanhill law centre, and we are in partnership with Govanhill Housing Association and Oxfam.

On sanctions, we have a range of legal options. There is the private landlord registration scheme. However, one problem with the scheme is that the worst-case scenario for a landlord is getting a fine. That will not put off the folk with whom we are dealing. We may need to consider imprisonment as an option for people who are not prepared to be responsible. All the problems of gangmasters and slum landlords exploiting migrant workers have been caused by greed. If we used existing legal remedies, it would take a long time and a lot of work to change the situation—that would be a piecemeal approach. If we dealt with the very worst properties by having the council use its compulsory purchase powers, we could solve many of the problems in the worst areas fairly quickly, in one fell swoop. We could tackle other problem areas using the powers to which Nanette Milne referred.

Mr McAveety: For the benefit of committee members, I would like the witnesses to put the situation in context. In the 20 years in which I have been in public life, I have seen nothing equivalent to the situation in the part of Govanhill about which we are concerned. I do not think that other parts of the UK such as Birmingham, London and Manchester have the same experience. We must get a sense both of the scale of the problem and of how everyone in the community and decision makers can shift the debate, so that the majority community does not think that the problem is being left to fester, which is the feeling that I get as an elected member. In the past six months to a year, we have had three or four testing public meetings. How can we shift matters to improve decision making, so that all those involved make decisions that are linked up and make sense? If we use CPOs, what will we do with the 20 or 25 individuals who stay in each of the affected houses? Can we meet the need that will then present itself? There is a fear that, if things are not co-ordinated, squeezing one problem will create another problem elsewhere. How can we co-ordinate things better?

14:30

Anne Lear: Problems are being created elsewhere. I think that Glasgow City Council will be aware of that by now. For example, the problem now extends to improved property, because private landlords are buying houses that we improved for other owners. We factor property, and we are good factors. Some 25 per cent of the stock that we improved over the past 30 years was

for other owners. When elderly people die, those flats go on the market and are bought by these guys. People should be aware that problems are being created elsewhere.

Mike Dailly: The area has a unique problem, given that we have 750 substandard properties. We have an incredibly rich multicultural community in Govanhill, which has been very successful. We probably have 3,000 Roma, who are particularly vulnerable. They mostly come from a village in east Slovakia; Anne Lear alluded to the fact that they are treated poorly in Europe.

We are picking up information, and I am sure we will pick up more when Govanhill law centre is up and running and we start to gain the trust of communities. People come to the area from their own countries looking to make a better life for themselves, but they are exploited by the gangmaster agencies. We have evidence of what those agencies do abroad. For example, they hoodwink people and purposely take so much money from them that they cannot afford to get worker registration. There is a complicated series of exploitations going on.

Anne Lear: The staff of the local authority, the housing association and the voluntary organisations work well together to ensure that there is no leakage of existing funding in the area. However, as we state in our petition, we need certain critical things to help us work together, one of which is housing-led regeneration. We need to get the programme back on target. We are not saying that private landlords should get away with murder; we are saying that Glasgow City Council needs more funding for its private sector housing grant. It has £10 million a year for the whole city to spend on the private sector housing grant—well, it is no longer a grant; it is actually default money. When the council issues orders to carry out work, the money allows the council to pay the cost of that work if someone defaults.

We need to do something about the property in the area. We can no longer expect people to live in Victorian conditions, so we also suggest that we are given housing association grant to buy properties that people are unable to improve. It is not just unscrupulous landlords who live in the area. Because Govanhill is the cheapest area in Glasgow in which to buy into tenemental property, we have a lot of young couples who are setting up home. They are often first-time buyers with high mortgages, and the value of their property has fallen recently so they have no further equity to enable them to improve it. We need some fallback in social housing grant commitment to allow us to proceed, and the council needs some support through different regulations and legislation.

We also seek to secure existing improved property through the introduction of a shared

equity scheme. We would buy the properties and encourage the existing tenants to acquire them under shared equity. Emptying social housing in that way would allow us to recycle funds. The approach makes sense, and it would secure existing investment from the Government.

We are therefore looking for members' support for a series of things. We are working hard. We seek an inquiry because we believe that we need to continue considering the matter, which will not simply go away. We can make a big difference by working with and supporting all the communities in the area, but we still need members' expertise and Government funding. We need help to work with and support local government to carry out its job, which is a different issue. It is not enough just to say that the local authority is not using its existing powers. It can perhaps be encouraged to extend the way in which it uses them, but there is a funding issue as well.

The Deputy Convener: You have certainly given us a lot to think about. Your presentation contained some alarming information and statistics.

I invite Tricia Marwick to say something before the committee decides what to do with the petition.

Tricia Marwick: I appreciate that.

Frank McAveety and other members of the committee were MSPs when the Parliament passed a number of pieces of housing legislation in the previous session and introduced the private landlord registration scheme. It was hoped that we could deal with private landlords, of whom I have experience in my constituency. Why are local authorities so reluctant to use the powers that were granted to them under the private landlord registration scheme? That the people whom we are talking about are basically gangsters has been alluded to. How on earth do such people get registered in the first place? If they get registered, surely their actions should force the local authorities to deregister them; if they are not registered, it is an offence for them to let out accommodation. Are local authorities in general—I am not talking only about Glasgow City Council—doing enough under the private landlord registration scheme?

I have always thought that the other power that has not been well used by local authorities is the power to advance wellbeing, which essentially allows them to do whatever they want in their area. Compulsory purchase powers exist, but could local authorities make greater use of the power to advance wellbeing to make the communities that you and others represent better?

The Deputy Convener: Answers should be brief, because we are pushed for time.

Mike Dailly: It is fair to say that the private landlord registration scheme has been operated with a light touch. That has been the official line from civil servants. The idea was to try to get people to participate in it, but we started from zero, and it takes a long time to find out who is letting properties.

The difficulty in Govanhill is that the powers that exist can be used to nail one or two rogue landlords, but the scale of the problem there is such that they cannot be used to tackle all the rogue landlords. To be fair, Glasgow City Council has used those powers. It has closed down one of the main operators, but he has appeals on the go, and going through the court process will take a long time. The existing powers are a useful tool in the box, but they cannot provide the solution that we need.

Tricia Marwick made a valid point about the general power to advance wellbeing. Compulsory purchase orders are surely part of the solution, but the point has been made that additional moneys from the Scottish Government will be needed to top up what Glasgow City Council is doing. The leader of the council has announced that £2.5 million will go to Govanhill from April next year, but it is obvious that the council will have to work closely with the Scottish Government if we are to solve such problems over the longer period. The scale of the problem is such that national and local solutions are required.

The Deputy Convener: As I said, the presentation was amazing. We were given a lot of statistics and information that I am sure will concern many members, particularly members of the committee. I invite members of the committee to make suggestions about what we should do with the petition.

Nanette Milne: A strong case has been made to ask the Government to conduct an inquiry into what is happening on the ground. Anne Lear and her companions have raised many issues, including the number of houses below tolerable standard and landlords' responsibilities. We should put those issues to the Government and ask what it is going to do.

The Deputy Convener: We should do so forcefully.

Nanette Milne: Yes.

Bashir Ahmad (Glasgow) (SNP): Although I am not from Govanhill, I come from not far away and I know quite a few things about the area. It needs to end up with more money—it is true that we cannot do anything without money—but money is tight. That is one point.

Another point is that the money that has been spent has not always been handled properly. For

example, without wanting to criticise, I know that the small park in Govanhill between Inglefield Street and Langside Road—I have known that park for years—has been reshaped many times. Those changes cost money. Of course, having a good-looking park in which people like to come and sit is an attraction for Govanhill. Having a nicely built park is a good thing—it is not a waste of money but money well spent—but we should have spent that money on the flats that were collapsing—

Anne Lear: I should point out that the work on the park was carried out something like 14 years ago. We are highlighting the fact that 14,000 people are living in a very small area, with a population 75 per cent higher than for comparable areas elsewhere in Scotland. The area has a small park where people can take their kids or go and sit on a bench. Glasgow City Council funded the improvement of the park.

Bashir Ahmad: As I said, I did not mean to criticise. Money spent on creating a better park is money that is well spent, but we needed to spend that money on other things, such as preventing those buildings from collapsing. Something could have been done for the people living in the area surrounding the park.

Marlyn Glen: This is my first Public Petitions Committee meeting and the first petition that I have heard, and I am quite shocked. Having been a member of the Equal Opportunities Committee for several years, I thought that I knew a lot about the Roma community, but I did not know it in this detail. The petition shows the importance of this committee. I certainly hope that the petition results in action from all levels of government. That is a test not just of the committee but of the Scottish Parliament, so I hope that we rise to meet the expectations.

Mr McAveety: In practical terms, we should raise the issue with key decision makers who can have an impact. Clearly, we should ask the Home Office about its partnership with the Slovakian community and with key decision makers in Slovakia. Along with a few other local representatives, I have already made overtures on that, but it would be useful for the committee to do so as well. In addition, we should ask how the whole process is managed, given that it is separate from the UK national asylum support service programme that was piloted in Glasgow.

We also need to look at how we can fast-track decisions that the Parliament has already made on enforcement. We have discussed that around the table today, but we need the views of the Scottish Government and of the local authority on the best way to do that. I know that a dialogue is taking place, but it would be beneficial for the committee to ask about that.

Finally, we need an overview of what is being done about housing that is below tolerable standard, which has been an issue in my constituency for a long time. There was a partial response in 1999 or 2000, but it was never enough. When I was in government, we never did enough—in my opinion—to tackle the scandal of BTS housing. We have dwelt today on the consequences of such housing, in which people in our biggest city still lack access to basic washing facilities. We need a sustained programme. We should ask that a dialogue be opened up between the councils—primarily, Glasgow City Council but other councils as well—and the Government on how resources can be targeted to tackle that. I am cognisant of the fact that the Government may have a different view on the issue, but we need to ensure that the situation is debated by the Convention of Scottish Local Authorities and other local authorities.

If we can explore those issues in the petition, we can then deliberate on whether the various layers of government—the city council, the Scottish Parliament and the UK Parliament—can do more together to address a problem that was always around but has been exacerbated over the past four years by the pressure of migration from the rest of the European Union. By taking such an approach, the committee might get a better overview on how to tackle an issue that is of particular importance in Glasgow.

14:45

John Wilson: As I said earlier, we will need to seek information or advice from a number of organisations on the petition. We should certainly get in touch with the Scottish Federation of Housing Associations to find out whether its members have experienced the same problem elsewhere in the country, although perhaps not at the same level.

We should also seek the views of the Private Rented Housing Panel, particularly on how private landlords are operating and managing their stock. I also suggest that, instead of targeting COSLA, we ask one or two local authorities about the operation of private landlords in their areas and what controls or sanctions have been placed on them. Glasgow City Council is an obvious choice, but we should also contact Highland Council, which has experienced what has been termed a mass migration of the Polish community. It would be interesting to compare the situation in Govanhill with that in, say, Inverness and surrounding areas.

The committee might want to seek the view of Glasgow Housing Association on its role as the overarching body in this matter—

Mr McAveety: There has been enough conflict in this already.

John Wilson: Nevertheless, it is important that we hear from Glasgow Housing Association about exactly what is happening. I know that the GHA's role has already been debated and discussed in the city, but the committee should have the right to ask it to respond to this issue.

