

PUBLIC PETITIONS COMMITTEE

Tuesday 4 November 2008

Session 3

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PUBLIC PETITIONS COMMITTEE

16th 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 :

Hannah Cornish (Scottish Independent Advocacy Alliance)

Margaret Curran (Glasgow Baillieston) (Lab)

Helen Eadie (Dunfermline East) (Lab)

Kenny MacAskill (Edinburgh East and Musselburgh) (SNP)

Peter McColl (Scottish Council for Voluntary Organisations)

Jamie McGrigor (Highlands and Islands) (Con)

Dr Laura Miller (Hansard Society)

Graeme Robertson (Young Scot)

Liz Rowlett (Scottish Disability Equality Forum)

Shirley-Anne Somerville (Lothians) (SNP)

David Stewart (Highlands and Islands) (Lab)

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

Franck David

Zoé Tough

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 4 November 2008

[THE CONVENER *opened the meeting at 14:08*]

Decision on Taking Business in Private

The Convener (Mr Frank McAveety): I welcome committee members, invited guests and members of the public to the 16th meeting in 2008 of the Scottish Parliament's Public Petitions Committee. I have received an apology for absence from Bill Butler.

I advise everyone, including members of the public, that all mobile phones and other electronic devices must be switched off. We have a busy agenda this afternoon, but we will take a break later on, before we discuss the petitions that are before us today.

The first item on our agenda is to decide whether to take item 8 in private. Item 8 is consideration of our approach to petition PE1171, from Mr John Muir, which relates to mandatory custodial sentences for persons who carry knives.

I say to those following our proceedings that we take seriously all considerations on whether to meet in private. However, it has been our practice to consider such approach papers in private, in order to allow members to have an open discussion in which they can highlight the issues of concern. When we move on to the formal process, members of the public will be made fully aware of our considerations. The minutes of this meeting will record our decision, and we will publish other information as appropriate.

Do members agree that we should take item 8 in private?

Members *indicated agreement.*

Proposed Petition (Admissibility)

14:10

The Convener: The second item on today's agenda is consideration of the admissibility of a petition by Captain John Carter. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce legislation to regulate claims management services to ensure that customers are given statutory protection. Do members have any comments on the admissibility of the petition, bearing in mind rule 15.5.1(c) of the Parliament's standing orders?

Nanette Milne (North East Scotland) (Con): I should say at the outset that Captain Carter came to me for advice on this matter. I advised him to submit a petition to the Public Petitions Committee, so it would perhaps be better if I did not take part in this discussion.

The Convener: I appreciate your advising us of your involvement.

Nigel Don (North East Scotland) (SNP): Another petition on the subject of no win, no fee arrangements is in front of the Justice Committee at the moment. I therefore suggest that there are two ways of dealing with Captain Carter's petition—well, there are three ways, the third being not to deal with it all. The first would be to refer the petition to the Justice Committee so that it could be dealt with alongside the other petition, consideration of which has been deferred for a while because Lord Gill is examining the issues as part of his review of the court system in general.

The second approach would be completely different. Even if Captain Carter's petition refers to a reserved area of law, it abuts areas of law that are not reserved. The petition may therefore be admissible, simply because it is not entirely unrelated to Scottish law, which, of course, comes under our responsibilities.

Robin Harper (Lothians) (Green): Whether the petition is admissible or not, the question is whether it is appropriate for us to refer it to the Justice Committee. I feel that it would be appropriate to refer it, especially in the circumstances described by Nigel Don.

Fergus Cochrane (Clerk): There is a straight admissibility issue for the committee to determine. Only the Public Petitions Committee can make a decision on admissibility at this point. If the committee decides that the petition is admissible, it could at some future point decide what action to take on it. However, at the moment, the committee has to decide whether—under rule 15.5.1(c) of standing orders and under the Scotland Act

1998—the petition comes within the competence of the Parliament.

Robin Harper: Even if we ruled that the petition was inadmissible, could we still draw it to the attention of the Justice Committee?

Fergus Cochrane: It would not be a petition if the committee agreed that it was inadmissible under standing orders. No petition would exist, so there would be no petition to pass on to the Justice Committee.

Robin Harper: Right.

Marlyn Glen (North East Scotland) (Lab): If, as Nigel Don says, the Justice Committee is considering a closely aligned issue, what we do now is not quite as important as it might otherwise have been. I therefore suggest that we go along with the view that has been expressed by the clerk—that the petition is inadmissible.

The Convener: The proposal from Marlyn Glen is that we accept that the petition is inadmissible under standing orders. No one seems to want to offer a different perspective. Do members accept that the petition is inadmissible?

Members indicated agreement.

Petitions Process Inquiry

14:14

The Convener: Item 3 on the agenda is our inquiry into the public petitions process. I welcome our witnesses to the meeting; I hope that we will have a constructive discussion. Members of the Public Petitions Committee are keen to continue with the positive progress that we have made since the establishment of the committee in the Scottish Parliament. However, following a petition that we received from Young Scot, the committee has acknowledged that issues arise related to the way in which people—particularly young people—can become involved with the process of democracy and engage with elected parliamentarians. That was the genesis of our desire to hold an inquiry.

As members know, there is evidence to suggest that many parts of Scotland do not engage in any real fashion with the public petitions process, and we would like to hear about ways in which we could address that issue.

We recognise that other perspectives need to be heard. It is important that the Public Petitions Committee does not rest on its laurels. We are in advance of many other democracies, but we can continue to improve, and it would be useful to hear about ways in which we can do so.

Today's session will take the form of a round-table discussion, with members of the public being interspersed between parliamentarians, which should lessen the possibility of there being an adversarial atmosphere, and should facilitate more open and honest engagement.

This is a public session, so it will be recorded by the staff of the *Official Report* and broadcast as normal. The aim is to facilitate a general discussion and get answers to some questions. If anyone feels, during the discussion, that we have not asked a question about an issue that we should have asked about, they should feel free to let us know.

The first question will be asked by Marlyn Glen, who will introduce herself as a newcomer to the committee.

Marlyn Glen: I am a relatively new member of the committee, so I will start with a general question. What is the witnesses' overall assessment of how the Parliament and the committee publicise the existence of the public petitions process, and how could we do that better?

The Convener: Peter McColl, would you like to answer that? Robin Harper told me to pick on you first.

Peter McColl (Scottish Council for Voluntary Organisations): I will deal with him later.

I am here to speak on behalf of the Scottish Council for Voluntary Organisations and the policy officer network, which is an informal network of voluntary sector policy officers that SCVO facilitates. I will therefore reflect the experience of the broader voluntary sector as well as of SCVO.

We think that the public petitions process is reasonably well publicised. The media helps in that regard, as it sometimes picks up and promotes petitions. Indeed, petitions are one of the few elements of the parliamentary process that make an appearance on the news. However, it would be problematic if the committee were to rely on that.

A fair degree of information about the petitions process is available to insiders—if your job involves keeping an eye on Parliament, it is easy to see what is going on. Beyond that bubble, however, there are problems, which all our organisations face daily.

We have no specific suggestions about how you could publicise the process better. We think that the existing publicity is reasonably good.

Dr Laura Miller (Hansard Society): I am speaking on behalf of the Hansard Society, which is a political education and research charity.

As Peter McColl said, information about petitions is available to insiders and those who deal with the Parliament. There is an issue about public awareness of political processes in general, but the extent of the problem has not been quantified. Until that work has been done, the Public Petitions Committee should not rest on its laurels. We cannot make many assumptions about what is known about the petitions process by people other than those who are already involved to some degree. From evaluations of the public petitions process, we know that those who take part in the process or who are aware of Parliament are aware of the process. In other words, the process is well known to those who are already in the know.

On ways in which the petitions process could be better publicised, the Parliament is already involved in a number of good initiatives, such as roadshows and visits to communities. It is also important to work with the media, perhaps on case studies, so that people can see what happens in the Parliament and beyond when a petition is submitted on a particular issue. Such strategies could be developed without blowing a huge budget on advertising.

As I said, however, there is a need for research into public awareness of political processes in general.

The Convener: Does Hannah Cornish have a view on that?

Hannah Cornish (Scottish Independent Advocacy Alliance): I am speaking on behalf of the Scottish Independent Advocacy Alliance, but I am also speaking on behalf of our members, who I think would see engagement with the petitions process as my role, rather than theirs, because most advocacy organisations engage with politics at a very local level. Although they have contact with MSPs, the idea of coming to Edinburgh to present a petition might seem like quite a distant possibility to some of them.

The Convener: Do you think that the Public Petitions Committee has a responsibility to find ways of getting out to those parts of Scotland where folk feel as if they cannot come to talk to us?

Hannah Cornish: I think so. People need to learn from good examples. What is the point of a petition? What have petitions achieved in the past? It would be useful to put answers to those questions on the Parliament's website. I know the Parliament's website quite well—that is my job—but I have not found anything that says plainly that, for example, someone was able to get a new bus stop in their community as a result of a petition.

Graeme Robertson (Young Scot): As the convener mentioned, Young Scot was behind the petition that kick-started some of the work that the committee is now involved in. When we were trying to get young people to sign the petition, we discovered that they had a low level of awareness of the petitions process and of their ability to get involved in parliamentary business. That was true across the whole age group.

Others have mentioned that people hear about petitions through the media. However, there is evidence that young people are increasingly turning away from mainstream media. Therefore, we need to find alternative ways of getting to them, whether those involve setting up roadshows and so on or piggybacking on the media that they use, such as social networking sites.

Liz Rowlett (Scottish Disability Equality Forum): I support the views that have been expressed. We had a mixed response to the questions that we sent out. Some of our members are well aware of the petitions process and have a good knowledge of the Parliament, but other members do not, because they are not interested in politics in their daily lives.

People who are involved in parliamentary liaison have talked to excluded groups, and the SCVO provides some training on parliamentary awareness. As part of my role, I talk to people about how they can engage locally and nationally,

and there is a group of trainers in the voluntary sector, in the civic participation network, that promulgates best practice in the training of people with communication support needs in ways in which they can get involved in the parliamentary process. More of that work must be done, and it must meet people's needs in terms of its approach and how it is publicised.

We have talked a lot about the Scottish Parliament's website, and we should note that the Parliament has produced a text-based service. That is the kind of service that not only hearing-impaired people but young people will use. It is important to use new technologies, such as YouTube, but it is equally important to ensure that your publicity materials are in plain English and are, for example, available in formats that are accessible to people with visual impairments or those who use British Sign Language. The current design of the service unwittingly excludes some people. You must put a friendly face on the service, so that people feel able to come in here and express themselves, as some people would be intimidated by the present procedures.

We did a mini-analysis of the types of people who lodged petitions and found that many petitions to do with disability were lodged by disability organisations and people who were already involved in work on the issue. Does that mean that there are vast swathes of individuals who are not affiliated to an organisation and who do not have the knowledge, the confidence or the literacy skills to get involved? Are they deterred by the fact that they might have to give oral evidence? Indeed, what does giving oral evidence mean? Being a witness seems to be quite a serious responsibility. Is it too much of a responsibility? Are people able and confident enough to take that on?

Marlyn Glen: We have had many good answers already. The Parliament takes seriously its responsibilities as regards the issuing of information in alternative formats, but it is necessary to know where such material should be delivered. I thank Liz Rowlett for her suggestion.

Liz Rowlett also mentioned trainers and gave what I presume is an example of best practice. Do any of the other witnesses have examples of best practice? What methods have they used to increase awareness among people in communities of what they do and to involve them in that work?

Graeme Robertson: We use various channels to get information out to young people. We provide information online through websites, we use SMS, we send regular e-mail bulletins to young people who have signed up to the service and we have a team that puts on roadshows around the country, which ensures constant face-to-face engagement

with young people. Roadshows are one of the best ways of getting information out directly.

We also work through secondary schools and local authority youth work departments. As well as putting information into secondary schools, we give teachers materials to enable them to use that information more effectively. In addition to source materials, we give teachers notes and other information. That has proved highly effective over the years.

Robin Harper: Is there a regular slot in your communications that reports on legislation and parliamentary discussions that directly affect young people?

Graeme Robertson: We do not have a regular feature on what is coming up in Parliament. We have a daily news section, with a ticker at the top of the page. If an issue of particular interest is to be considered, we will include it in our news section, but there is no regular parliamentary feature on the website.

Robin Harper: Many parliamentarians share my view that it is a shame that the real work of the Parliament, which is done in committees such as the Public Petitions Committee, is rarely reported in the press, which instead follows the big stuff in the chamber and the ding-dongs at First Minister's question time. Very rarely is our work reported on.

The Convener: I have a question that relates to some of the points that Marlyn Glen raised. Are there any methods of engagement with groups or individuals that your organisations have used over the past year that you think have had a better effect on response rates? Ultimately, the Parliament wants to engage—that is enshrined as one of the principles of the Parliament. The petitions system is effective to the extent that, whether someone is an individual or represents an organisation, they can petition the Parliament. However, the evidence tells us that, as Liz Rowlett said, some people know that system better than others and can therefore, for better or worse, dominate the submission process. We are keen to find out whether there are different ways of engaging that will help us to get a better response rate.

The Young Scot submission made some observations on those matters, but I do not think that we have nailed down how we can make progress. I would like the legacy of the committee's work over the next two or three years to be a shift in favour of the citizen rather than the institution. If we do not make such a shift, we will not have succeeded, so we need to get good ideas on how to engage. That phenomenon might be evident over the next 24 hours in one of the world's biggest democracies, where the different methods of engagement used by one of the

candidates—through the internet, through blogs and through social networking—might or might not result in success for them.

I am not too enamoured by the prospect of being a key figure on a social networking site—that would terrify too many folk—but I am sure that that is one of the directions that we will take in the future. I would like to hear people's views on the issue.

14:30

Nanette Milne: Liz Rowlett said that it can be a bit intimidating to come to the Parliament. Some of the language that we use, such as calling witnesses and giving evidence, has an almost judicial feel. I wonder whether such language puts people off. That ties in with some of the convener's questions. I would be interested to hear what people think about the issue.

The Convener: The only problem with MSN is that I still like to use vowels when I send messages. I am showing my age.

Peter McColl: What is MSN? [*Laughter.*]

We considered the quasi-judicial nature of the language, which is off-putting. Many people associate being called as a witness with the legal process and with a level of seriousness for which they may not be willing to put themselves forward, rather than with sharing experience, which most people are much happier to do.

When we discussed the matter, it became clear that people are ambivalent about what they have got back from the Public Petitions Committee in the past. Word of mouth would be a successful means of promoting the committee's work. If people had a really good experience of their petition being taken on board and of the process and outcomes being clear to them, participation in the petitions process would increase significantly. There are both process issues and outcome issues. One big stream of feedback that we received was that people felt that their petitions vanished after they had had their day in front of the committee. There was not the follow-up and casework that would have made people feel that they had had a good experience. Improving outcomes would help us to get out through word of mouth that the petitions process is good and useful.

Hannah Cornish: I am not here to speak on behalf of Enable, but it submitted a petition on advocacy that we supported. Before coming here today, I asked a colleague at Enable for their views on the petitions process. They said that, because the Parliament is in Edinburgh, the process is very central belt heavy. Coming to give evidence is quite an arduous task for people with

wheelchairs—getting on and off trains and so on. Enable asked whether it would be possible for the committee to take evidence from people in their own setting.

Liz Rowlett: That is a valid point. The Equal Opportunities Committee has held various meetings around Scotland.

It is important to look at outcomes, because people will not participate if they do not see that they can get some kind of win. On the Parliament's website, it is quite difficult to track the different bits of paper associated with petitions and to see what has happened. It takes too much effort for an ordinary person to navigate the system. I am a lazy person—more than three clicks is too much for me.

When the committee has had really big wins, those have not been trumpeted loudly enough. The redesign of the wheelchair service started life as an individual's petition. The fact that that petition ended up producing a £16 million budget and a service redesign is a phenomenal achievement, but people do not always appreciate what has been done. It is up to both the Parliament and the Government to explain how petitions have resulted in changes in policy or service delivery.

Before the meeting, we talked about the different kinds of petition that exist. Some petitions are too localised and repetitive. The Parliament's website states that people have the opportunity to submit petitions on matters of national importance. Is that statement helpful, or do people see it as a hindrance? Do people spend too much time on local issues? The guidance needs to be a bit clearer. Today you have already discussed whether a petition is admissible and how to explain your decision to the petitioner concerned.

Marlyn Glen: I was on the Equal Opportunities Committee when it travelled around the country, and although it can be difficult for individuals to come to give evidence here in Edinburgh, it can also be difficult for committees to move around. However, the Justice Committee has done a fair amount of videoconferencing, which might be something that we could set up. That would make it much easier for people to give evidence.

My final question is a more encouraging one. What aspects of the public petitions process work well? I am interested in how we can make it work even better, but what are the good bits?

Liz Rowlett: The good bits are that it works well, that it makes the Parliament more open, and that people have a good understanding of it. One of the Parliament's successes is its committee structure, which makes things more open and accountable. The challenge is to get people more interested in politics and show them how it affects

them and how they can engage. We have discussed some of the shortcomings, but it is important not to sell ourselves short.

Dr Miller: The process is innovative. We should remember that it is the first and foremost such system, at least in the United Kingdom. However, it can be built on. Because it was the first such system, it can also be the first to innovate. There are lots of things that it can do, and the committee's inquiry shows that there is a will to innovate and to provide an example of best practice to the rest of the country and beyond. What is important is not just the fact that the process was the first but the fact that it has momentum and that there is enthusiasm to learn lessons about how to handle petitions better. Those are all good things.

Graeme Robertson: I agree. The good thing is that the process was the first, and the fact that the committee is holding an inquiry to reconsider it relatively soon after the Parliament started up shows willingness to take it forward. That can only be a good thing.

The Convener: I am tempted to say that the word "new" has a limited shelf life before people then take a pop at you.

We should not beat ourselves up, because by any standards the committee is on an advanced learning curve in relation to engagement. However, we cannot stop; we must continue to work on that. Marlyn Glen touched on one or two relevant areas. With accessibility through the net, other technology and various other things, we can do more throughout the country. We could do much more videoconferencing. There are local authority buildings and voluntary sector premises that can be used, so if the will is there we can engage with people more effectively over a period of time.

Two barriers may exist. The first that people face is that of simply getting to the Parliament. That is always a big problem—it applies to the House of Commons as well. The second barrier is that the formality of the structure can be intimidating. Parliament must have a formal structure or it will not have any real worth or value, but we need to find ways in which to shape it better so that people feel that it belongs to them rather than to a narrow group of elected parliamentarians who are isolated from the reality of people's lives. We should not be isolated, and I do not think that we are, but that criticism is levelled at elected members in Scotland and elsewhere.

We need to find better ways in which to work. We are keen to get some ideas from you about how we can improve the dynamic.

Nigel Don: To pick up on what Liz Rowlett said, I wonder whether the panel members can give me any clues about whether the fact that the system is well known by organisations is necessarily a demerit and individuals are excluded. It seems to me that, if there is an important issue, there is probably a group that represents people who have that issue, and the group probably understands and can articulate the issue. Do the witnesses believe that individuals are seriously disadvantaged? I would have thought that individuals' problems are probably picked up by somebody else.

Peter McColl: For us, the issue is not so much about individuals, but more about organisations with the capacity to deal in parliamentary work. Such organisations can put resources into petitions and are proficient at operating the system. The problem is that although, as you say, there are many organisations that represent individuals, not all of them are capable of putting forward those individuals' opinions. For example, I am not sure that there is an organisation with the capacity to take forward a petition on jet-skis.

Dr Miller: The evaluation of the Scottish Parliament's public petitions system has highlighted the fact that individuals submit petitions, so the problem is not that individuals are not coming forward, but that they are not necessarily linked up to other processes. Therefore, when petitions are dropped or closed or there is no follow-up, that is a problem because the people might fall away and feel even more disenchanted than they did originally. The problem is not so much that individuals are not coming through the door; it is more that there is nothing to hold them here or to keep them engaged or nurture their engagement.

A second problem is the demographic trend of petitioners, of which the committee is well aware. A petitioning constituency that is disproportionately made up of people with above-average income and people who are above middle age and male is not representative and is therefore a problem.

Robin Harper: To clarify that, suppose that, as frequently happens, the committee closes a petition for good reasons—perhaps it has come to an end or been dealt with—what further action should be taken as follow-up? Once a petition is closed, it is closed.

Dr Miller: I understand that, under the committee's present remit, not a lot can be done. However, in my evidence, I gave illustrations of available options for engagement beyond a petition, even when it has been closed. That might simply involve giving information on the website about organisations that are working on similar issues, or it might involve setting up forums for discussion in local areas about the issues. If the

Parliament decides that it cannot work on an issue, work can still take place locally to remedy the situation. I am not saying that the committee would have to convene that work, although there used to be a forum accompanying petitions, which could have made such engagement more available. That is just an illustration.