Moreover, we should ask Glasgow City Council not only about the interpretation of the current legislation but about any other issues that have arisen. For example, points have been made about social services and the delivery of education in Glasgow. The fact that 14 different nationalities live side by side in Govanhill will have an impact in that respect and we need to get some feel for the strain that that is putting on Glasgow City Council's ability to deliver those services.

I also suggest that we ask Glasgow City Council about what its environmental services department is doing about the cockroach problem. A number of years ago, there was a major rat infestation in the same area and the department must have a role in finding out why such incidents are happening again and again and in dealing with them. However, we can raise that when we ask Glasgow City Council about the steps that it is taking to alleviate some of these problems. I know that we will get a standard response on, for example, dampness, but we can at least try to tackle the cockroach problem.

Robin Harper (Lothians) (Green): Only issues that members raise at this meeting can be put to the Government and the other bodies that John Wilson has mentioned when we are asking them what they will do, so members will have to forgive me if I encapsulate other things that have been mentioned, but I want to be sure in my own mind that we are covering as much as we need to. It seems imperative that the Government should assist the petitioners in their inquiries into the amount of social housing in Govanhill and across the country that is below tolerable standard and, more generally, that it should investigate the impact of slum living conditions on the health and wellbeing of residents and the wider community, and conduct an inquiry into the responsibilities of private landlords. As Mike Dailly said forcefully at least twice, it is particularly important to establish whether the sanctions that are placed on private landlords who do not comply with registration requirements are adequate and enforced. I just wanted to ensure that those points are included.

The Deputy Convener: Thank you very much, Robin.

As we have heard, the committee is highly supportive of the petition. A strong suggestion has been made that we should, at an early date, take

up the matter with the various agencies that are involved and, in particular, with the Scottish Government. I am not sure how long that will take, but we will certainly keep you advised of our findings. We thank you very much for coming and presenting your thoughts and suggestions to the committee.

Anne Lear: Anyone who is interested in visiting Govanhill is welcome to do so. We would be happy to show you round the area and to show you the specific problems that exist there. If the people from England who have been mentioned cannot get home, I am sure that they will be welcome in Govanhill, if they still want to come.

The Deputy Convener: Thank you very much. I will now hand back to the convener. I was far more lenient about time than he is.

The Convener: I thank people for their patience. That was an extensive evidence session on what the evidence demonstrated is a petition of critical importance. I put on record my appreciation of members' courtesy in allowing me to be part of the general discussion on the issue because of its impact on my constituency.

Crofting (Shucksmith Report) (PE1201)

The Convener: The next petition is PE1201, from Netta MacKenzie, whom I thank for her patience. It calls on the Scottish Parliament to urge the Government not to adopt in any future legislation the main recommendations of the Shucksmith report on crofting, which include the breaking up the Crofters Commission, the permitting of non-crofters, by mere virtue of residency, to sit on crofting township development committees and the introduction of burdens that would reduce the value of crofters' homes, thereby rendering borrowing impossible.

I welcome Netta MacKenzie to the meeting. As we are aware, a ministerial statement was made on the matter last Wednesday, so members should be familiar with the Administration's position on it. I invite Netta say a few words, after which we will have a Q and A session.

Netta MacKenzie: Thank you for inviting me into the lions den once more.

My first observation is on the methodology of the Shucksmith report, which I suggest to the committee is flawed. In my view, that is one reason why the report resonated so poorly with people at the grass roots who were not represented at meetings. We should remember that the foot-and-mouth restrictions were in place when some meetings were held and the whole rural timetable was in chaos. Many people were expected to travel significant distances to make their voices heard. Too many non-crofting

stakeholders were able to attend private afternoon meetings before turning up to put their views at public sessions, too.

Crofters have said to me that the professor was protected by a ring of steel that was provided by the Scottish Crofting Foundation, the Scottish rural payments and inspectorate division and other stakeholders. The use of pre-posed questions and research companies whose staff asked opinion poll-type questions of anyone they happened to meet is not the best way to do such work. As you will know, the north-west of Sutherland was one of the important crofting areas that were not visited.

I draw the committee's attention to the Crofters Commission, which I argued with the minister should be fully elected and to which policy-making powers should be devolved from Pentlands House. To propose a partially elected commission, as the minister does, is a vote of no confidence in the ability of crofters to run their affairs. There is a wealth of talent in the Highlands and Islands. To deny crofters the right to secure their destiny is to use the same argument that those opposed to the establishment of the Parliament used—that Scots can never get on with one other. That was one of the warnings that the editorial in *The Scottish Farmer* highlighted this weekend.

Crofters do not need the quango folk to keep them right and to lend experience; crofters can deal with Scottish Natural Heritage, the Royal Society for the Protection of Birds and the rest in negotiations as and when necessary. It must be borne in mind that crofters' rights and agendas are often at variance with the opinion of other groups, as was vividly demonstrated at Poolewe last week. A Crofters Commission composed of crofters ought to be in place to negotiate with the minister and others on behalf of crofters. The leadership of the commission needs to be revitalised to give its talented staff the lead and direction they need. The present rules that govern the commission's remit ought to be revised to enable the commission to talk to grass-roots crofters and to gain their confidence. The commission ought to be treated properly as principal adviser to the minister. It should also have a role in the formulation of European Union law—directives and so on—so that it reflects our small-scale production and the nature of our disadvantage.

The Convener: Thank you. You will be aware of the Government response that was published last week.

Netta MacKenzie: I am aware that an 18-page document was published.

The Convener: That will influence members' questioning. It is now essential to allow members to engage with some of the key points that you have made.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): How many people responded to the petition by signing it?

Netta MacKenzie: There were 861 responses. As an e-petition, the petition received only around 250 or 260 signatures, as people in the Highlands and Islands do not have sufficient access to broadband or computers. People in the crofting community do not have the facility to use computers—they are not comfortable with that medium. Paper copies of the petition went out to a large number of people, and signatures on paper make up the bulk of signatures. Many people phoned up when they read in newspapers that the petition had been launched; I sent out paper copies, which were returned to me.

John Farquhar Munro: I am sure that you are aware of the response that the Minister for Environment published last week, to which the convener referred. How does that affect the petition?

Netta MacKenzie: Although the devil is in the detail, the minister's response appears to be the Shucksmith report in all but name. The minister has changed very little—he suggests that local boards be renamed area committees, but almost all his proposals are the same as those in the report. He suggests that there should not be a burden on croft land with a croft house, but that there should be a burden on croft land that is decrofted, and that the commission should be broken up. I think that the commission should be strengthened, which cannot be done by giving its development department to Highlands and Islands Enterprise and giving the register of crofts to the Registers of Scotland—that is a vote of no confidence in the commission. The commission needs to be restructured and redirected, but it does not need to be broken up, as the minister suggests.

John Farquhar Munro: Would a restructured Crofters Commission, elected from the townships, have the expertise to regulate crofting as well as to carry out the development function?

15:00

Netta MacKenzie: There is a far greater wealth of talent among crofters than is suspected. I think that the approach that you suggest would work.

The Convener: This is not an area that I have specialised in, to be candid and honest. The Minister for Environment made his statement on 1 October, and there is to be further consultation. Could many of the issues behind your petition be addressed through that consultation process? Do you think that further exploration by the committee would assist?

Netta MacKenzie: I would hope so. Since the Scottish Parliament came into being, our local group and my husband and I have submitted many responses to consultations. However, we feel that they often fall on deaf ears and that our concerns are not duly listened to. That needs to be addressed, especially with regard to the Royal Society of Edinburgh's report on the future of Scotland's hills and islands, which mentions the Shucksmith report. Referring to how to take crofting forward, the RSE's report says:

"We are less persuaded by the Inquiry's suggestions as to how this might be achieved."

There are issues in that report that need to be addressed, especially when it comes to support for agriculture in the hills. Hill farming is in a desperate state, and that needs to be addressed.

Nigel Don (North East Scotland) (SNP): I am probably speaking for most of us, with the exception of John Farquhar Munro, when I say that I do not understand crofting. The good news is that I know that I do not understand crofting. We occasionally discuss local councils. I knew one, and I have a fair idea about what most of them do, but crofting is territory that we are simply not familiar with. We therefore find it difficult to know how to proceed.

That is not an excuse for doing nothing, but it is a plea for some alternative way forward. My colleagues and I are probably going to struggle to go through your petition, rationalise it in our minds and work out precisely what we should do. I am considering two possible ways forward, and I hope that you can help me out with them. One alternative is for the committee to write to everybody involved, including the Scottish Government, Highlands and Islands Enterprise, the Scottish Crofting Foundation and anybody else we might suggest, saying that we understand that there is a problem and asking them to advise us.

The second option, perhaps the nuclear option, is to acknowledge the on-going consultation and the fact that the minister has been through a consultation process, however flawed you may feel that it was—I cannot possibly comment on that. Under that option, we might conclude that the committee does not represent the right route for you, so we must ask you and your colleagues, with all respect, to go through the consultation processes. I am looking for some help as to how we can help you, given that this is not familiar territory.

Netta MacKenzie: I understand that. The Shucksmith report is not resounding, and it has not been endorsed by crofters, because there was not sufficient crofting input into it. The Scottish Crofting Foundation is one voice, but it seems to be the only one that is asked to be represented at

stakeholder meetings. NFU Scotland is another voice, but it is very much constrained by other members. I think that it is supportive of crofters, but it does not really go so far as to acknowledge the people with common grazings of large areas. Every time we consider less favoured areas, a large area depresses the subsidy. The single farm payment also covers common grazings and, again, that depresses what we get. That is the way in which things are organised; it is how things are counted.

More crofters must try to take an active part and put forward their views. Many members of the Scottish Crofting Foundation have told me that they have stopped their direct debits because the SCF, acting as the authentic voice of crofting, welcomed the current proposals, which annoyed many people. At a Shucksmith consultation, I sat at a table of eight, which had four crofters and four non-crofting stakeholders. What crofters would like did not come through at the consultations. I was one of the 1,000 who were interviewed. However, if an interviewer asks a question, then asks which from a list of answers is the right one, that does not allow views to be expressed. That shows how blinkered the consultation was and how the Shucksmith inquiry lost it.

Nigel Don: I am looking for your input to help us know how to go forward.

Netta MacKenzie: The Crofters Commission should make an annual report on crofting to the Parliament. Much more work needs to be done to bring people up to speed on what is happening. Crofting is an important part of agriculture, but it is also important for communities in crofting areas that people remain settled there. The danger is that they will not. For example, Stewart Wood drove up to the north the other day, then phoned my husband yesterday to say that there were no sheep. We said that that was what we were saying.

Nigel Don: Our difficulty is not in supporting your view that the matters that you have raised are important, that the less favoured areas money matters and that NFU Scotland has disparate views, depending on what community someone comes from. However, I am still stuck with a problem. As I understand it, you are speaking about crofters who were effectively disfranchised from the consultation process. However, I have to find out how we can enable the crofters to express their important views to ministers. That is what we can do. It is no good persuading us, because we are not here to act as judge and jury. We are only a mechanism to get the right people to talk to Government. How are we going to do that?