The Convener: To expand on that, there is a sense that it is important to have further signposts to help manage an issue. Some petitions have to be closed, perhaps because they are—let us be honest—a lot of nonsense. That may well happen. Sadly, we have to say no to people in life. However, what should we do when there are issues that we know can be better explored, but for which the Public Petitions Committee process is not the best way to do that? We cannot resolve that this afternoon, but we need to consider the signposts and how we handle such issues with care. If somebody has taken time to get a petition together, that means that they are passionate about the issue. I might not agree with them, but they are committed to the issue. How do we ensure that people do not get so disappointed that they undervalue the whole democratic process? As I have said before, if we do not value that process, the alternative in historical terms is worse. How do we work better with folk?

Dr Miller: That can definitely be done through signposting. Number 10 Downing Street has had a petitions system up and running for some time. It has not yet been evaluated, and I do not know whether it will be, but one major way in which it responds to petitions is through the kind of signposting that I mentioned. It is hard to say whether people are satisfied with that; the system has not been evaluated so we do not really know. However, the signposting means that there is something to join people together. When people get fired up enough to make a submission, they have somewhere to go afterwards. That is important.

14:45

Peter McColl: There is a broader issue, to which I would like to return, about who is informed about petitions that are coming up. Without monitoring the Parliament's website for the lodging of petitions, it is hard to know what is coming up. I wonder whether there should be a list of statutory consultees or people to whom petitions would be sent for comment so that, even if the petitions went dead, other people would be aware of the issues. There is a flipside to that. One of the issues that came out in our work on this is that organisations are sometimes named in petitions but are not informed of that fact. That can lead to misrepresentation or other problems, and it needs

to be tackled. I hope that we can return to that later.

Liz Rowlett: I have similar comments to make. The issue is about making clear to people what can be covered in petitions. I attended an event last week at which the public services ombudsman spoke. He is often approached by people who are trying to overturn planning decisions because they do not understand where else they can go—he is an inappropriate last resort. That might be similar to the way in which the committee sometimes receives petitions that it cannot deal with. People do not know where to go or how to approach the issues appropriately. Rather than just close a petition, you should refer the petitioners to a more appropriate authority to get the issue resolved. The issue will mean something to somebody, even if this is not the appropriate forum in which to deal with it. That would foster a better understanding among the public of what is dealt with locally, what is dealt with nationally and the different political structures that are involved.

The Convener: We would welcome views on that. We are concerned about the fact that issues that we know, from experience, should be dealt with at local government level are arriving here with great frequency. We should encourage local authorities—through the powers of general competence or whatever the language is for modernisation of local government—to ensure that they have in place structures within which such issues are dealt with. To be fair, one or two local authorities have opened up a debate about whether they should have a local authority petitions structure similar to the Parliament's system. That might address some of the concerns that frequently emerge at our committee.

Graeme Robertson: Should not the Parliament consider this before a petition is lodged? In our written submission to the committee, we suggested that there should be a stage before the petition arrives at which the clerks or whoever could advise the petitioner whether the Parliament would be the right place to come with their issue. That would avoid the committee having to close a petition or send a petition away. The matter could be referred to the local authority, the health board or wherever was appropriate.

The Convener: Okay. The consensus is that it is important to demonstrate productive outcomes, although they may not always be positive ones, which the committee could present to the wider public through formal publications or structures. The idea has been put forward that we compile a summary of petitions that the Parliament has received that have resulted in a change in policy or new investment by the Government or a key agency—a health board or whatever.

We have had success recently following a parliamentary debate about the availability of a cancer drug. The issue was of interest to the public, and the press and other media knew that and covered the debate well. That resulted in a more constructive engagement with the minister and the Government. People have different views about how far we can go with the issue, but progress has been made in the past six months that had not been made in the previous three or four years.

We have a responsibility to tell people what we are doing and how they can have a positive impact on that. The suggestions that have been made so far are, therefore, useful.

I want to move on, as I am conscious of the limited amount of time that we have for the discussion. John Wilson will lead on the issues of how we see petitions as admissible—how we can break down the barrier of the terminology, which puts people off—and how we can improve the way in which petitions are presented to the committee.

John Wilson (Central Scotland) (SNP): Thanks, convener. You have led off well on the issue.

A number of contributors have mentioned the admissibility of petitions that come before us. At item 2 on today's agenda, you were privileged to hear the committee deal with an admissibility issue in respect of a petition that had been lodged. Do you think that the committee is too open in respect of the petitions with which it deals, or too prescriptive, or are we getting it right in our handling of petitions that come forward?

Do we place enough emphasis on the petitioners trying to resolve the issues at local level, or whatever level is appropriate, prior to coming to the Public Petitions Committee? Petitioners have said a number of times that they have spoken to their MSP. Nanette Milne said that someone had phoned her up and that she had recommended that they refer the matter to the Public Petitions Committee. I would welcome your views on whether the Public Petitions Committee or the clerks would be entitled to say, "Sorry, we don't think that we can deal with the issue."

The Convener: We have been agonising over the matter. The committee needs to sort out some issues, so any helpful suggestions would be welcome.

Hannah Cornish: Signposting is essential. As long as the committee says, "No, but try X, Y or Z," that is great, but there would be issues about the committee saying a point blank no, for whatever reason.

The Convener: But whatever the issue, we have a relatively young Parliament. People say,

"Now that the Parliament has been established and it is just down the road, why can I not bring the issue to my Parliament? We have waited 300 years for a slightly more open democracy. I want you to give me a break and you are saying no to me."

I am trying to give a punter's view. Should we just say, "No, you should have taken up the issue with your council", or should we say, "Suffer the little children; we will give you a big cuddle and understand you more"?

Liz Rowlett: If you tell someone that you cannot deal with an issue, you must help them to tease out why they should take the issue back to their council. We came across a petition from someone from Aberdeen about car parking spaces in Aberdeen. A recommendation had been made by the access panel, so there had been a process of local democracy and access auditing, but the individual did not approve of the council's decision so they raised a petition. The access panel was then on to us saying, "Have you heard about the decision?" and you guys were saying, "What's the issue with parking spaces in Aberdeen?" It is a matter of what it is appropriate for the committee to deal with. How can you help someone overcome an issue? Is it most appropriate to refer them back to their MSP to sort it out? Sometimes people bring local politics to the Public Petitions Committee.

The Convener: Never. That is a shocking revelation.

Liz Rowlett: It is a question of whether you can resolve the issue and whether you have the resources to address it. Parliamentarians are fighting for time and lots of cross-party groups are fighting for scant resources. There has to be a better understanding of what the Public Petitions Committee can and cannot deal with. An issue is how you help people through that process.

The Convener: You mentioned time. We have limited time and people are keen to speak to the committee. Out of every tranche of petitions, we are lucky if oral presentations can be made to the committee on two or three. It is always disappointing for folk who miss out when they want a chance to speak directly to a parliamentary committee. How should we handle that issue in the future? People feel aggrieved that they have not had a chance to speak, but we must make that call.

Peter McColl: This is perhaps more in response to the previous point, which goes back to what I said about outcomes. People should be guided through the process. If they are told that they cannot bring a petition here and that they have to go elsewhere, there should be some contact with them about what happened when they went

elsewhere before they come back here. It is about appropriateness. If local processes have been followed incorrectly or there have been problems, there might be an opportunity to legislate on that or to refer the matter to another parliamentary committee. Having better contact with petitioners provides an opportunity to derive better outcomes.

Dr Miller: This goes to the heart of the public's understanding of petitions. You raised the bar here, which is probably a good thing, because it means that fewer people will be disappointed by the fact that they cannot submit the kind of petitions that go through 10 Downing Street's website, which are inadmissible here. There is a good chance that petitions that people submit to the Scottish Parliament will be considered seriously, which has to be a good thing. The public still have an expectation that a petition equals action, which equals results. Work has to be done to address the public's expectations and to tackle the perceptions that arise out of the process. Much as you have in place a structure that, to all intents and purposes, works well, work has to be done around it, on education, outreach and the way in which the results are transmitted to the public. Those are all important dimensions.

Graeme Robertson: It goes back to how well educated people are about how to lobby, get their point across and take action. I am conscious that there is no one-stop shop in Scotland to which someone can go to ask how to progress an issue or get something changed. Should the Parliament be the place to tell people what steps they can take? The ultimate step would be to lodge a petition in the Parliament if that is appropriate.

John Wilson: Given our experience over the past eight or nine years, are we getting it right on admissibility? Could other things be done? We have tried to streamline and filter which petitions get to come before the committee. As the convener said, we need to get a feel from the public about how the system is operating and whether our admissibility criteria are working to the benefit of people who want to submit petitions.

Liz Rowlett: In that case, it would be helpful to have some information on the petitions that you have deemed inadmissible. If you want to consult the public, you must go out and talk to people; there is no getting away from that. It is about going out to talk to the public and helping people to understand the process. There are local information and advice projects scattered up and down the country. Information workers will tell people how they can resolve an issue and how they can speak to their councillor or MSP. We are not saying that such work is not happening, but it is patchy.

The Convener: I do not know whether this is a flagellation-type commitment, but as part of this

inquiry we will hold three external meetings in different regions of Scotland, so that we can at least get a flavour of what is happening there, as well as receive submissions. I agree that people cannot comment unless they can see the material or the contrast between the available options. This is not a central worry of ours, but we need to get things right, so that people do not feel that we have given them flimsy reasons for excluding their petition. I am trying to avoid that. It is about the interest of the petition, rather than our being difficult with one another about what is admissible.

15:00

Peter McColl: It is perhaps because of the function of the groups that we consulted that admissibility was not raised as an issue, which might be of interest to the committee.

Hannah Cornish: It is interesting that people are saying that they tried to raise an issue at Scottish Parliament level before raising it at a local level. Our organisations are saying, "Well actually, we wouldn't want to raise a petition; we'd want to sit on a community health partnership planning group or a public/patient involvement group." People want to influence policy in that way rather than at a national level. I do not know how much evidence there is for that, but one manager felt that to come to the Scottish Parliament and bypass local commissioners, or local funders if they were seeking more funds, would be seen as a really bad thing to do and that they should always try to make their voice heard locally.