Netta MacKenzie: The commissioners on the Crofters Commission should be elected crofters. There have been many changes over the past few

years in the Crofters Commission, but the commissioners do not interact with crofters as we might expect. For instance, they were not at the Black Isle show talking in a tent to crofters. They could have talked about the rural development programme, which would have been excellent. However, the commissioners have been told that they are not allowed to go to such events. What is necessary is redirection on that sort of thing.

Nigel Don: Right. In that case, although it will not be the whole solution, can you offer us a first step? Who can we write to or nudge and what can the committee do to enable crofters to have their voice heard in the right place? That is the kind of thing that we can do and what we would probably love to do, although I am not speaking for other committee members yet. Our problem is that we do not know how to do that.

Netta MacKenzie: It could probably be done through the Crofters Commission holding meetings in the crofting areas. Canvassing for information could be done in that way.

Nigel Don: So you would be happy if we wrote to the minister, who would presumably instruct the Crofters Commission. Is that the right line of attack?

Netta MacKenzie: Yes.

Nigel Don: The minister could instruct the Crofters Commission to consult more widely about the current proposals to ascertain whether they should be changed. We should work on the basis that although you know what the answer is, we should not presume. That would be the single best step to take.

Netta MacKenzie: It would be a step, certainly.

Nigel Don: What would the second step be? I think that we are making progress here. Is the convener happy with where I am going?

The Convener: All this talk of steps makes me think of an Alcoholics Anonymous meeting. It would be helpful if Nanette Milne came in now, then we could try to put together what the committee's response should be. The question is how we progress the issues that the petition raises.

Nanette Milne: I do not want to pre-empt anything that Nigel Don is saying. I took part in the debate on the Shucksmith report. I am not a crofter, so I do not have a huge knowledge of crofting. I took the report essentially at face value at that stage. It is clear that you are not happy with quite a lot of the report and, presumably, with the minister's response to it last week.

I am happy to go along with anything that Nigel Don suggests. The minister recently made a statement about how he sees things progressing.

We might not get the response that you are seeking from the minister and the Government. Do you think that what the minister is proposing is workable? Does HIE have sufficient resources to cope with its new responsibilities?

Netta MacKenzie: HIE's focus has changed. As far as I understand it, it is going for much larger industries than those in which small crofters are involved. Crofters will be very unhappy with that.

Nanette Milne: I was impressed by the RSE report. The issue of there being no sheep on the hills, to which you refer, is serious.

Netta MacKenzie: Yes, especially where pillar 2 is concerned. The UK Government has not addressed the problem.

Nanette Milne: It is clear that we have to progress this.

Netta MacKenzie: Yes.

The Convener: There are issues outstanding, despite the minister's contribution last week. Referring even an element of the petition to the Rural Affairs and Environment Committee might not be applicable, because the bill is not in the legislative programme for the next year. It will be a considerable time before a crofting bill is lodged, which means that the consultation process on the bill is a long way away. Although we will be able to interrogate the issues that a consultation raises at that stage, it is perhaps worth raising with the Government and the agencies identified in the minister's statement some of the points that you have made. The agencies are meant to have the capacity to address crofting issues in the way that the Crofters Commission has done.

I suggest that we ask the Government about the contribution that crofters and non-crofters would be able to make to the reformed Crofters Commission, which is one of your key concerns. We should also ask whether a new system of occupancy conditions is workable and how the Government proposes to develop it. We should ask whether HIE has the capacity to deal with the issues to which the minister referred in his statement. We should ask the Scottish Crofting Foundation what actions it thinks that the Government can take to address the points that you have raised. Those actions would keep the petition alive and allow it to be part of an on-going process, which is important to you and those who support your petition. It will also allow us to get a bit more information before the consultation concludes. That might help shape the discussion that will take place in the relevant parliamentary committee.

Are members happy with that suggestion?

John Farquhar Munro: I am happy to support your suggestion, although I find it strange that we

cannot send the petition to the Rural Affairs and Environment Committee. Is there an impediment to our doing that?

The Convener: It is not that we cannot do it; we just have to consider whether it would be useful, given the timescale of the crofting bill.

Fergus Cochrane (Clerk): I understand that the crofting bill is not expected to be lodged in the current legislative year, so the Rural Affairs and Environment Committee will not be considering it at this time. It is up to the committee whether it nonetheless wants to refer the petition to the Rural Affairs and Environment Committee.

The Convener: I am not going to die in the sand over this. If members want to refer the petition to the Rural Affairs and Environment Committee, that is fine. If I were a member of that committee, I would not want to consider the petition for a while, because the bill is still some way away. There are issues that we can draw to the Rural Affairs and Environment Committee's attention. We can set out the issues that we identify in our correspondence in the next few months, so that it can include them in its consideration of the bill, when it is lodged. Is that okay?

John Farquhar Munro: Yes.

15:15

Robin Harper: To refer to Nigel Don's observations, I believe that an early definition of a croft was that it is a very small plot of land entirely surrounded by a mass of regulations.

A situation that confuses me and which must make it difficult for the Government to get an accurate idea of what crofters feel is that, although the Scottish Crofting Foundation has 2,000 members and another 700 crofters are in NFU Scotland—which is perhaps seen as representing crofters better than the Scottish Crofting Foundation—roughly 10,000 crofters are not represented at all. That is because they think that those organisations are irrelevant or that they do not represent their views. We should acknowledge that the situation presents a difficulty to crofters in knowing how to approach the 10,000 crofters whose views are not represented formally in any way.

Netta MacKenzie: I agree with that absolutely. I was unhappy with the Shucksmith report, so I started a petition. We have been asked to go and talk to crofters and we get a lot of comments. At one meeting, more than 60 crofters came to tell us what is going on. A large part of the issue is that the representation of crofters in relation to the report was poor.

The Convener: John Wilson can make a final point.

John Wilson: We should further question the Scottish Government. I believe that it proposes to set up a federation of crofting boards, drawing its membership from seven to 10 local crofting boards. It would be useful to find out from the Government how those local crofting boards will be established, how the elections to them will take place and how they will fit into the Scotland-wide body that the Government is talking about. To refer to the issue that Robin Harper raised, I hope that the Government will also say how crofters will interact with the local boards and the national federation. It is worth while investigating that further to find out exactly what the Government intends and how that fits into the whole process.

I am glad that the convener said that, in light of the timescale for the debate in the Rural Affairs and Environment Committee, this committee will try to progress the issue. The work that we are doing will not preclude submissions being made from outwith the organisations that we have suggested contacting. If we receive submissions from crofters who feel that the Shucksmith report does not address some of their real concerns, the committee would accept those comments, which would help us to deliberate further.

The Convener: I think that Netta MacKenzie wants to make a final point.

Netta MacKenzie: The area committees that the minister suggested last week would be almost the same as the local crofting boards that are suggested in the report. There is a lot of disquiet and unease with that idea. People would much rather have the Crofters Commission in Inverness deciding on disputes than a local board. Local boards would be very divisive.

John Farquhar Munro: May I come back in, convener?

The Convener: I have said "final" twice now, but I will allow you in as you were considerate earlier.

John Farquhar Munro: I just want to respond to John Wilson's query about how the boards would be elected. As I understand it, the area boards would be selected from the entire community, whether or not they were crofters, so there would be non-crofters on the boards. Crofters are dismayed about that because they think that the area boards might be overrun with people who have a different view of the community and crofting. That does not please them. If the Crofters Commission were democratically elected from the crofting townships, crofters would have far more respect for it. At present, whichever Government is in power places its people on the commission and many of them do not have the crofting system at heart.

The Convener: We have had several suggestions about how to proceed. To explain, we

will keep the petition alive. We recognise that the Government made a consultation commitment last week in the Parliament, but committee members have identified three or four issues to explore further. We will raise those issues with the Government, Highlands and Islands Enterprise and the Scottish Crofting Foundation. We will also take on board John Wilson's comments. We will pull that together and come back with further points for the committee. Netta MacKenzie will be kept fully apprised of the process. We will continue to interrogate the issues that her petition raises and I hope that the discussion has been useful to her. We will continue to explore the issues in the coming period.

15:21

Meeting suspended.

15:27

On resuming—

A92 Upgrade (PE1175)

The Convener: I resume the meeting to consider PE1175, from Dr Robert Grant, on behalf of Glenrothes Area Futures Group, calling on the Scottish Parliament to urge the Scottish Government to improve and upgrade the A92 trunk road immediately, in particular between the Prestonhall roundabout and Balfarg junction, in order to reduce the number of hazards and accidents and bring about improved benefits to the local and wider economy.

I welcome Ronald Page and Jayne Smith to this afternoon's meeting. There is keen all-party support for the petition, so I also welcome several parliamentarians who represent different parts of Fife and who will contribute in due course. I thank those members for their patience during what has been a lengthy meeting this afternoon.

The members' business debate on 3 September was on the subject of the petition, so members will be aware of how matters stand to date. I invite Ronald Page to say a few words in case he wishes to add to the original petition, after which we will have a question-and-answer session.

Ronald Page (Glenrothes Area Futures Group): I am told that our two papers of background information were circulated to all committee members. Our second submission was headed by a soundbite from me that the A92 at Glenrothes is "the forgotten three miles". Of course, it is not forgotten in the days of the current by-election campaign when lots of people are using that part of the A92.

The Convener: You have perfect timing, Ronald.

Ronald Page: Yes. I am absolutely certain that the vast majority of people in the Glenrothes area are much more interested in the outcome of this meeting about the A92 with the Public Petitions Committee than they are in what is happening in the by-election, which focuses the mind.

15:30

The Glenrothes Area Futures Group was set up almost exactly a year ago. There were mutterings about something that was happening locally and community councils and churches were moaning and groaning about it. The outcome was the formation of the Glenrothes Area Futures Group, which brings together all the various moans and groans, with a view to some kind of action.

There were four particular issues, but the A92 became the burning issue, and it is still on the go. Yesterday, I got an e-mail from the chief executive of Transport Scotland, which confirmed that the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson, has agreed that two of the hazards will be looked at—Cadham and Balfarg junctions—and their assessment will go back to Transport Scotland.

That is the nature of our problem, however. Our documents show that Fife Council says one thing, and Transport Scotland says that it has not heard from Fife Council. We go back to Fife Council and are told that it is nothing to do with it. The last communication I received from Fife Council says that the A92 is a trunk road, so it is the responsibility of the Scottish Parliament and its agency, Transport Scotland.

I am certain that people present petitions to the Public Petitions Committee because of the ping-pong game that goes on between local authorities and the Scottish Parliament. I will not say anything more about that. It also leaves me, as a retired teacher of history and modern studies, to ask who runs the country and the local authority. I go back to a famous programme that I used to recommend to my pupils: “Yes, Minister” was about who runs the country.

There is no lack of support. Jayne Smith and I have had meetings with our three local Labour, Conservative and SNP MSPs. We have maximum support from MSPs, who were at the meeting that the convener referred to, and from the Glenrothes local councillors, every one of whom from all parties has endorsed the campaign. So, where do we go from here? Where does the committee go from here?

We have support from local councillors, MSPs, bus companies, hauliers, the big Tullis Russell Papermakers Ltd factory, and small businesses. We have almost 3,500 signatures, and I am sure that we could produce 10,000. If we stood outside

all the polling booths on 7 November, we would pull in another 40,000 or 50,000 signatures.