The Convener: That is useful, because it throws up a possible option for us to look at: what is local engagement like in community partnerships and on assessment panels? We might be able to consider that as part of our process.

Liz Rowlett: Some community planning structures are so complex that most of the workers, let alone the general public, do not understand them. It might be difficult for people to navigate such structures and easier for them to come here.

The Convener: I am sorry to play devil's advocate, but perhaps we need a petition of national concern that makes things clearer because the general public are not alone—parliamentarians sitting round the table are equally confused about those local structures compared with what existed before. That might be a good subject for a petition that the Parliament could consider; we could then encourage much more transparency of such structures locally.

I am conscious of time and want us to consider outstanding issues, although we will come back to the issues that have been raised during the inquiry. Feel free to submit observations about

matters that we have not yet addressed. Nigel Don has questions about information and communication technology and development and it would be helpful if Graeme Robertson would lead on that.

Nigel Don: I would like to lead us into the processes—not how we scrutinise the questions that we ask here, which I suggest is for later consideration, but the processes that are involved in getting the petition into and through the committee. How do the panellists feel about the e-petitions system and how we could develop it? We are looking not for technical solutions—most of us would not even understand the acronym, never mind what it means—but for conceptual ideas about how we might improve our use of technology to gain access and admissibility.

Graeme Robertson: I repeat what I said about early support from the Parliament to help people come up with ideas and take them through the process. To that end, we came up with a three-stage concept.

The first part of the concept was to help create a space on the Parliament's or somebody else's website where people could just list what they were interested in to help them come up with ideas to begin with. The second aspect was to have what is called a common work space on the website to allow people who had shared their ideas to refine them—there are many commercial common work spaces out there and they are not difficult to build. Such a work space would allow people to collaborate online and come up with the wording and ideas for debate and to refine the concept. The third step was to launch the e-petition. In summary, that three-stage process would allow people to refine an idea and then take action on it through the e-petitions system.

Dr Miller: It is sad that the forums that accompanied the e-petitions system are no longer running. I do not know why that is, but they were a good idea in that they enabled people who had submitted petitions to discuss them with one another and to raise counter-petitions. There might be a need to think about reinstating those forums.

I mentioned signposting, which is important. You could use the websites and the e-petitions system as a way of providing such signposts.

Finally, Liz Rowlett touched on having a case study upfront of a successfully launched petition. In addition, e-petitions could be searched by subject and not just by petition number. Those are the kinds of important architectural improvements that could be made.

Liz Rowlett: It would be helpful if there was a searchable petitions database with accompanying documents and signposts. When searching the Parliament website, I often find that I have to go

through a lot to track not only petitions, but motions and parliamentary questions. The site is perhaps not as sophisticated as it should be.

Nigel Don: That drags me on to the social networking side of the internet, which feels like a great novelty when you are as old as I am. Most of the people who bring us petitions look a bit like me, which is seriously worrying. We need to engage with younger folk and we must do that in their way. I guess we would be looking for a bit of help and advice on how we might do that, and that technology might well be part of it.

Graeme Robertson: Young Scot uses social networking sites, but we do not try to replicate there what we have on our main websites. We use social networking sites as conduits or marketing tools to get young people to visit our websites. That seems to be how things are going in social networking. You do not try to create, say, 15 different types of websites; you just use the networking sites as channels to a single point. I do not want to get too technical, but the Parliament could develop its own nuggets or bolt-ons that could go into somebody's social networking sites. That would allow someone who had a petition up to have a link to it from their own social networking sites and use that to promote the petition around their circle of friends or the community of interest with which they worked. That kind of thing should be relatively simple to do.

Marlyn Glen: I am not an expert in this area, but our Parliament system is very secure and I do not envisage that being changed. The parliamentary network, which we can access from computers in our offices or anywhere in the Parliament, has huge restrictions for security reasons. We would have to balance that against having links to outside sites. We obviously could not have a link to a social networking site through which inappropriate comments could be put on the Parliament site.

The Convener: If we consider the internet phenomenon, there must be the equivalent in Scotland of a couple of McGoogles that could come up with ideas about how we can engage more effectively with the internet. As for asking me to do that, you would be as well just locking me in a room. We must get a young person who is sharply tuned in to such matters, who could say, "Well, see if you did this and this—".

Clearly, we would need to protect certain procedures on the Parliament website. However, to be blunt, I think that we have a clunky system that does not meet needs, particularly those of newcomers to engagement with the internet. We need to do better. We probably do not spend the kind of money that needs to be spent to get something more innovative and dramatic. We are still looking at the technology of six or seven years

ago rather than worrying about what is ahead of us in the next four or five years.

I am not an expert on the issue, though. Seventeen-year-olds just laugh at me, for example, when I go over and say, "Please help me here." They reply, "Here's the three ways you can do that," and I say, "That's great." We must find better ways of doing that kind of thing and ensure that the Parliament website is more attuned to different needs.

Dr Miller: At the risk of sounding pessimistic, I would not say that sorting out the technology means that everything else will follow. I do not think that the technology is the problem. I agree that the Parliament website can be improved and that things can be done to make it less clunky, but I do not think that you necessarily need social networking capacity on the website. Phenomena such as social network websites generally develop from the grassroots up. As has been said, they could be used to feed into the petitions process, but if you want to engage with young people, you must do things to engage with them specifically. Because of issues such as the digital divide, you must do that offline as well as online. You can engage with young people through schools and other forums, as well as online. Both approaches are necessary.

Graeme Robertson: I second that comment. Promoting the petitions process is a separate issue from promoting an individual petition online. It is one thing for a petitioner who has their own Bebo or MySpace page to get a nugget from the Scottish Parliament website and use their site to promote their petition to their circle of friends or community. However, using social networking to reach young people and to promote the petitions process requires an entirely different strategy.

Liz Rowlett: In today's environment, young people like fast, dynamic information. It is not a question of giving them a weblink once every three weeks—that will not do it. The dynamism of the information that you provide is important.

The Convener: I am conscious that a petitioner who is here for a later petition must leave quite soon.

Nanette Milne wants to ask about the committee's scrutiny role.

Nanette Milne: Do you think that the methods that we use to scrutinise petitions are effective? Can you offer us some examples of best practice?

The Convener: Have we been blundering away in the past year and a half? Have we gone about things in the right way? Can you suggest one or two innovations that might be useful?

Dr Miller: The only thing that stands out in the evaluation and evidence on the Scottish petitions

system that I have read is that there is not a great deal of transparency with regard to how decisions are made. Where there is transparency, the information is not particularly accessible. It is a credit to the Public Petitions Committee and its clerks that decisions are made and that a process is in place to ensure that that happens, but things could be made more evident. Liz Rowlett made the point that there is not much information about rejected petitions to help people come to an understanding of whether their petition is likely to follow suit or is likely to be accepted. There are steps that you could take to make that more evident, which would help.

Peter McColl: Our written evidence included a list of questions about process—for example, how is it decided who will give evidence, and how are inaccuracies and factual differences sorted out? Those questions will guide the committee on what we thought was important. There is a serious problem of people who have been named not being alerted to that fact.

Nanette Milne: The issue of petitioners giving oral evidence was raised repeatedly in the written evidence that we received. People are peeved—to put it mildly—when they are not invited to give evidence. How can we overcome that problem, given the fact that we are under time pressure? You will be aware that the number of petitions submitted increases constantly. How can we cope with that demand?

Peter McColl: People understand that a lot of petitions are submitted, but they want to know how it is decided that evidence should be taken on a particular petition. At the moment, people are not satisfied that that is clear—that is where the problem lies.

Robin Harper: Peter McColl raised the issue of people being named in petitions. Should a duty be placed on petitioners who have named people to alert them to that fact? Should we make it clear to petitioners that, if they name someone, they must inform the person concerned that they have done so?

15:15

Liz Rowlett: I would go further than that and make it a function of the committee to ensure that the petitioner has done that. Otherwise, a petitioner could say, "Oh yes, we told him we've named him in this petition," but it might not necessarily have happened.

Hannah Cornish: It is an issue for organisations as well as individuals. There have been a few cases in which an organisation has not been consulted.

The Convener: The committee has a lot of petitions to deal with this afternoon, so I will make a couple of points to sum up. We have not asked all the questions that we could have, so I suggest that, if witnesses want to, they liaise with the clerks on the issues to which they could add more detail.

I would like the witnesses also to think about how we deal with petitions and the issues that John Wilson mentioned. We do not have powers to deal with issues that people feel strongly that the Scottish Parliament or Scottish Government should take a view on. How should we manage that process? We have navigated it with great care in the past few months, but any observational points would be helpful.

There is also the question of research evidence, which is not detailed at the moment. Some of the witnesses may be aware that we commissioned the University of Strathclyde to carry out some work, but there may be a need for focus group work on what people want from a petitions process. All of us—I include myself—have made assumptions about what the public want, but we perhaps need a better sense of that. That work may throw up some pretty chilling responses, and we may need to change our views on certain things, but we should do that research.

There will be other opportunities to follow through on the work, but I thank the witnesses for giving up their time this afternoon. We will return to the topic on 2 December, and any views or observations in the intervening period that they think will be valuable would be welcome. Given what was said in an earlier contribution, if the witnesses believe that today has been a useful experience, they could encourage others through word of mouth to make submissions.

I thank the witnesses. We will suspend briefly.

15:17

Meeting suspended.

15:19

On resuming—

Current Petitions

Young Offenders (PE1155)

The Convener: I thank members and petitioners for their time and patience. I am bringing forward consideration of petition PE1155, from Elizabeth Cooper, because she has a prearranged commitment to return to Glasgow on a specific train. Because of her disability needs, she must catch that train.

Elizabeth Cooper's constituency member, Margaret Curran, who has previously made submissions on the petitioner's behalf, is present for the item. I apologise for bringing forward the petition, but we do so to help Elizabeth Cooper.

The petition calls on the Parliament to urge the Government to amend the law to ensure that young people who are aged between 10 and 18 and who are charged with serious offences are tried by the criminal justice system, rather than the children's hearings system.

Margaret Curran will speak on her constituent's behalf.

Margaret Curran (Glasgow Baillieston) (Lab):

I thank the convener for bringing forward consideration of the petition to meet Mrs Cooper's needs.

Some members know the background to the petition, which is that Mrs Cooper's son was seriously assaulted. Ultimately, nothing was done about that in the victim's interests and nothing was done to the perpetrators. The fact that the assault has not been dealt with or challenged is causing the Cooper family great trauma and raises a profoundly significant social policy issue.

The Cooper family and I acknowledge that, when offenders are under 16, particular arrangements must kick in. We understand the need for confidentiality of social work interventions and for special efforts, particularly to work with young offenders. Nonetheless, the current situation is unsatisfactory. A serious assault has been left unchecked. The signals that that sends to the broader community are serious. Mrs Cooper's son has undergone considerable trauma—much evidence supports that. Perhaps what is more significant is that the perpetrators will believe that there is no comeback for such behaviour. One could argue that that will lead to broader violence in the community.

The petition has provided a useful forum for Mrs Cooper to articulate those concerns. We are

asking for the Parliament and the Government to be required to examine the situation and to see what can be done. We appreciate that no one policy exists that would answer the problem immediately and which the Government or the Parliament is ignoring. However, we cannot just shrug our shoulders and walk away from the issue, because it is too serious and it demands much greater consideration by all of us, in whatever capacity we serve Parliament.

The Convener: Do committee members have questions or observations about the petition?

Nanette Milne: Would it help to arrange a meeting between the petitioner and a Government representative, to air all the concerns and consider the way forward?

The Convener: As the petitioner knows, we are in a limbo period in which substantial discussion is taking place about the structure of the children's hearings system. The Government and others who are involved in the process say that it will be a long time before that system is addressed. That is about the system's superstructure, but the petition concerns specific circumstances that had a dramatic impact on the petitioner's young son.

In the interim, we want to find ways forward. Nanette Milne makes the reasonable suggestion that we could raise the issue on the petitioner's behalf and ask the Government for further discussion. I am sure that the elected representative for the petitioner's area would be keen to pursue that. Does Margaret Curran want to comment?

Margaret Curran: With the committee's backing, I am sure that a meeting would help. I imagine that the Government is not resistant to a meeting.

In the case that we are discussing, people are frustrated that justice has not been applied to the perpetrators—whether through the children's panel system or the criminal justice system. The family has been abandoned. Whatever comes out of the case should inform a broader discussion about the children's panel system. If we were to reform the system and the current situation were to continue, that would be a matter of concern for us all. So, I believe that the case is of significance at two levels.

The Convener: Do any other committee members have observations to make? Could we take the course of action that Nanette Milne suggests, which would hopefully benefit the petitioner? The petition is still open because the issues that it raises will be part of the bigger review of the children's hearings system. We do not intend to close the petition, but we want to explore the issues that the petitioner raises with

those who can perhaps address them through the legislative process.

Nanette Milne: If such a meeting takes place, the committee should be notified about what happened at the meeting and what the outcome was.

The Convener: Okay. I hope that that is helpful to the petitioners, who I am aware need to leave shortly because of their arrangements. We will keep the petition open and see whether there is an opportunity to discuss the matter further with Government representatives or a minister. The outcome of any such meeting will be fed back to us before the deliberations on the structure of the children's hearings system. Is that agreed?

Members indicated agreement.

New Petitions

Specialist Schoolteachers (PE1193)

15:26

The Convener: We return to the published agenda. PE1193, from Paul Tierney, calls on the Scottish Parliament to urge the Scottish Government to create a parents' contract whereby local authority schools would be legally required to provide that the core skills of each subject incorporated in the school curriculum were taught by a teacher specialising in that subject. The petition has received a fair amount of publicity, given the circumstances that a member of Mr Tierney's family faces. Do members have any comments or observations to make?

Nigel Don: Every parent would sympathise with the views expressed in the petition. We want our children to get the best possible education, and having a qualified teacher is the best way of ensuring that. However, I am conscious—as I am sure that everyone else is—of the fact that local authorities have to run schools and face practical problems in getting the right number of teachers with the right qualifications in every school at every point. That will be pretty obvious to the petitioner, too. Therefore, if we are to improve things, it will take some kind of balancing act. I wonder whether we should write to local authorities and the teachers' organisations to see whether they feel that the situation can be improved. I struggle to believe that we could end up with a contract by which people would be absolutely bound; nevertheless, surely, we can try to point people in a better direction. Perhaps we should write to the Association of Directors of Education in Scotland and the various teachers' organisations.

Nanette Milne: I am surprised that there is no legal requirement for teachers to be specialised if they are teaching a specialist subject. I am not sure whether I was aware of that before. Has any research been done into whether children are adversely affected if their teacher is not a specialist in the subject that they are teaching? There are questions around that, and we should perhaps ask the Government whether it knows whether there is any adverse impact on the pupils who are involved.

The Convener: I have had it from the other side of the fence, when I have been pitched in to teach different subjects. Fortunately, the pupils considered me to be a better teacher than the subject teachers, but these things sometimes happen.

Marlyn Glen: There is always a different perspective. A few of us here are ex-teachers and have experienced such situations. I accept that a specialist teacher would always teach the subject in a better way; however, I would hesitate to lay it down in a contract that every teacher had to be a specialist. The petition talks about only the core skills of each subject needing to be taught by a specialist, which seems to cover that.

I also wonder about learning support teachers, who often teach across the curriculum. I think that such teaching works, as it was part of my job at one point. I should put that on record.

It is worrying, and difficulties can arise if pupils get to exam time and they and their parents feel that they have not had a specialist teacher often enough to be given the basics of the core subject. I welcome the suggestions that have been made.

15:30

Robin Harper: I will add more of the same. I am uncomfortable with the idea that those who run schools should not have some freedom to employ people who are good teachers to teach subjects in which there is a shortage of specialists. I know of one teacher with no qualifications in science who took over a science department and got the best results that the school had ever had. Primary school teachers teach all subjects across the board and are not expected to be specialists. Obviously, it is better that, where possible, the school employs people who are highly qualified in the subjects that they teach.

Another issue is that the curriculum for excellence will introduce cross-curricular teaching. Given that ethos, it would make things very difficult if there was an absolute injunction that people could teach only their specific bit of the curriculum. Some of the concerns that the petitioner raises need to be addressed, but it would be counterproductive to introduce such a legal obligation in view of what both the educational system and the Parliament have agreed should be the shape of education and the course that it should take in Scotland.

The Convener: Are we agreed that we should pursue those issues? We might arrive at a different conclusion from the petitioner when we receive that information, but we will seek responses to the range of questions that have been suggested. Are members comfortable with submitting those questions to the suggested agencies, which include the Association of Directors of Education in Scotland, the local authorities and Her Majesty's Inspectorate of Education?

Robin Harper: We should also write to the General Teaching Council for Scotland and School Leaders Scotland.

John Wilson: I suggest that we also contact the Educational Institute of Scotland and the Scottish Secondary Teachers' Association.

In addition to writing to the Scottish Government, we should contact HMIE separately to ask what criteria are used in assessing standards of classroom teaching and whether the inspectorate identifies the use of non-specialist teachers. Not all teachers can be like our convener, who was apparently perceived by pupils to be a better teacher than the person for whom he was standing in. We should ask how that is measured. Having just experienced that process with my daughter, who has just sat her exams, I know that the issue is a worry for all parents, who want the best for their children. There is an onus on us as a Parliament and on local authorities to ensure that we deliver the best education possible.

The Convener: Let us explore those issues. Given the circumstances facing his daughter, the petitioner has already contacted a whole range of agencies—apropos our previous discussion, he has contacted all the various appropriate agencies—so he will clearly want the committee to hear the various agencies' views on the petition. We will explore those issues while taking on board the observations that members have made.

Permitted Development Rights (Port Authorities) (PE1202)

The Convener: PE1202, from Joyce MacDonald, calls on the Scottish Parliament to urge the Scottish Government to remove the general permitted development rights of port authorities.

I am not inclined to close the petition, as it asks some legitimate questions, but that is only my view. Do members have any comment?

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I do not think that the current system is causing undue harm. It seems to work well, and I do not think that the authorities are contravening planning regulations to any great extent, if at all. I would be inclined to agree with you, convener, and keep the petition open, perhaps requesting information from the Scottish Government.

Robin Harper: It would be appropriate to keep the petition open on the ground that the Scottish Government will amend the system next year. We could ask the Government questions such as whether the current system balances with the rights of residents living next to ports, whether it is desirable to remove the permitted development

rights of port authorities, whether the recent changes in planning legislation address the issues raised in the petition, and whether the issues highlighted in the petition will be addressed through the amendments proposed to the system. It would be right and appropriate for us to ask the Government to answer those questions as we progress towards the review and amendments that it says that it will implement.

John Wilson: I agree with Robin Harper. It is important that we receive some clear guidance on how any changes may affect the port authorities, and it might also be useful to write to some of those authorities for their views on any changes that may be perceived to be coming forward and on how they would continue to operate if changes were made to how they could develop.

Nanette Milne: I had been thinking of suggesting that we suspend the petition until we knew what permitted development amendments were being introduced, but it probably makes sense to contact the other bodies ahead of that.

The Convener: So we agree with the points on further exploration of the issue. We will do that and then bring the petition back to the committee for further consideration.

Ferry Services (Road Equivalent Tariff) (PE1203)

The Convener: The next petition is PE1203, from Joan Richardson. There has been some coming and going of members: there is almost a revolving door. Jamie McGrigor and David Stewart will speak to the petition.

The petition calls on the Scottish Parliament to urge the Scottish Government to commence a review of ferry services, to develop a long-term strategy for lifeline services to 2025, and to provide an immediate minimum discount of 40 per cent on ferry fares. I will invite David Stewart and then Jamie McGrigor to speak to the petition, then we will move to questions.

David Stewart (Highlands and Islands) (Lab): I thank committee members for allowing me to make a few brief comments—I am conscious that you have a busy agenda today.

I draw members' attention to my entry in the register of members' interests and to the fact that in the summer I held my own online petition, which also called for a 40 per cent reduction in ferry fares, particularly in the Highlands and Islands, and which received 174 individual signatures.

As members may know, I was a member of the Transport, Infrastructure and Climate Change Committee, and I was part of the team, which included Shirley-Anne Somerville and others, that undertook a huge inquiry into ferry services

throughout Scotland. We took evidence in Oban and Shetland and videoconferenced with people in the Western Isles. I congratulate the petitioners on their work in bringing the petition together. In particular, Joan Richardson, the community councillor from Jura, has been the principal petitioner.

Members may ask why we are seeking a fare reduction of 40 per cent. I will draw several points to their attention. The first point is the issue of fairness. Social exclusion has been an important part of the social agendas of this and previous Governments. It is important that all islands in Scotland are brought into the discounted fares equation.