I believe that 99 per cent of people support the campaign to upgrade and improve the A92, but 1 per cent, or perhaps less, say no and we believe that it is Transport Scotland. The Minister for Transport, Infrastructure and Climate Change raised issues at our meeting with Transport Scotland. It emerged that Transport Scotland deals with criteria such as statistics about deaths, serious accidents, serious economic blockages and so on. However, we all know that during recent years the number of accidents on Scotland's roads has gone down everywhere, including on the A92.

After our discussion with him, the minister asked Transport Scotland if it considered people's quality of life and wellbeing, and the answer was that there is no way to measure that. What about the hundreds of people in north Glenrothes who go to work in the direction of Kirkcaldy, Edinburgh or Dundee, and avoid those two junctions? Transport Scotland says that it cannot and does not measure that. Hundreds of people avoid those junctions. What about the possible economic benefits? Transport Scotland says that it does not examine the future. We are stymied.

I assume that the committee has read our documents, so there is no need for me to say much more. There is a map of the Glenrothes area from the early 1990s that shows a proposed dual carriageway, which most people think is the answer. The plans existed, but they have somehow been lost: we got a letter from Transport Scotland saying that the 1996 plans had been lost and we recently received a letter from Fife Council informing us that it had lost its response to the Scottish Government on a 2007 matter. Strange things are happening.

Where do we go from here? Two of the junctions are being assessed, but we do not know whether, after that assessment, they will simply be patched again. There have been various patches in the past, but they are just a form of make-up. The fact is that, although a lot of make-up is attractive, it simply disguises things and does not really get at their very base.

The Convener: On that point—not the point about make-up, but the point about where we go from here—it might be useful if, with the help of you and Jayne Smith, members can pull together an approach in a series of questions.

Robin Harper: I should say that I, too, am a retired teacher of modern studies and history.

You said that the Scottish transport appraisal guidance report was sent to Dr Malcolm Reed on 17 September. Are you able to tell what was

contained in the report or does it have to remain under wraps until it has received a response?

Ronald Page: In our research, we discovered that Transport Scotland expects local authorities and so on to submit STAG reports, which are highly technical documents that deal with transport in general, including roads. Very recently, a member of our group who is pretty well acquainted with transportation submitted on our behalf an intensive 12 to 14-page STAG report in which he suggests a variety of improvements to transportation in general and the A92 in particular. That shows that we are trying to co-operate with Transport Scotland. I am delighted that the agency has taken one step, but we have passed the ball back in the hope that it will consider our document in the same way that it would consider a similar document from a local authority.

Jayne Smith (Glenrothes Area Futures Group): We would be very happy to send the committee the 14-page STAG report. Its contents are not that sensitive; it primarily highlights the need for improvements on the A92, in the light of the fact that the rail infrastructure around Glenrothes is not fit for purpose. It is our only other fallback.

Two other questions need to be asked. First, as Ron Page said earlier, the criteria for improving trunk roads are reduction in road accidents, the safety statistics and wear and tear. Given that the number of road accidents across Scotland is falling—which is fantastic—the question is whether the criteria are still fit for purpose. Should we return to that issue?

Secondly—and just as serious—although our group is new, the issue is not. It has been on the cards since the early 1990s. Quite frankly, we have been disillusioned by the fact that Fife Council and Transport Scotland seem to have mislaid the relevant material on dualling the road. We need that material, but where is it? Why did it go missing?

Nanette Milne: I do not know the road that you are talking about very well but, as someone who has been campaigning to get something done about the A96, I sympathise fully with your comments.

In 1999, the Scottish Executive decided that the plans on the table were somewhat excessive and felt that lesser action was required. Do you think that such an approach would be enough, or is dualling the only serious option?

Ronald Page: We submitted an alternative or two in our original paper, but dualling seems to be the accepted answer to all the problems. The previous Scottish Executive dropped the dualling plan, but we want to resuscitate it. Instead of a big dualling process, we got a few patches. They have

helped to cut the number of accidents, but we do not want more patching. That is what might happen at Cadham and Balfarg junctions.

I know that there are requests for road upgrades here, there and everywhere, but what we propose is resuscitation of a plan. On that basis, we would like our proposal to be acted upon.

Tricia Marwick: I welcome the Glenrothes Area Futures Group to the Scottish Parliament. The group has done an enormous amount of work in the past year or so to try to move the A92 up the political agenda. The issue fell off the agenda in 2000, when the Labour-Liberal Executive decided not to go ahead with the dualling that the Conservative Government promised in—I think—1995. From 2000 until last year, apart from one or two voices, the issue of the A92 and its dualling was stilled, so it is good to see it back on the agenda. I have always supported the dualling of the A92.

The group is right to say that some patches of the road have been dualled, but there is no doubt in my mind about the condition of the road. Many members will be hotfooting it to Glenrothes, Balfarg and Cadham in the next four weeks and will see for themselves how difficult it is to negotiate the road. Many of us contributed to Ted Brocklebank's members' business debate on the matter and I was grateful to the minister, Stewart Stevenson, for confirming that he would consider the matter again and assess the two junctions at Cadham and Balfarg. He followed that up by holding a meeting with three MSPs and Transport Scotland.

There is no doubt that the road is extremely dangerous. It is only because people know how dangerous it is that we do not have more accidents—Ronald Page and Jayne Smith made that point. The road is simply not fit for purpose. I would not turn down a proposal for work to be done at Balfarg and Cadham junctions, but in the long term somebody has to grasp the real problem. We can patch the road and realign junctions as we have done I do not know how many times, but eventually somebody will have to come to a sensible conclusion. They will have to either put in a roundabout and try to redirect the traffic or dual the A92.

It is fortunate and unfortunate that, since the petition was lodged, the campaign has moved on quite a bit. We had the members' debate and we have commitments from the minister and Transport Scotland, so some of the options that would have been open to the committee might now be closed. However, I look forward to listening to the committee's deliberations. I urge you to make recommendations to the Government—we will see whether together we can progress the matter more quickly.

Claire Baker (Mid Scotland and Fife) (Lab): I have a few questions for the witnesses. You said that the number of accidents in Scotland has been reducing, and we know that the A92 does not have the fatality rates of other roads in Scotland. Jayne Smith talked about whether the criteria for deciding where to improve trunk roads are fit for purpose. If it is not upgraded, what dangers might there be on the road in the future?

15:45

Ronald Page: There is no doubt that there will be dangers. The petition has been signed and supported almost universally on the A92 as it is at the moment. Next year there will be a major retail development in Glenrothes town centre, which will be followed shortly by yet another major retail development. People will come to those developments using the A92—from the Prestonhall roundabout into the heart of Glenrothes. No one denies that they are major positive developments. With the Scottish Parliament's endorsement, the Tullis Russell paper factory is changing to biomass energy, which means that there will be about 200 lorries per day on the A92. Accidents are such as to lead people to sign the petition at the moment, but in the next year or two the A92 will be swamped with additional traffic, which is a matter of concern. We can come back to the committee in two years with another petition, but we do not want to look backwards. Jayne Smith is right to ask about the criteria for upgrading.

Jayne Smith: As Nanette Milne may not know the road too well, I point out that the 200 lorries going down the A92—which is dualled to a certain extent—will come to a large roundabout and be funnelled into one lane. That is the biggest danger that we face, although not the only one.

Claire Baker: We know that trunk roads are a responsibility of the Scottish Government, rather than local authorities. You mentioned that you have the support of councillors in the Glenrothes area and you referred to discussions with Fife Council. What discussions have you had with the council? What support has it given to your campaign?

Ronald Page: It has given verbal support. On 29 August, I had a meeting with the convener of Fife Council's environment, enterprise and transportation committee, who wrote to me on the matter. In his letter, which is cited in our written evidence, he states:

"I would like to confirm our support for your campaign for awareness raising for upgrades to the A92 in Glenrothes ... As acknowledged, the A92 is a trunk road and under control of Scottish Government through their agency Transport Scotland. Any improvements should be sought through Transport Scotland."

That is the crux of the matter.

Ted Brocklebank (Mid Scotland and Fife) (Con): I welcome the representatives of Glenrothes Area Futures Group. As the petitioner generously remarked, I led the members' business debate on this subject. There was a fairly thorough airing of the issues that have been raised today. There is cross-party representation at today's meeting, but I point out for the record that back in 1997 Lord James Douglas-Hamilton recommended that the then Tory Government should dual the A92 around Glenrothes. In the event, the Conservative Government was not around a year later and the idea was dropped.

When we talk about the number of accidents on the A92, we must be careful to identify on what part of the road the accidents occur. So far we have talked about the part around Glenrothes. We are right to have done so, because that is an extremely serious issue, but the A92 goes all the way up to Dundee, and beyond Dundee as far as Stonehaven. There has been difficulty identifying the number of accidents that happen on specific parts of the A92; we are gathering that information at the moment.

Overall, the number of accidents on the A92 appears to have gone down, but that does not mean that the road has suddenly become much safer. In terms of the overall number of accidents, the A92 is the second most dangerous road in Scotland, after the A9, but what are we talking about? Are we talking about the A92 all the way from Glenrothes to Stonehaven or about the bit around Glenrothes? I invite the representatives of Glenrothes Area Futures Group to address that question.

Other sections of the road further north, particularly the section that runs past Freuchie up to Melville Lodges—another 5 miles—are viewed as being even more dangerous in terms of the number of accidents that are caused there. Are you interested simply in the bit around Glenrothes, or are you considering that extra 5 miles up to Melville Lodges?

Ronald Page: Our submission states categorically that we are considering the whole of the A92 from the Forth bridge to the Tay bridge. One would imagine that in the 21st century, the whole of the A92 would be a dual carriageway, but it stops short of Glenrothes for some reason. Ideally, the dual carriageway should go right up to the Tay bridge and beyond, but it does not, which is why our petition concerns the Glenrothes area in particular.

Claire Baker: As the petitioners can see, we try to operate on a cross-party basis with regard to this issue, but my colleagues have told only half the story. It is known that when the Conservative

Government made the transport plans, there was not enough money in the budget for 1999 and tough decisions had to be made on where transport priorities lay. It is accepted that the road was not recognised as being a priority at that time—the decision was based on other priorities.

I think it was Jayne Smith who spoke about the inadequacy of rail provision around Glenrothes. The A92 is your key campaign area, so it is obvious that you view it as the main transport priority for Glenrothes. Have you, however, considered other options? Why do you believe it is the main priority for improving transport and economic links in that area?

Ronald Page: There is no direct rail link to the town of Glenrothes, although there are rail connections at Markinch and Thornton. That is why our parochial focus—if you want to call it that—is on the A92 road, because it is the direct means of transportation into Glenrothes.

Bashir Ahmad: I took the A92 when I went from Dunfermline to Glenrothes. I count myself as a good and experienced driver, but when I reached the part that we are talking about, where the road goes from dual to single carriageway, I was really confused. That bit of the road should be well done, well prepared and well planned for the future.

Ronald Page: That is why our petition asks Parliament virtually to instruct the Government to do something about it. Everybody agrees on it.

The Convener: At this point, perhaps it would be useful for committee members to indicate what they want to do with regard to the petition, and which recommendations we wish to take forward. It is in the hands of members. What would you like to do?

Nanette Milne: Given that the A92 is a trunk road, we have to ask Transport Scotland whether it will upgrade the road, whether it recommends that the road should be upgraded and if not, why not, and what actions it proposes to upgrade the road short of extending the dual carriageway, which would not, I hope, be the case. We might need to do some work on that.

The Convener: There have been allusions to a number of developments in the past couple of months—those have nothing to do with the intensity that may or may not emerge over the next month or so, but there are issues of timescale in relation to some of the commitments. That is probably of marginal importance to the petitioners' overall demand, but it would be useful to know the timescale and the commitments. It would also be useful to clarify the relationship between Transport Scotland and the maintenance company BEAR Scotland, in terms of the initiatives that they can take. I know that members are keen to make recommendations on a couple of other things.

John Wilson: From the evidence that the committee has heard, I am particularly interested in Fife Council's response. Ronald Page mentioned the new retail development. I am interested in the discussions that Fife Council's planning department has held on the traffic that will go into that development and in the council's representations to Transport Scotland to try to alleviate the problems that may be caused there. It would also be useful to contact other local authorities that cover the A92 in order to find out their views on dualling the road all the way up to Stonehaven. I am particularly interested in developments—particularly retail developments—that will result in increased traffic and how that increase will impact on the area and the local plan for it.

Nigel Don: I take John Wilson's point. Should we talk to the Tay Road Bridge Joint Board, as distinct from Dundee City Council, about the impact of dualling the A92, because it has responsibility for traffic on that bridge? I also wonder whether we should ask Transport Scotland for something explicit about the criteria that it uses, if those criteria are not known. We have heard anecdotal comments, if I may say so, about things that are and are not relevant. It would be good to have those criteria written down if they are not already written down.

Nanette Milne: In view of what Ted Brocklebank said about the length of the A92, finding out where and how many accidents occur would be interesting, although I do not know whether we would find that out from the police or Transport Scotland. It would also be interesting to find out whether more accidents are projected as a result of developments in the area and what the increases in accidents might be if nothing is done about the road.

Ted Brocklebank: I may be able to be of assistance in that respect. I understand that the Minister for Transport, Infrastructure and Climate Change is looking into that subject, but the problem is that the A92 runs, of course, through various police force areas, so trying to co-ordinate all the figures and give an overall picture is a little difficult. However, I gather that work is being done on that at the moment.

The Convener: We should also seek the views of a couple of motoring organisations on motorists' experiences of the A92.

Members have made several suggestions that will be of use to the petitioners, who I am sure will conceive possibilities over the next three or four weeks to heighten the debate on the commitment that they are seeking. The next three or four weeks is probably the best time to do that. I will leave that matter in their capable hands rather than necessarily in ours.

I recommend that members become familiar with the route of the A92, because a number of us may say that we support improving it. If that happens, I am sure that there would be positive benefits for the election candidates. I do not hope that SNP members will have difficulties in finding its location. That is an encouraging thought.

We want to progress and explore on the petitioners' behalf the issue that they have raised, which has been a concern in the area for years and has never been made the priority that the petitioners want it to be. I hope that the discussion has been useful and that we can continue it over the next period. Good luck to the petitioners with their endeavours.

Renewables Obligation (Scotland) Order (Accreditation Scheme) (PE1188)

The Convener: I am conscious of the time. The meeting has already been long.

The next petition, from Nick Dekker, calls on the Parliament to urge the Scottish Government to investigate the circumstances whereby it agreed that 60 hydroelectric power stations could be accredited for subsidy under the renewables obligation scheme and that generation capacity could be cut to below the 20MW qualification threshold at others to enable accreditation, and whether, in the interests of electricity consumers, it will rescind those accreditations. Members have the papers that relate to the petition in front of them. What are their views on it?

Bill Butler: As I am a tyro member of the committee, I am not entirely sure whether my suggestion is appropriate, but perhaps we could write to the Scottish Government to ask about the circumstances under which the hydroelectric power stations could be accredited for subsidy under the renewables obligation scheme.

16:00

John Wilson: I understand that some of the hydroelectric schemes have reduced their capacity. I would like to ask the Scottish Government what the output and the projected output of the schemes was prior to the 2002 decision to downgrade some of them. If their output was greater than 20MW, they would have had to reduce it in order to tap into the scheme. It would be interesting to find out what the potential maximum output of the hydroelectric schemes was before they were downgraded.

Robin Harper: We must understand the difference between capacity and output. The downgrading from a capacity of 21MW to less than 20MW has enabled the machines to generate more electricity and save water. That is one of the main things behind the Government's thinking

when granting renewables obligation certificates. We should also understand that ROCs are designed to protect the environment and the consumer. The environment is protected because more renewables schemes are built and existing schemes can continue operating when they are past what would otherwise be their sell-by date. The consumer is protected because the price of electricity is kept down.

The Convener: There are a few outstanding points around the accreditation framework. We can pull those points together and make an inquiry on behalf of the petitioner. Do we agree with that suggestion?

Members indicated agreement.

Scottish Public Services Ombudsman (Investigation of Complaints) (PE1190)

The Convener: PE1190, from George Hunter, calls on the Scottish Parliament to urge the Scottish Government to require local authorities to provide the Scottish Public Services Ombudsman and the complainant, at the point at which it is requested, with all information that is deemed relevant to any investigation that might be undertaken by the SPSO into a complaint lodged with it.

It would be helpful to get some further information on this issue, so I suggest that we write to the Scottish Government to ask about the powers that it has under the Scottish Public Services Ombudsman Act 2002 to require a listed authority to supply information or produce documents that are relevant to an investigation. We do not know enough about this matter at present to understand the thinking behind the petition, so we will need to gather some information first.

Nigel Don: This is not a subject that I have yet had to deal with on behalf of any constituents, so I am seeing this issue from afar. However, there seems to be a lot of noise around the SPSO, and there have been other complaints about its operation—this is not by any means the first petition on the subject.

We should perhaps write to the Scottish Government to ask the relevant minister—I am not sure who that is—whether the operation of the SPSO is being considered by Government, given the frequent expressions of dissatisfaction.

Bill Butler: We could also ask the Government how the SPSO knows beyond doubt that no information is withheld or missing.

John Wilson: It might be worth while asking the SPSO that question. I have had complaints, in connection with other issues, about the information that is provided by local authorities to

various bodies. Often, people say that the information is missing or that misleading information has been presented to the investigating body. It is therefore relevant to ask the SPSO how it satisfies itself that it has all the relevant paperwork and information before it.

Bill Butler: Could we ask the Scottish Government and the SPSO to what extent information that is not provided to the SPSO could prejudice any further investigation?

The Convener: There is a series of questions that we need to ask the Government and the SPSO. We can pull them together in our correspondence. Nigel Don has suggested that we should seek clarification of the process for the evaluation of the quango and what the accountability mechanism around it is. We should ask how its operation gets reviewed and who undertakes that review. At the back of my mind, I think that there is some process by which that is done, but I would like to explore that before proceeding with the matter. Do we agree to bang those letters in and await a response?

Members indicated agreement.

Independent Vehicular Ferry Routes (PE1192)

The Convener: PE1192, from Donald Ewen Darroch, calls on the Scottish Parliament to urge the Scottish Government to state how it is supporting and promoting independent vehicular ferry routes between the islands and the mainland and how the planning system is playing a constructive role in supporting the economic and social future of such routes.

I am aware that the Government is conducting a review of its strategy for lifeline ferry services, and that a report on the subject will be published by October next year. I know that that is some time away, but I suggest that it might be appropriate to withhold consideration of the petition until that date, in order that the debate might be better informed.

Bill Butler: That would be sensible. It might not be logical to investigate the matter at this stage, given that the Government is already conducting a review.

The Convener: Do we agree with that suggestion? If the petitioner has a problem with our decision, he can contact the committee clerks.

Members indicated agreement.

Rights of Kashmiri People (PE1194)

The Convener: PE1194, from Hanif Raja on behalf of the Kashmir movement in Scotland, calls on the Scottish Parliament to urge the Scottish

Government to make representations to the United Kingdom Government to create a Kashmiri committee at the UK Parliament to ensure that the humanitarian needs of the Kashmiri people are met and their legitimate right to self-determination is granted without further delay.

I can see by the smiles on members' faces that they are aware that this is one of those petitions that navigate the dangerous territory between devolved and reserved matters.

Nigel Don: Shall I bowl the googly? I worry about whether we should be entertaining this petition at all. I am not suggesting that it represents an abuse of the system, but I think that it is a misuse of the system. The issue seems to me to be wholly reserved to Westminster, and we should not be asked to tell the UK Government what it should be doing. This petition should not have come before us.

Nanette Milne: That is more or less what I was going to say.

John Wilson: As I have previously said, if we are presented with a petition, we have to treat it with all seriousness. Although the petitioner is asking us to do something that is not within our remit, we have a legitimate right to make representations, through the Scottish Government, to the UK Government to consider the issues around Kashmir and respond accordingly. Of course, it is up to the UK Government whether it thinks that such a committee should be established, but people in Scotland have a legitimate right to make representations to this Parliament that we can forward to any appropriate body.

The Convener: That makes two different views from SNP members of the committee. I think that, when Bashir Ahmad speaks, we will hear yet another view from an SNP member of the committee.

John Wilson: The SNP is an open democracy.

The Convener: It is the pluralism of nationalism.

Bashir Ahmad: The problem of Kashmir is more than 50 years old. I come from an area that is not far from Kashmir and have watched what is happening in India and Pakistan with regard to this disputed area. There were conflicts in 1947, 1948 and 1949, and there was a small war in 1965. That was terrible.

The country that left India and Pakistan with the problem of Kashmir more than 50 years ago is not paying attention to the situation. Our Scottish Government should at least, therefore, tell the UK Government that the time has come to do something about the problem that it created.

The Convener: There is a practical issue about the admissibility of certain petitions, which different members of the committee have taken opposing views on over the past few months.

John Farquhar Munro: Can we not just write to the Scottish Government?

The Convener: We have two options. We can say that we will not deal with the petition because it involves issues that are not the responsibility of this Parliament, or we can write to the Scottish Government to raise the issue and allow it to determine the appropriate action.

John Farquhar Munro: We could ask the Government whether it will respond rather than asking it to respond.

The Convener: I see the distinction that you are making.

Marlyn Glen: Although international relations and international development are important to me and I recognise that the right to self-determination is a fundamental principle of human rights law, I suggest that we close the petition. Foreign policy and international development are reserved to Westminster and it is not appropriate for us to ask the Scottish Government to write to the UK Government to ask it to set up a committee.

Bill Butler: The petition raises an interesting question. We should write to the petitioner—and any other petitioner who submits a similar petition—to suggest that he raises this reserved matter directly with the MP who is sent to Westminster to represent him there.

Issues such as that of the children of asylum seekers, which involve overlapping areas of devolved and reserved responsibility, are difficult to unpick. However, this petition concerns a matter that is wholly reserved.

There is nothing to prevent us from writing to the Scottish Government using John Farquhar Munro's suggested phraseology, but we should also write to the petitioner to make it crystal clear that the most efficacious way of proceeding with an issue that is wholly reserved to Westminster is to raise it with his UK parliamentary representative.