The second point is about the economy. As members know, some of our island communities are very marginal economically. Tourism has an important role to play in the Highlands and Islands in particular. Tourists will, of course, vote with their feet. They will consider visiting the cheaper road equivalent tariff pilot areas and avoid islands such as Mull, Arran and Bute and perhaps even Orkney and Shetland, which will have a knock-on effect on their populations. Such effects have been a major problem in the Highlands and Islands for generations, particularly for young people. Some of the populations of marginal island communities may be lost. There may also be effects on inward and indigenous investment. We need action now.

Members will be aware that the current RET pilot scheme is extremely long—it is not due to be completed until 2011. Indeed, someone said to me that it is the pilot study equivalent of “War and Peace”, but I will leave others to comment on that. Members will also be aware that fares are frozen within but not outwith the RET areas. We need a long-term, sustainable strategy for all ferry services that takes prices into consideration. We need to consider affordable and equitable ferry services, because those services are, of course, the lifeblood of rural communities.

The next step is, of course, purely a matter for members of the committee, but I will make two brief suggestions. First, members could refer the petition to the Transport, Infrastructure and Climate Change Committee, which has a track record of taking on board transport-related petitions from the Public Petitions Committee. Secondly, members will be aware that the Scottish Government is reviewing Scotland’s lifeline ferry services as part of its national transport strategy. It seems sensible to include the petition in the discussion of those services.

I thank the committee for its time and again thank the petitioners for their work on the petition.

Jamie McGrigor (Highlands and Islands) (Con): As a Highlands and Islands MSP, I

congratulate Joan Richardson on lodging the petition. The number of signatures that it has attracted demonstrates the strength of feeling about lifeline ferries.

I welcome the announcement that the Scottish Government made in February 2008 on a RET pilot project for the Western Isles, Coll and Tiree. That announcement was exciting for people in those islands, but Joan Richardson represents the many people in the many other islands who did not receive that bonus.

My constituents and I are concerned that the pilot excludes many island communities, including those on Jura, Colonsay, Mull, Bute, Islay and, of course, all the Orkney and Shetland islands, and that it has therefore placed them at a definite economic disadvantage that may be very damaging. People are particularly concerned that the trial is so extended. We argued that if it was to take place in a limited area, it should be for a limited period, but it will last not just for a year, but for 30 years—I beg your pardon, it will last for 30 months.

The Convener: The minister was angling for 30 years, but did not quite get that idea through.

Jamie McGrigor: I apologise for my mistake.

As David Stewart said, fare differences will be made even worse, as the Scottish Government has frozen all fares in the RET pilot area but CalMac Ferries will increase its fares elsewhere by 3.8 per cent in 2009. The Scottish ministers have not ruled out extending the RET scheme to all routes after the pilot study, but that is not much comfort to many of my constituents, who face no reductions in fares for at least three years, and it is little comfort to tourists and to farmers, crofters, business owners and others who fear that their businesses’ viability will be put at risk by the relative disadvantage that they face because of ministers’ decision.

The Scottish Government’s recently announced ferry services review addresses part of my constituent’s stated aim in her petition, but I hope that committee members will ask the Minister for Transport, Infrastructure and Climate Change specifically to address the concerns of islanders who have been excluded from the RET project. Ministers have a duty to respond to their legitimate concerns before the review is concluded, because we run the risk of further damage being done to already fragile remote and rural economies in the Highlands and Islands.

The Convener: Do members of the committee have any comments?

15:45

Nanette Milne: Both attending MSPs have made pretty strong pleas and a fair case. We should contact the Government to ask what it intends to do about the communities that are not getting the benefit of the 40 per cent reduction in fares at the moment. We could also ask why it has decided to limit the pilot study to the Western Isles and not extend it to all the other islands.

John Farquhar Munro: I thank both members for their submissions. I fully support their statements.

I cannot understand how the Government could launch the RET project in part of our islands system without including everyone from our island communities. The cost of travelling from Shetland and Orkney to the mainland and on the ferries between the different islands in the far north is considerable. There are plenty opportunities to implement the RET proposals in the Argyll islands as they are being implemented in the Western Isles. I do not think that there is any legal or other impediment to the Government extending the RET programme to cover all those communities. The committee should take a strong view and raise the issue with the Government to see if sense and reason can prevail.

Marlyn Glen: I agree with Nanette Milne's suggestions and add to them the suggestion that we refer the petition to the Transport, Infrastructure and Climate Change Committee as a matter of urgency. As we have heard, for reasons of fairness, social exclusion and economic marginalisation, there is a strong case for extending the pilot. The idea of leaving the issue until the end of the pilot in 2011 is not acceptable.

The Convener: Okay. Do we accept those observations? Are we happy for the committee to pursue those points?

The clerk is concerned about a technical issue. I often say that clerks always get wound up about these things.

Fergus Cochrane: I just want to clarify that the committee's decision is to refer the petition to the Transport, Infrastructure and Climate Change Committee. Obviously, that committee has recently reviewed ferry services.

John Farquhar Munro: I suggest that the petition should go to the Scottish Government, but if the committee's view is that it should go to the Transport, Infrastructure and Climate Change Committee, I am quite happy with that.

The Convener: The main point is that the committee wants to ask the Scottish Government for clarification. The clerk was just concerned about the process, and I wanted to give him his

place and the opportunity to reassure me that we were not doing anything really bad. Fergus, are you saying that it would be better if the petition went to the Government rather than the Transport, Infrastructure and Climate Change Committee, because that committee has concluded its ferry services inquiry?

Fergus Cochrane: Yes. Obviously, if the committee agrees to write to the Scottish Government it will not refer the petition to a committee—it is one or the other.

Marlyn Glen: So the petition will come back to this committee and then we can refer it to the Transport, Infrastructure and Climate Change Committee.

The Convener: Members' opinions differ on the usefulness of the pilot, but there will be an opportunity to debate that in the chamber at some point. However, we need clarification, because the petitioners have asked specific questions, so let us write to the Government on those issues. Is that okay?

Members indicated agreement.

The Convener: I thank the two members of the Scottish Parliament who have come along this afternoon to speak to the petition.

Sports Facilities (PE1205)

The Convener: Moving on swiftly, we have a petition on behalf of the save Meadowbank campaign, from Chris Gallacher, which calls on the Scottish Parliament to urge the Scottish Government to clarify how the commitment to ensure that there is a local, regional and national lasting legacy from the 2014 Commonwealth games and to promote sport and healthy living can be delivered in light of recent decisions by particular local authorities to reduce the provision of local, regional and national-level sports facilities. The petition also calls on the Government to clarify how it will engage with local authorities over the period, including by providing adequate funding to ensure that the existing range and level of sports facilities is not diminished through, for example, their sale for private housing.

I am aware that a number of committee members, particularly Robin Harper, have supported the campaign in their role as list members, and will wish to contribute. Kenny MacAskill, the member for the constituency where Meadowbank stadium is located, is here to speak to the petition in his capacity as an individual MSP—he will not be speaking on behalf of the Scottish Government.

Kenny MacAskill (Edinburgh East and Musselburgh) (SNP): As you have correctly said,

convener, I am here as the constituency member, not in a ministerial capacity. I am here to represent those individuals not just in the constituency but in the city of Edinburgh and, indeed, beyond who are concerned about sporting provision.

With the Commonwealth games looming, we have a great opportunity to acknowledge that Meadowbank stadium has a particular resonance in the heart of all Scots. Those of us of a particular age will remember the 1970 Commonwealth games, whether because of Lachie Stewart, Ian Stewart or Ian McCafferty. The 1986 games, which were also hosted in the stadium, might have been less magnificent—and ignominious, in some ways—but we remember Liz Lynch, now McColgan. All Scots have a soft spot for Meadowbank.

The stadium is in the heart of the city of Edinburgh. The benefit of the stadium's site is not just that it is located on the boundary of east and central Edinburgh, but that it is easily accessible by those who wish to participate in sport as well as those who wish to spectate, whether they travel by bus, rail, car or on foot.

The stadium has served not only elite athletes well. Those of us who have had the privilege of attending meetings run by the petitioners are aware of the involvement of the Hastings brothers, Chris Hoy and others, who have spoken up for the stadium's importance.

There are, of course, difficulties. We accept that we live in a time of economic turbulence, with cold winds blowing, but the site needs to be protected. The stadium's facilities require to be of national standard and to cater for a variety of sports. We need to ensure that what is provided is not just for elite athletes, whom we wish to promote and support as they seek to emulate in 2014 the success that was achieved at the Olympic games in 2008; access must be available to all. That has been the strength of Meadowbank stadium, and not just for Edinburgh's citizens—as I said, its central location has afforded opportunities to people elsewhere.

For those reasons, it is a pleasure and a privilege to support the petition.

Robin Harper: As a committee member, I should declare an interest as a supporter of the campaign. I do not know how appropriate it is for me to speak about the petition.

The petition should be considered at the highest possible level—the Government should consider the issues that have been raised. I would like the petition to be referred to the Government for its attention. For understandable reasons, reducing the scale, effectiveness and contribution of Meadowbank in years to come, nationally and

internationally, is too important for Edinburgh to be left to take the decision.

The Convener: It would be a big surprise if Margo MacDonald had not expressed an interest in the petition—she is interested in sport-related issues, and she occasionally takes an interest in the future direction of the city of Edinburgh, judging from what I hear in the chamber. She has given us a letter in support of the petition, which focuses on the attempt to ensure that

“the existing range and level of sports facilities is not diminished”.

That is the key message of Margo MacDonald's letter.

We have received a series of petitions relating to sports provision recently, and we have referred most of them, if not all, to the Health and Sport Committee for its pathways into sport inquiry. We should refer the petition directly to that committee, although I will be guided by comments from other committee members or from the clerk. These are issues of national importance. Meadowbank has been nationally significant in Scottish sport. There is a broader debate about pathways into sport, but we must remember that a series of stadiums are significant for us as a nation engaging in sport.

If we send the petition to the Health and Sport Committee, can we also raise with the Government the issues in the petition? I will leave that thought for now—we can tidy up at the end of our discussion. Do other members want to comment?

Nigel Don: I will elaborate on what you have said, convener. We should take the issue seriously. My question is perhaps for the clerk. Is sending the petition to the Health and Sport Committee the best that we can do, or should we, in parallel, run the petition past the Government? The issue is what will get the best outcome.

The Convener: Unlike other petitions, there is something particular about this one in relation to decisions that can be made. Clearly, the Government must have discussions about the legacy of the Commonwealth games, and it is seeking consensus in the Parliament on getting resources for that. Ministers will engage in spending rounds in the coming period, which could impact on the availability of facilities and whether existing facilities will be part of that. We must get the Government's view on the petition, but at the same time we must ensure that the Health and Sport Committee has the petition for its inquiry, because it is meaningful. Let us be honest: the petition will involve observations from the wider public, because significant sporting figures, such as Chris Hoy, have views on the matter. We cannot just say that the petition is like any other

one. There is something particular about it, so we need to deal with that.

I ask the clerk whether we can refer the petition and write to the Government.

Fergus Cochrane: That option is certainly available to the committee.

The Convener: Thank you—that is all I need to hear. That great option is available to us.

Nigel Don: We should also refer the petition to the City of Edinburgh Council for its comments. We can hardly leave it out.

The Convener: Absolutely.

Fergus Cochrane: If the committee refers the petition to the Health and Sport Committee, that committee will have a view on how it wishes to proceed. However, to be helpful, I remind members that the committee has on one or two occasions referred petitions and at the same time invited the Scottish Government and A N Other body to submit written evidence directly to the committee to which the petition was referred. That option could be taken.

The Convener: I think that we have consensus that we should take that option. Do members agree to take that two-pronged approach to the petition?

Members indicated agreement.

The Convener: I thank Kenny MacAskill for his time.

Public Transport (Equal Access) (PE1206)

The Convener: The next petition is PE1206, from Catriona Black, on behalf of the mums need to use Lothian Buses too campaign. Shirley-Anne Somerville has expressed an interest in the petition and wishes to speak. The petition asks us to encourage public transport operators and appropriate stakeholders to provide parents and carers of babies and young children with equitable access to public buses when using prams, travel systems and buggies. I know that Shirley-Anne Somerville needs to declare an interest, as a result of recent developments.

Shirley-Anne Somerville (Lothians) (SNP): I declare an interest as a local representative and as a new mum who is currently banned from taking her daughter in her pram on to a Lothian Buses bus.

It gives me great pleasure to speak on behalf of the petitioners. I emphasise that the petition has cross-party support in the Parliament and at council level. The petitioners have sought to find a solution with Lothian Buses, but failed. The petition is not about setting new mums against disabled people; it is about equal opportunities for

all. The current Lothian Buses policy discriminates against parents and carers because whether they are allowed to get on a Lothian bus depends on the sort of pram they have. That makes a mockery of the Lothian Buses strapline “Easy Access for all” and it is a mockery of an easy-to-understand policy.

I have a copy of the policy that is given to drivers, which has categories A, B and C of prams. People can get on with some prams, but not with others. For category C, it is mibbes aye, mibbes no, depending on how the driver feels and the bus. That is difficult to understand, even for a new mum who has an obsession with prams, so I am sure that it is difficult for drivers to put into practice. That will lead to problems when drivers have to deal with people at bus stops who do not understand the policy. Lothian Buses insists that the policy has to do with the Disability Discrimination Act 1995, but it is the only company that has taken that stance and it has made spurious assumptions in its legal assessments. There is no doubt that the policy isolates new parents.

16:00

Committee members who can cast their minds back to when their children were babies, or who have grandchildren who are babies now, will know how difficult it is to get on public transport with a new baby. Very new babies do not have control of their necks and heads, and balancing your baby along with your shopping when getting on a bus can be a real problem, as is folding your pram when the bus is moving. Those problems cannot be reduced simply by buying a new pram, even for people who have the money to do so.

The mums in the group are asking for a commonsense approach. They agree with Lothian Buses that wheelchair users should have priority for the wheelchair space, and they agree that they should vacate the space if a wheelchair user requires it. The mums are asking for a public education campaign to make parents and carers aware of the need to allow wheelchair access.

Statements of support for a commonsense compromise have been made by Edinburgh disability charities and by the Equality and Human Rights Commission, which has pleaded with Lothian Buses to come up with a compromise. I have been taken aback by the absolute refusal of Lothian Buses to find a way forward. I admit that my parliamentary career has been short, but I have never experienced an organisation that has been so uninterested in finding a solution for the benefit of all.

Lothian Buses seems to be satisfied about leaving a vulnerable group of people without

access to public transport. The company said at a recent meeting that I had with the mums that it would change its mind only if it were made to do so by Parliament or a higher authority. That is why we are here today. I ask the committee to view the petition in that light.

A dangerous precedent is being set. One company has taken its decision and I fear that others may follow if the Parliament does not take a stance. We are seeing people being put off buses and banned from using them entirely at the very time when we are encouraging people to use public transport.

Nanette Milne: I have a lot of sympathy with what has been said, but the question is whether we are in a position to do anything about the problem.

Robin Harper: I have to declare an interest. I am involved in a by-election for City of Edinburgh Council and this issue has arisen. The candidate for my party supports the petition, so I do not think that I should comment further.

John Wilson: I understand that regulations have been set out by the UK Department for Transport. Two distinct issues arise. The first is whether the Westminster regulations are adequate to cover the use of prams or other means of transporting babies and children. I hate to say it, but we have to ask whether the UK Government might have made an omission when considering the DDA. Other rights should have been considered at that time.

The second issue is the way in which Lothian Buses interprets its obligations to its passengers—to the people in the Lothians whom it is supposed to serve. Shirley-Anne Somerville spoke about Parliament or a higher authority. I do not know whether the convener is that higher authority, but this issue has to be raised with Lothian Buses through whatever channels possible.

As Shirley-Anne Somerville said, a commonsense approach is required. Many people who rely on bus services live in some of the most deprived areas of the Lothians. It defies belief that Lothian Buses is denying people who are travelling with their children access to what may be their only means of getting from their home to the shops and back again. Lothian Buses is supposed to operate a public transport system.

We should get the clerks to write one of their strongly worded letters to Lothian Buses, asking what its justification is for introducing its policy and ignoring the 2002 regulations. It might also be useful to write to some other public bus operators in Scotland, particularly First Glasgow, to get their views and find out how they interpret the regulations. We might need to consider taking the matter higher, to the UK Government, but we

should seek some information from other operators first. In effect, Lothian Buses is placing a diktat on the drivers who operate the buses.

Marlyn Glen: It is unfortunate that a compromise has not been reached. Lothian Buses must have been patting itself on the back for making its buses 100 per cent wheelchair accessible so early. We could ask other bus companies how they are doing, but they might not have come across the problem because they have not managed to make all their buses accessible yet. We ought to congratulate Lothian Buses on doing that. However, other bus operators will come up against the problem too.

People are aware of the idea of a hierarchy of equalities, but it seems ridiculous that a mother with a child should be banned from going on the bus and told, "If you've got a folding pram, that's fine, but if not, you're in trouble." It is probably younger women who do not have any alternatives who will be banned from this method of travel.

Am I correct to say that you seek a compromise whereby prams are allowed on the bus but the person would be willing to get off again—in the rain and the snow with the baby and the shopping—if someone with a wheelchair wished to get on?

Shirley-Anne Somerville: The mums said that they would be willing to do that. Various solutions have been proposed to Lothian Buses, one of which is that mothers would get off the bus and wait for the next one. They would be willing to do that. Lothian Buses claims that people refuse to get off, although they have little evidence that that is a problem. The mums are willing to find a compromise, and that is one suggestion, but we are finding it difficult to get Lothian Buses to talk to the mums and find a solution.

Marlyn Glen: I hope that the Public Petitions Committee can facilitate that.

Nigel Don: Has anyone asked wheelchair users for their views? I suspect that they would be more sympathetic than has been presumed.

Shirley-Anne Somerville: Yes, there have been approaches, including by Lothian Buses. There has been a lot of coverage in the *Evening News*, and one of the disability groups in Edinburgh, ECAS, has called for a commonsense approach. It does not believe that Lothian Buses' approach is the right way forward and it is agreeable to the running of a public awareness campaign to give parents additional information about the use of wheelchair spaces on buses.

The Convener: I think that the committee agrees that we should try to move the petition forward. It strikes me as strange that the bus company is following such a strict interpretation. I

note with interest the range of people who have expressed support for the petition—in the Parliament and in the local authority. If I was in senior management in the bus company and it was out of kilter with its local elected politicians, I would be reflecting on that. I say that because I want it to be on the record.

There are some options that we think are worth exploring. I will summarise the points that members of the committee made. First, we intend to write to a number of bus operators about their interpretation. I wonder whether we should also write to the UK minister with responsibility for disability issues to find out what he or she thinks of the company's interpretation of the DDA, because I am sure that it does not reflect the intention behind the legislation.

Shirley-Anne Somerville: In a written parliamentary answer, Rosie Winterton, the UK Minister of State for Transport, stated:

"Many parents and carers with infants or young children now find it much easier to use public transport. This is largely due to the accessibility improvements introduced by the Department to help people with disabilities."—[*Official Report, House of Commons*, 10 September 2008; Vol 479, 2006W.]

There seems to be a contradiction between what the minister feels the situation to be at UK level and how Lothian Buses is interpreting the DDA.

The Convener: That is useful. When you think about some of the characters who are allowed on buses that we wish were not allowed on buses, it is disappointing that mothers with kids cannot get on. With that thoughtful observation from the convener, I assure the petitioners that we want to move things forward on the matter. I thank Shirley-Anne Somerville for her time.

Planning Permission (High Flood Risk Areas) (PE1207)

The Convener: The next petition is PE1207, from Gordon Sinclair, calling on the Scottish Parliament to urge the Scottish Government to review Scottish planning policy 7 on planning and flooding to ensure that no new developments are built on areas that the Scottish Environment Protection Agency designates as high flood risk areas and to review all planning approvals for developments in designated high flood risk areas that have not yet commenced, to reflect recent advice from the Association of British Insurers.

Helen Eadie MSP has expressed an interest in the petition and I invite her to speak to it.

Helen Eadie (Dunfermline East) (Lab): I am pleased to support my constituents, who live in St David's Bay, on this issue, which concerns the general principles of planning policy in Scotland. Anyone who has witnessed the television news

coverage of the harrowing scenes of flooding that take place from time to time will be aware of how traumatic such events are for all the individuals and families who are affected. The Association of British Insurers has also expressed its concerns about the matter and called on UK and Scottish ministers to undertake a review of all the planning permissions that have been granted in areas that have been designated by SEPA as being at a high risk of flooding.