Robin Harper: I agree with Bill Butler. It might be that we need some clarification from the Scottish Government, as this is not the first time that someone has requested that we ask the Scottish Government to make representations to the UK Government on an international issue. Perhaps we could turn this into some sort of test case and ask the Scottish Government whether it feels that it is proper to make such representations and, if so, whether it wishes to do so.

Nanette Milne: I agree with what Bill Butler said about writing to the petitioner and suggesting that he goes through his MP. We have had a number of petitions about matters that are not this Parliament's concern. That is why I support Nigel Don's view that we should close the petition.

16:15

The Convener: The wisdom of Solomon is required. Two members have expressed the view that we should close the petition. Another view is that we should take on board what the petition has raised and tell the petitioners that they can raise the issue with the UK Government in writing. To be fair, the committee clerks indicate to all petitioners that they should raise issues to do with reserved matters directly with an MP. We give that clarification at the outset. However, because of how the Scotland Act 1998 is framed, a petition must be presented to the Public Petitions Committee in a particular way. By judiciously changing a sentence or two in a petition, petitioners have been able to present petitions to the committee on matters that are reserved to Westminster. That happened, for example, with petitions on the contentious issue of Palestine and on faith issues around ritual animal slaughter.

The committee does not normally divide on such petitions because we know that people have strongly held views. The get-out clause is essentially what Bill Butler recommended. My view as convener is that what he recommended would allow those with deeply held views on both sides of the argument to feel reasonably comfortable with our decision.

Bill Butler: Convener, are you saying that my middle name is Solomon? It is not.

The Convener: The recommendation that you made allows us to minimise any division on the petition, acknowledging that it is one of those difficult issues because it has been designed to be a difficult issue. We should remind the petitioner that the matter is one for Westminster and the UK Government to address because responsibility for international affairs lies there, but we could ask the Scottish Government for its view on what the petition calls for. We have written to the Scottish Government about similar petitions. For example, we asked the Scottish Government to raise the incarceration of Mordechai Vanunu with UK Government ministers on behalf of a petitioner. On balance, my view is that we should do something similar in this case. However, committee members may have other views.

Nanette Milne: It could be made a test case in order to get guidance, but we should not interfere with another place's responsibilities.

Bashir Ahmad: Thank you for letting me in again, convener. It is not a question of interfering, but a question of sympathy and of solving the problem that we all face. That problem should be solved.

The Convener: I am trying to get a sense of the process rather than the detail. There will be passion about the detail of this issue, as there was about the other issues that I mentioned. The clerks have suggested something that may be helpful, but members will determine that. We can close the petition on the ground that it has raised an issue that is primarily to do with a reserved matter, but we can refer the petition to the Scottish Government for information. Would that resolve matters and let us all feel reasonably conscience-clean at the end?

Nigel Don: That is a wonderful suggestion. If the committee wants to say that it will consider petitions that raise reserved issues and not reject them out of hand, that is fine. That seems to be the consensus, and I do not have a problem with that. However, we would then have to consider each one on its merits and decide whether we wanted to refer it on, which would mean that we would continue to debate something that was not in our remit. If we had a policy that said that we would receive a petition on a reserved issue, consider it on the record, then close it and refer it to the Government without a recommendation, that would give us a consistent way forward that would satisfy everybody.

The Convener: Can we take that course of action on this petition? To be fair to committee members, they would probably want to deliberate the implications of doing that for future such petitions. There may well be petitions about issues in their constituencies that would throw up the same dilemma. If a member's constituents raised such an issue, it might take on a slightly different hue, which would be understandable. Let us take the suggested course of action on this petition. In addition, we can ask the clerks to try to find phrasing that would allow us to deal with subsequent similar petitions that threw up the same contradiction. Is that agreed?

Members indicated agreement.

The Convener: Thank you for your help on that. It has been a difficult one. However, that kind of petition is a baptism for new committee members. Every new member has to experience dealing with the issue of reserved matters in a petition because there is always one in which it pops up.

New Housing Developments (Maintenance of Common Areas) (PE1195)

The Convener: PE1195, from David McNally, calls on the Parliament to urge the Government to

place a statutory duty on local authorities to maintain common areas in new housing developments. Patricia Ferguson's proposed property factors (Scotland) bill may address some of the issues that are raised in the petition, but there are several issues that we should explore. I seek recommendations from members.

Bill Butler: We should write to the Scottish Government asking how the matter is currently addressed, whether the current statutory provisions are proving effective and whether greater regulation and clarity are required for local authorities and property owners.

The Convener: As Patricia Ferguson's proposed member's bill relates to the issue, we should ask her whether elements of the petition are relevant to the issues that she wants to explore through that proposed bill. Are there any other suggestions?

Nanette Milne: The points that Bill Butler suggested raising with the Government could probably be put to the Property Managers Association Scotland, too. The issue is a serious one in many housing developments. I get complaints all the time about inadequate maintenance of common ground. We should write to COSLA, too.

The Convener: I agree—we should get an overview from COSLA. Do members have any more comments on the interests of the public?

John Wilson: It might be worth writing to Homes for Scotland. In many cases, house builders are instructed by planning departments to create open spaces to break up new housing estates. It would be useful to find out the house builders' view. They may feel that they are pushed into creating open spaces, with the maintenance of the spaces left to factors.

The Convener: I have just thought that it may be worth raising the issues with a national planning organisation. There are cases in which developers have built houses and created common land, but have not provided management or maintenance programmes. We could ask the Royal Town Planning Institute about the guidance that it may or may not provide to local authorities on that.

Nanette Milne: I wonder whether the Scottish Consumer Council would have a view. I imagine that people will have been in touch with it.

The Convener: Okay.

Tail Docking (PE1196)

The Convener: PE1196, from Michael Brander, calls on the Parliament to urge the Government to amend the Animal Health and Welfare (Scotland)

Act 2006 as a matter of urgency to allow the tails of working dogs to be docked. We do not have expertise in the issue, so we may wish to explore the suggestion with a range of organisations, including the Government, dog welfare organisations and veterinary associations. Other suggestions would be helpful.

Nanette Milne: I ask the clerk whether we know when the Government's evaluation of the legislation will be completed. A study began last October and was to take 12 months, but it has now been extended. Do we have a deadline for the project?

The Convener: We will get the clerks to find that out for members' benefit.

Are there any other recommendations on whom to contact?

Robin Harper: We should contact the Royal College of Veterinary Surgeons, the British Veterinary Association, the Scottish Society for the Prevention of Cruelty to Animals, the Farm Animal Welfare Council and, obviously, the organisations that are campaigning on the issue—the Scottish Gamekeepers Association and the Council of Docked Breeds. That sums it up.

John Wilson: I suggest Advocates for Animals and the Scottish Countryside Alliance.

John Farquhar Munro: We should include the Scottish Gamekeepers Association.

Nigel Don: And the SSPCA.

The Convener: Okay. That concludes our consideration of new petitions.

Current Petitions

16:24

The Convener: The next agenda item is consideration of several current petitions. We will bring forward our consideration of PE1061, because Annabel Goldie is here to speak to it, and she has a pressing commitment—if I am honest, it might well be the same train as mine.

Land Reform (Scotland) Act 2003 (PE1061)

The Convener: PE1061 has been in our system for a while, and Annabel Goldie has expressed a willingness to speak about it. The petition is from Mr and Mrs Mark J Lochhead and Mr and Mrs Henry McQueen Rankin. It calls on the Scottish Parliament to urge the Scottish Executive to ensure that measures taken by communities to tackle antisocial behaviour in urban residential areas are not restricted by the duty of a local authority to uphold access rights under the Land Reform (Scotland) Act 2003.

I welcome Annabel to the committee. She will know that the petition has been in the system for longer than I have been convener of the committee. If she would first like to explain why she has expressed an interest in the petition, the committee will then explore the options.

Annabel Goldie (West of Scotland) (Con): Thank you, convener, not only for allowing me to address the committee, but for your understanding in moving the petition further up the agenda. I have been asked by Mr and Mrs Lochhead to speak to the committee on their behalf. They are in the public gallery. With the indulgence of the committee, I will read a brief statement so that it will appear in the *Official Report*.

My constituents Mr and Mrs Lochhead have requested that I speak to you about their experiences in trying to prevent antisocial behaviour in the lane beside their home. The case has brought to the forefront the difficulties faced by local residents and councils in the effort to find a balance between curbing antisocial behaviour and upholding public rights of access for the local community.

Mr and Mrs Lochhead first approached my office in January 2007. For a number of years, they had suffered from antisocial behaviour in the lane. This behaviour intensified with the arrival of the summer months. There was verbal abuse and physical damage to their property. The damage included vandalism to Mr and Mrs Lochhead's car and house. For example, the living-room window was broken and the cost borne by my constituents to replace it was £987. I am informed by my constituents that damage to their neighbours'

property included graffiti on their garden shed and vandalism to their car. There was also verbal abuse over the garden fence.

I am informed by Mr and Mrs Lochhead that the lane is private and owned to the mid-point by my constituents and their neighbours. It was originally used for services—refuse collection and so forth—but over the past few years it developed into an area for people involved in intimidating behaviour. My constituents' health—and, I am told, their neighbours' health—suffered as a direct consequence of the stress caused by the activities in the lane.

My constituents inform me that the problem has been on-going since 2003 and that they have been in contact with the council since February 2003. Mr and Mrs Lochhead were informed by the council that the lane between their home and the neighbouring house must be available for public access, even though my constituents maintain that the lane is private. The lane is very narrow; I think that I am correct in saying that it is about a metre wide.

Mr and Mrs Lochhead felt that the only way to stop people gathering and creating problems near their home was to fit a gate, thereby preventing access. The council informed my constituents that planning permission was required for the erection of the gate. Retrospective permission was therefore sought, but was denied on the ground of access legislation.

I can see the point made in the council's submission on the petition in August this year. The council said:

"Closure of paths does not address the root of the problem of anti-social behaviour."

We accept that the council's role is to consider the wider consequences of path closures and the effect on the community as a whole. However, it is easy to see why my constituents, who are living with this problem day and night, felt that lane closure was the only option. My constituents felt that the council should not enforce the right of access when the effect of refusing planning permission for the gate was detrimental to their enjoyment of their home and their desire to live in a quiet and safe neighbourhood.

My constituents wish to have the gate locked "24/7". Mr and Mrs Lochhead inform me that antisocial behaviour still takes place in the lane during the daytime. They believe that the only way to prevent this occurrence is to lock the gate.

Mr and Mrs Lochhead and their neighbours undertook a public inquiry, which was a great financial burden to them. The reporter concluded that the gate should remain, provided that Mr and Mrs Lochhead and their neighbours ensured that

the gate was opened between 8 am and 8 pm, 365 days a year.

16:30

The logic behind the decision was that the closure of the gates after 8 pm should help to prevent antisocial behaviour during the night, yet opening the gates during the day would continue to provide legitimate access to local residents. Although paragraph 19 of the council's submission to the committee appears to agree with that stance, it is clear that the council is uneasy about how it will sit with the Land Reform (Scotland) Act 2003. That is where national guidance for councils might be helpful.

My constituents inform me that other councils have taken different actions in similar situations. It has caused my constituents considerable frustration because they feel penalised for living in their particular council area. They inform me that some residents of the Glasgow City Council and East Dunbartonshire Council areas benefit considerably from being able to keep their gates locked 24 hours a day, seven days a week.

A local councillor in my constituency suggested to them that national guidance on the issue of lanes would be helpful and would ensure consistency throughout Scotland. The council's further-comments document of 2008 that was submitted to the committee states in the last paragraph that national guidance would be useful and indeed, might ensure that councils and residents are able to find solutions to minimise the risk of antisocial behaviour while still providing access.

Mr and Mrs Lochhead have stated to me that they wish the gates to be locked 24 hours a day, seven days a week. They inform me that all people who require legitimate access to the lane have keys, therefore my constituents see no reason to keep the gates unlocked. Mr and Mrs Lochhead believe that having the gates locked would bring palpable benefits to their neighbours and them.

I realise that the committee cannot deliver a specific solution to a petitioner's problem, but it has a powerful capacity to direct others in the need to find such a solution if there is a public interest that is broader than the individual plight of the petitioners. The petitioners highlight that broader public interest. The petition paints a graphic illustration of the law of unintended consequences. The architects of the Land Reform (Scotland) Act 2003 wished to facilitate access of the Scottish public to rural and remote parts of Scotland for purposes of leisure and recreation. I am certain that they did not intend that urban property owners should be obstructed by the act in

protecting themselves and their property against the modern-day plague of antisocial behaviour. The consequence of that legislation seems to be a statutory nonsense. The anomaly becomes all the more ludicrous when different local authorities choose to interpret the act in different ways. Either the legislation requires to be amended or the guidance clarified to serve the ends of both common sense and consistency of application.

The Convener: Thanks very much. Are there any immediate observations from committee members?

Nanette Milne: The committee had significant sympathy with Mr and Mrs Lochhead's plight when the petition was discussed before. I cannot remember—perhaps the clerks will help—whether we have been in touch with the Government to ask about potential guidance. If different local authorities are dealing with the matter in different ways, it would be sensible to have Government guidance to help them.

Fergus Cochrane: I recall a previous committee meeting after which we issued a letter to the Scottish Government asking that specific question. I recall the Government coming back to us to say that it had no plans to issue guidance on the matter. I would have to double check, but that is my recollection.

The Convener: As you well understand, Annabel, the committee is concerned not to be seen as an arbiter in cases of difficult and complex unintended consequences, levels of interpretation or lack of clarity about legislative framework, which leads to people interpreting it in a more difficult way that is to the detriment of the issue raised by the petitioners. However, we are concerned that the petition has been in our system for a while. What I feel are fairly sensible solutions do not seem to have been arrived at. Has there been a full community safety assessment of the residents in that area or the nature of the offences? Have the police engaged with the local authority about using other grounds to address the issue, so that it is not seen as a dispute relating to the Land Reform (Scotland) Act 2003? It is almost bizarre that we are considering a petition to do with antisocial behaviour because of an interpretation of that act. The petition is about antisocial behaviour, community safety and people feeling secure in their own properties. We want to try to resolve those issues. I invite Annabel Goldie to respond to that before we explore ways for the committee to help.

Annabel Goldie: My constituents and I understand and sympathise with the fact that it is not for this committee to deliver a specific solution. That is why I said that I believed that the petition raised an issue of broader public interest. The Minister for Environment, Mr Russell, sent me a

letter in March, which I can make available to the committee via the clerk. When I raised with the minister the issues confronting my constituents, he said that he was aware that the Public Petitions Committee was considering the matter. He said:

“The Committee will consider further what actions are being taken by the Scottish Government to ensure that measures taken by communities to tackle anti-social behaviour in urban residential areas are not restricted by the duty of a local authority to uphold access rights under the Land Reform (Scotland) Act 2003.”

We are dealing with an issue of broader public interest. It is clear that, throughout Scotland, there are conflicting views about how to interpret the act. We would all accept that that is not satisfactory. We all want to anticipate that legislation that is passed by this Parliament is both uniform and universal in its application. It is clear that that is not the case at present.

Nigel Don: We all acknowledge that we cannot deal with the individual case in question, but can we write to the Government to reflect the experience of these petitioners, to say that we are concerned about how the act is operating and to ask the Government to review it? In so far as we are able to influence the Government, we can say that we think that the act needs to be looked at and that perhaps the Government should issue appropriate guidance.

The Convener: That is helpful.

Nanette Milne: I get the impression that the act is not operating in the spirit in which it was intended to operate. Perhaps we should ask the Government whether it thinks that the act is operating as intended. I do not think that it is—the rest of the committee would probably agree.

The Convener: We should also write to the local authority concerned. We should raise with it the concerns that have been expressed about behaviour in the area and ask whether better guidance from the Government would help it to resolve the issue.

Bill Butler: Perhaps we could write to the local authority to ask what other approaches to tackling ASB in similar situations in the area have been used and whether they have been successful. If they have been successful, we could ask what contributed to their success.

Nanette Milne: Would it be fair to ask whether the petitioners' human rights are being breached, under the European convention on human rights?

The Convener: We can raise that issue.

Annabel Goldie: It is entirely at the committee's discretion to take whatever action it thinks appropriate, but, for me, the kernel of the matter is to do with legislation that is passed by this Parliament. The local authority in question has

been trying to grapple with its interpretation of the legislation, but we know that that interpretation is not shared by other local authorities. I suggest to Mr Butler that there is a broader public interest issue around the act, which needs to be clarified.

Bill Butler: Perhaps Annabel Goldie would think it a positive way of proceeding if we asked the Government whether it thinks that uniform guidance is now appropriate, given the lack of uniformity and consistency across local authorities.

Annabel Goldie: That is a very appropriate question, convener.

The Convener: I hope that that is helpful. It is difficult for the committee to deal with the issue because of local government powers and the issues that have been raised. I hope that that will be helpful to Miss Goldie's constituents, and that we can make some progress.

Annabel Goldie: Thank you very much, convener.

Disabled Parking (PE908)

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

Disabled Parking Bays (Improper Use) (PE1007)

The Convener: The next three petitions—PE908, from Connie Syme, PE909, from James MacLeod, and PE1007, from Catherine Walker, on behalf of Greater Knightswood Elderly Forum—have been grouped together. All three petitions look at ways in which disabled parking bays can be used by those for whom they are designed and not by other car users. PE909 is also about the development and maintenance of dropped kerbs to ensure that people who have a disability or suffer from lack of mobility have easier access to disabled parking bays.

There are slight differences between the petitions, but they are broadly going in the same direction of travel. The Disabled Persons' Parking Places (Scotland) Bill covers the issues that are raised by PE908. Those issues will be addressed during scrutiny of that member's bill, which has had broad support from the Government in the past week or so, which is helpful. We could close PE908 and wish the issue well on its journey through Parliament.

On PE909 and PE1007, the committee is invited to consider whether it would like to write to the Government to seek a response to several points. There are questions that we might put to the Government, including whether there has been an

escalation in the misuse of disabled parking spaces, what precise action has been taken since the 2007 research study of off-street parking for people with disabilities in Scotland, and what specific action has been taken to address the issues raised by the petitioners.

The petitions identify two or three key areas, and I seek unanimity on the proposal that we explore those and seek a response from the Government.

Members indicated agreement.

The Convener: I thank members for their patience.

NHS Dental Services (PE920)

NHS Dentistry (Remote and Rural Areas) (PE922)

NHS Dental Services (PE1018)

The Convener: The next three petitions are also grouped together. PE920, from Helen Smith, asks for additional resources to be provided to national health service dentistry, particularly for the recruitment of NHS salaried dentists in emergency and comprehensive care. PE922, from Peter Thomson, calls on the Parliament to look at implementing a different model to the existing plan to ensure that NHS dentistry is available in remote and rural areas. PE1018, from Keith Green, on behalf of the Kinross group of Save NHS Dentistry, asks the Parliament to restore NHS dental services throughout Scotland. I know that the Government has responded on dentistry issues. I am in the committee's hands. How do we want to deal with the petitions?

Nanette Milne: The Government has recently taken significant action to solve the problems, although there is still a significant lack of NHS dentistry in Scotland. Time will tell whether the actions that are being taken now will have the desired results. I cannot see how the committee can take the petitions any further at this stage, so I suggest that we close them. However, we might like to know how the Government's action is progressing—the petitioners would certainly like to know—so we could ask the Government to give them updates on that as the current actions take effect during the next months and years.

The Convener: That is fairly sensible and I accept that recommendation from Nanette Milne.

Skin Cancer (PE931)

16:45

The Convener: PE931, from Helen Irons, on behalf of Skin Care Campaign Scotland, calls on the Parliament to urge the Scottish Executive to

review its policy on tackling the growing skin cancer epidemic in Scotland. Do members have any views?

Nanette Milne: Action has been taken on the issue through the Public Health etc (Scotland) Act 2008. Many of the concerns have probably been addressed.

The Convener: I agree. I think that we should close the petition on the basis that a number of the issues are being addressed through the 2008 act.

Nanette Milne: Can we perhaps involve the petitioner as work progresses?

The Convener: The strong recommendation is that we close the petition, as we recognise that some of the issues are being addressed through the 2008 act, but that we want there to be engagement with the petitioner, so that her views on the issues are heard.

Members indicated agreement.

Elderly People (Residential Care) (PE1023)

The Convener: PE1023, from Dr McNamara, on behalf of Highland Senior Citizens Network, calls on the Scottish Parliament to urge the Scottish Government to ensure that a greater proportion of residential care places for the elderly are provided for and staffed by the statutory sector, particularly in rural areas. We have again had a fair chance to deal with the issues. I am in the committee's hands as to how we deal with the petition.

The situation with this petition is not dissimilar to the one with the previous petition. Elderly care provision is being addressed by both local and national Government and we would like the petitioner to be kept updated. I recommend that we close the petition but keep the petitioner informed of the situation with regard to care for the elderly. The reason for closing the petition is that we have raised the issues with the Government and it has identified what its programme is for addressing the needs of elderly people. There is also the Community Care and Health (Scotland) Act 2002 and the regulatory framework. That is my recommendation, unless members feel strongly otherwise.

Robin Harper: It would be worth mentioning that having a set figure or proportion for the provision of care places could be unnecessarily restrictive on councils and might divert funds away from other ways of caring for people.

The Convener: We recommend closing the petition on the ground that many of the issues have been raised and addressed through the elderly care strategy.

Members indicated agreement.

Elderly People (Provision of Care) (PE1032)

The Convener: PE1032, from Elizabeth McIntosh, on behalf of Renfrewshire Seniors Forum, calls on the Scottish Parliament to urge the Scottish Government to improve the standard of care provision for the housebound elderly and to ensure that seniors forums are fully consulted on the provision of care for the elderly. Again, the situation is not dissimilar to the situation with the previous ones, as the Government has announced that it is doing a further assessment of the Sutherland report, which will influence the shape of the resources that are available for elderly care. The last part of the petition is equally important, as it is essential that, in addition to ensuring that the standards are appropriate and properly regulated, the Government should consult seniors forums to ensure that there is engagement with senior citizens and older people in Scotland.

Nanette Milne: This is an on-going situation, which will develop as time goes on. It is important to keep the door open with the seniors fora so that their views can be taken into account when assessments are made.

The Convener: We recommend that we close the petition on the grounds that there is a 12-point plan in addition to the Sutherland review of free personal care and there is a free personal care joint development group with COSLA. We also recommend that there should be further discussion with elderly forums and other representative organisations of older people.

Members indicated agreement.

Employment Opportunities for Disabled People (Public Procurement) (PE1036)

Employment Opportunities for Disabled People (Home Working) (PE1069)

The Convener: PE1036 and PE1069 are both on issues relating to sheltered workshop employers and the need to promote employment opportunities for individuals with disabilities. PE1036 is from John Moist, on behalf of the Remploy consortium of trade unions, and PE1069 is from Clive McGrory and calls on the Scottish Parliament to urge the Scottish Executive to encourage employers to provide home working opportunities. The papers set out a number of options on considering supported business issues. Do members have any strong preferences?

Robin Harper: At the very least, we should continue our consideration of the petitions, although we should suspend it for six months until we receive a further response from the Scottish Government on the choose another way online

resource centre, and on what stage the development of the framework and standards by the joint Scottish Government and COSLA task force has reached. It is far too easy for disability issues to disappear off the agenda, so we very much have a duty to continue the petitions.

The Convener: The recommendation to delay consideration until we receive further information is certainly sensible. Are you okay with that, John?

John Wilson: If we are suspending consideration of the petitions, I think that with regard to PE1069 it might be worth while to ask the Scottish Government about the current rights and protection for home workers who take up such opportunities. I know from my previous employment that home workers can be among the most vulnerable workers in society and, although we welcome increased home working opportunities, the Scottish Government must ensure that the necessary safeguards are in place to protect those workers and that their rights are not eroded simply because they work from home.

The Convener: I share that view.

Nigel Don: With regard to PE1036, the Minister for Enterprise, Energy and Tourism has indicated that research is being carried out on how things are going. We should by all means defer consideration of the petitions, but we should also send the Government a signal that we are not going to let this go and that this is one of those important issues that must not be forgotten about.

The Convener: Thank you for those recommendations. Are members agreed on the course of action?

Members indicated agreement.

Common Good Sites (Protection) (PE1050)

The Convener: PE1050, from Councillor Ann Watters, on behalf of Kirkcaldy Civic Society, calls on the Parliament to urge the Scottish Government to introduce legislation to provide better protection for common good sites such as Ravenscraig park in Kirkcaldy and ensure that such sites are kept for future generations. Do members have any comments?

Robin Harper: The scale of the historic mismanagement and loss of these sites and the lack of information about them is such that we should under no circumstances let this petition go until we have received further information from the Government. I suggest that we write to the Government—in six months' time, perhaps—for a further response to our concerns.

The Convener: That recommendation is helpful. Are members agreed?

Members indicated agreement.

Gifted Land (Public Recreational Use) (PE1077)

The Convener: PE1077, from Jennifer McKay, calls on the Parliament to urge the Government to introduce legislation to ensure that the original conditions pertaining to gifts of land to private and public bodies or owners be honoured when they provided access and benefits to the local community.

It is recommended that we close the petition on the ground that no valid burdens will disappear as a consequence of the extensive statutory reforms in recent years to title conditions, feudal tenure and so on, which were designed to make it easier to identify and enforce burdens. Are members happy to follow that suggestion?

Members indicated agreement.

Parking Charges (Hospitals) (PE1086 and PE1091)

The Convener: The next two petitions have been in the system for a while. PE1086, from Chris Paterson, calls on the Parliament to urge the Scottish Government to issue new guidance on car parking charges at NHS hospital sites, and PE1091, from Mary Murray, calls on the Parliament to urge the Government to review the levying of car parking charges by NHS boards. We are all aware of the recent developments on these matters, and I think that the Public Petitions Committee can take some credit for amplifying these issues and concentrating the minds of those who were able to influence any long-term decisions on these matters.

Paul Martin in particular has been very involved in the matter, which has had an extensive impact on his constituents—and, I should add, my mother. As Paul has taken the time to attend this meeting, I ask him whether he wishes to make any comments.

Paul Martin (Glasgow Springburn) (Lab): Thank you, convener. I know that you have had a long meeting, so I will be brief. I, too, pay tribute to the Public Petitions Committee, which has played a crucial role in the development of Government policy on the issue. The local community in my constituency appreciates and has genuine respect for what the committee has done, and I am sure that the same is true of many communities throughout Scotland.

A couple of points need to be made. I do not think that that respect would be extended to Greater Glasgow and Clyde NHS Board for the way in which it responded to the petition in its correspondence of 25 August. I recall from the *Official Report* of the meeting at which there was an exchange with the board's chief executive, Tom

Divers, that further information was sought about the individuals who had complained about the fact that car parking charges were not in place, as the existence of such charges would, apparently, have meant greater availability of spaces. The board's response said that 41 complaints had been received since March 2007, but I recall that I asked specifically for copies of that correspondence to be provided, with the names and addresses of the people concerned redacted for obvious reasons of confidentiality. Having that correspondence in its possession would help the committee to address a debate that will continue, given that not all car parking charges have been removed throughout Scotland. It is extremely important to clarify the issue surrounding the correspondence that the health board received.

It is also important that we recognise that, as I said, car parking will not be free at all sites throughout Scotland. I do not think that the Cabinet Secretary for Health and Wellbeing has yet responded to the petitions. Correspondence from her would be helpful in clarifying the Government's position on them.

The petitioners took some time to submit the petitions, to which the committee, in allowing every opportunity for the issues to be interrogated, has adopted a very fair approach. It is important that, when health boards respond, they show as much quality as you have shown.

John Wilson: I want to follow up on the issues that Paul Martin has raised, which are important and must be pursued. It is incumbent on the committee to seek a response from the Government on what it proposes to do with the hospital car parks that will continue to charge, particularly the private finance initiative car parks. We need to know whether the Government has any indication of what it would cost to buy out the contracts and whether, at any stage in the near future, it intends to take those car parks out of PFI ownership and make them free for the hospital-using public. Failing that, we should ask whether the Government is considering imposing on the operation of PFI contracts measures to reduce or limit the charges that can be applied in such car parks.

A number of members, including Paul Martin, must be congratulated on the work that they have done to progress the petition. The campaign has won widespread support and we have been able to overturn the views of some health board members throughout Scotland, who had a cavalier attitude towards public concerns about the most vulnerable and needy in society when they required hospital attention.

Marlyn Glen: As a user of the car park at Ninewells hospital, I should probably declare an interest. A big campaign is still going on in Dundee

because Ninewells is one of the hospitals where car parking charges remain. Just last week, notices were put up to say that the charges are going to be increased, which is the opposite of what is being asked for in the petition. I support what members have said. It is essential that we write to the Government, seeking a response about whether any buyout of the remaining years is envisaged, and what the estimated separate costs would be of buying out the contracts for the three remaining car parks that charge.

17:00

The Convener: I echo what members have said. The petitioners were brave in the initial stages. That is particularly the case with the employee of the NHS, whose submission indicated that she pursued the issue with great bravery, under much strain and stress. Given the difficulties in recent years because of charging policies for car parks, the result has been a positive outcome for staff and, hopefully, in the longer term, for users.

This is another good example of the Public Petitions Committee keeping an issue going or allowing it to become more widely publicised. We have brought about changes in decision making. For example, the good debate last week on access to cancer drug treatment has resulted in a substantial shift in attitude in health boards and the health department. It is testament to the good work of the committee. I advocate that we continue that process over the next period. I thank Paul Martin for pursuing the matter on behalf of constituents and following through on the issues that have been identified.

School Buses (Seat Belts) (PE1098)

The Convener: PE1098, from Lynn Merrifield, on behalf of Kingseat community council, is on ensuring that seat belts on school buses are appropriate for children. The petition has been in our system for a while.

Nanette Milne: I feel strongly about this issue. Over the years, I have had representations on the issue from parents in Aberdeenshire. Parents in rural areas in particular are concerned about children being transported to school in buses that the parents deem would be unsafe if they were in an accident. I would be happy if the committee took a position on the issue. When we discussed the issue previously, we thought that it was a good idea to have seat belts on school buses.

I notice that 10 councils currently require seat belts to be fitted in school transport, including the neighbouring one to Aberdeenshire, Moray Council. This morning, I noted in my local paper that Aberdeenshire Council is discussing this very

issue later this week, with a view to becoming the 11th council. The Government should consider guiding local authorities on the installation of such safety measures on buses. I am aware that it is a complex issue but, with good will, it is not insurmountable. I would like the committee to take a stand and to write to the Government about it.

The Convener: I take the recommendation that we believe that there should be consistency across local authorities and that there should be work with the appropriate transport bodies and organisations on their provision of seat belts for children.

Robin Harper: We cannot ask the Government to require seat belts, can we? It is a reserved issue. All we can do is ask the Government to issue guidance to councils recommending that they fit seat belts. It is up to councils to act on that guidance.

The Convener: Yes. We will take on board those points from committee members.

Psoriasis and Psoriatic Arthritis (PE1109)

The Convener: PE1109, from Janice Johnson, on behalf of Psoriasis Scotland-PSALV, calls on the Scottish Parliament to urge the Government urgently to develop clinical guidelines on the diagnosis and treatment of psoriasis. There is an additional briefing paper from the British Association of Dermatologists. Do members have any views on how we should deal with the petition? The petitioner has been invited to join the multidisciplinary committee that is responsible for developing guidelines and to participate in the NHS Quality Improvement Scotland structure.

Prescription charges will be scrapped by 2011, removing the requirement for psoriasis and psoriatic arthritis to be defined as chronic conditions exempt from prescription charges. Many of the issues in the petition have been addressed in various ways.

Nanette Milne: There is nothing further that the committee can do. At previous meetings, I have commended the work that the petitioner, Janice Johnson, has done in this regard. She has been pushing hard to get Scottish intercollegiate guidelines network guidelines on the issue of psoriatic arthritis. It is good news that she has been invited to join the committee that is responsible for developing guidelines and I congratulate her on that. We should close the petition.

The Convener: Thank you for that recommendation.

Mordechai Vanunu (PE1122)

The Convener: The final petition is PE1122, from Vanesa Fuertes, on behalf of the Scottish Palestine Solidarity Campaign, on allowing Mordechai Vanunu freedom to travel. The First Minister has written to the Foreign and Commonwealth Office with a copy of the petition and has requested that the United Kingdom Government make representations to the Israeli Government on the matter. We have fulfilled what would be expected of the committee in relation to the petition.

John Wilson: I congratulate the clerks on the strongly worded letter to ministers that elicited such a fast response.

The Convener: And the informal lobbying that took place in between to ensure that such action took place.

New Petitions (Notification)

17:06

The Convener: The next item is notification of new petitions. As there are no comments from members, do we accept the petitions that are listed in the paper?

Members *indicated agreement.*

Petitions Process Inquiry

17:07

The Convener: The final item is the committee's inquiry into the petitions process. A paper has been provided to members for consideration. I am conscious of time. We could consider the issue at a future meeting or discuss it now. To cut to the quick, are there any issues of contention or difficulty? All we are saying is that the first inquiry meeting will take the form of a scene-setting evidence session, with a round-table format. There is a list of proposed witnesses. Are we happy with the item as it stands?

Members *indicated agreement.*

Meeting closed at 17:07.

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