It is important that we support people throughout Scotland who live in areas where there is a likelihood of flooding. With climate change getting worse as each year goes by, we have a responsibility as parliamentarians to adopt the precautionary principle. We have heard about the use of that principle in the context of telephone masts and many other aspects of parliamentary and local government processes. This is another area in which the precautionary approach should apply. I feel strongly—as do my constituents—that, in the context of planning permissions, no developments should be built in places where a Government agency has said that there is a high risk of flooding. There is no point in people making a deal of fuss and being sorry about things after the event. If the proper approach were taken in the beginning, the harrowing scenes that we see on television could be avoided.

National planning policy guidelines already cover the issue and state that there will be a presumption against developments where there is a risk of flooding, but that seems to be ignored equally at local authority level and by the reporters at the Scottish Government level. There was a case at St David's Bay in which the Scottish Government reporter ignored the presumption against planning and the minister, Mike Russell, signed off the planning application. My constituents feel that it is obscene to allow planning permissions to go ahead in such circumstances.

We appeal to the committee for a number of things. First, we want the petition to be taken into account by the committee that is scrutinising the Flood Risk Management (Scotland) Bill and amendments made to the bill to ensure that nothing like what I have described happens again. Secondly, we want approaches to be made to the minister, saying that planning permission should not be granted in the circumstances that I have outlined and that all current planning permissions should be reviewed and, if necessary, withdrawn if SEPA has designated an area as being at high risk of flooding. Thirdly, we request that the Convention of Scottish Local Authorities be asked to undertake, as a matter of urgency, awareness training and a high-visibility campaign to ensure that all planning officers are aware of the issue

when planning applications come before them in committee.

16:15

The Convener: Does the committee wish to make any comments or observations on the issue?

Nanette Milne: This is a serious issue and I have some experience of it in my area. It is of concern to the people involved, including me because of my environment brief. The issue comes up again and again, particularly, as Helen Eadie says, in relation to climate change. My first thought was that we should refer the petition to the Rural Affairs and Environment Committee as part of its inquiry. It would also be worth taking up Helen Eadie's suggestions.

The Convener: There is broad agreement that we want to explore those issues. We will take Nanette Milne's points on board and seek views on the other issues.

John Wilson: Helen Eadie suggested that planning consent be removed from some developments that have already been granted it. If we are going to contact COSLA, it would be useful to get some indication of the implications of that suggestion for local authorities. A decision to withdraw planning consent may have financial implications for local authorities.

I agree with the general thrust of the petition and with ensuring that new developments are free from a high risk of flooding, but I would widen that out. In recent years, not just the traditional flood plains have been flooded; areas that have traditionally been free from high-flowing water have been affected. Over the past couple of years, many river banks and burns in certain areas have burst, which has resulted in much damage to houses in those areas. We need to ensure that the Government gets this right so that people do not have to go through such disasters in their homes, or be moved out only to find that they cannot move in for years after the damage has taken place.

The Convener: That is a helpful suggestion.

Nigel Don: When I was on Dundee City Council, applications for developments that were clearly intended for places that had been subject to a lot of water came to us and they were approved on the condition that mitigating works were carried out and that sustainable urban drainage systems and so on were installed. Although I am not sure what "high flood risk" means in the context of the petition, I ask for caution about which words we use and how those words are interpreted. There may be some schemes that are perfectly reasonable because of the other works that are carried out.

Helen Eadie: A map produced by SEPA sets out designated areas throughout Scotland. It is continually updated. The areas that I am talking about are designated as being at high risk of flooding by SEPA. The reality, however, is that that does not apply in every instance. Having been a member of a local government planning authority, you will know that although the usual process is that all the agencies are invited to comment, a rigorous check is not always carried out to ensure that every agency has been invited to comment. Where that process has not been 100 per cent, it would be an extreme case for review by ministers. If an agency that was not initially invited to comment comes to the view that the land concerned should not be built on, that would be a case for calling back that planning approval.

While I accept the point about the cost implications of withdrawing consents, there can be far larger financial considerations for society as a whole if the implications of a development are not taken on board right at the beginning. The cost implications for a local authority and a developer might be small, but if tens of thousands of people are displaced from their homes, that could be a huge problem for us all.

Nigel Don: Although I am with you, I will extend that argument. I recall that we gave permission to folk to build on a field relatively close to Dundee on the basis that the design of the development raised the ground level by a metre, or something like that. Although the field in which they were building was subject to flooding, the water was never going to be a metre deep. By taking that precaution at foundation level, it was possible to protect the buildings. We just need to be careful.

Helen Eadie: I accept that mitigation measures—

The Convener: Given the time, I will abuse my role as convener. Although there might be one or two issues that we could explore on another occasion, we are in broad agreement—I am conscious of what one member said about the language we use—and have a sense of two or three main points. I hope that our discussion—as well as Helen Eadie's engagement with them—satisfies the petitioners. Okay?

Members indicated agreement.

Repairing Standard Enforcement Orders (PE1208)

The Convener: The next petition is PE1208, from Carol Ann Bowmaker, which calls on the Scottish Parliament to urge the Government to amend all relevant legislation to ensure that it is the private rented housing committee and not the private tenant that is cited as respondent or defender in any appeal by a private owner or

landlord to discharge a repairing standard enforcement order.

The papers are in front of members. Do you have any comments? We need to explore some factual issues in the petition.

Nigel Don: I gather that we might have an update on the petition, but I am not sure that I have it to hand. Where are we on that?

The Convener: I hope that there is a wee copy of the update underneath the pile of papers on your desk. When I spoke of factual issues, I was referring to the court case at the end of October, which is mentioned in the submission.

John Farquhar Munro: It seems a bit strange that the tenant is being pursued through the court for something that is the landlord's responsibility.

John Wilson: The petition raises issues about who should pursue a private landlord to carry out repairs to rented accommodation. If what the petitioner says is right, the onus falls on the tenant to pursue action against the landlord, the cost of which would be prohibitive. The authority that places the repairing standard enforcement order on the landlord should take on the responsibility. It is incumbent on the relative authorities to pursue the court cases rather than leave it to individual tenants, many of whom will never be in a position to challenge a landlord in court. There has to be some other mechanism to ensure that private landlords are duty bound to carry out required repairs and improvements to their houses.

The Convener: So what do we want to do with the petition?

John Wilson: Refer it to the Scottish Government and ask for clarification of its interpretation of the regulations and how the situation should be pursued.

The Convener: Are we happy with John Wilson's suggestion?

Members *indicated agreement.*

Robert the Bruce's Castle Gardens (PE1209)

The Convener: The last new petition today is PE1209, from A J Morton, on behalf of the Secret History Project, calling on the Scottish Parliament to urge the Scottish Government to take all necessary action to protect Robert the Bruce's castle gardens in Ayrshire. The relevant paper is before us. Are there specific questions or comments?

John Wilson: Issues are raised about whether the site is of historical significance. We should write to a number of organisations, including the Scottish Government, Historic Scotland, the

National Trust for Scotland, North Ayrshire Council and the West of Scotland Archaeology Service, to find out whether there is any record of its historical significance.

The review of local plans for the area, in which I live, threw up sites of historical interest that were not included in the 1994-95 local plan outline. We need to gather information to find out whether the site that we are discussing has the historical significance that the petitioner claims for it. We can take the petition forward from there.

The Convener: We will explore the issues that have been raised.

Current Petitions

Broken Glass (PE986)

16:25

The Convener: PE986, from Woodlands primary school, urges the Government to take greater action to protect the public and domestic and non-domestic birds and animals from the dangers of broken glass; to promote the use of plastic bottles as an alternative to glass; and to introduce a refundable deposit scheme aimed at reducing the levels of broken glass in public places. The petition raises broader concerns about refuse and antisocial behaviour emanating from the issue of broken glass. We could write to COSLA to ask whether there have been any developments in relation to the research into waste issues that it proposes to carry out. We could write to the Government to ask whether the concerns that the petitioners have raised can be addressed through the climate change bill or the antisocial behaviour strategy. Do members have any other suggestions?

Robin Harper: The reintroduction of refundable deposits on bottles would encourage people to treat them as valuable objects to be recycled, rather than as objects to be used as missiles or broken for the fun of it.

The Convener: Does the committee agree to the course of action that I have proposed and to ask Government ministers to comment on Robin Harper's suggestion?

Members indicated agreement.

Independent Midwifery Services (PE1052)

The Convener: PE1052, from Jayne Heron, calls on the Parliament to urge the Government to promote the services of independent midwives and to ensure that such services continue to be available to pregnant women in Scotland. We have considered the petition on a couple of occasions, so we are at the culmination of the process. There are options for us to consider.

John Farquhar Munro: When the petition was last in front of us, we kicked it into the long grass. We should close it.

Nanette Milne: I am reluctant to close the petition at this point. The UK Government is looking at the issue of independent midwifery services, although its proposals will not necessarily apply here. It might be worth suggesting to the Scottish Government that it meets the petitioner to see whether there is a way forward. We could then find out what it expects to happen to the provision of independent midwifery

services in the light of the proposals that the UK Government is discussing. We can close the petition after that.

The Convener: I rarely disagree with the deputy convener's recommendations but, on this occasion, I think that Nanette Milne's suggestion is helpful.

Nanette Milne: I am sorry to be the dissenting voice.

The Convener: Is that okay, John?

John Farquhar Munro: As long as you are buying the drinks.

The Convener: The clerk is now in an even better mood. Nanette Milne's suggestion is likely to provide us with information that is relevant to the petition. Do members accept the recommendation?

Members indicated agreement.

Endometriosis (Research Funding) (PE1057)

16:30

The Convener: PE1057 is from Andrew Billson-Page, on behalf of the Save Our NHS Group. The petitioner has appeared before the committee. The petition urges the Scottish Executive to consider increasing funding for research into endometriosis and to consider ways of facilitating more effective diagnosis of the illness in the light of the Kerr report's recommendations on the future of the national health service in Scotland. The Scottish Government is to meet Endometriosis UK on 19 November. We can write to the Government to ask how the outcome of that meeting will progress issues. Is that okay?

Nanette Milne: I am surprised that the issue has gone no further, because it is significant nowadays. I am surprised that no Scottish intercollegiate guidelines network guideline is being developed. If we are writing to the Government, can we ask whether a SIGN guideline on the treatment of endometriosis has been considered?

The Convener: Okay. I thank Nanette Milne for her helpful suggestion. We will follow that course of action.

Free Public Transport (Under-18s) (PE1107)

The Convener: PE1107, from Robin Falconer, on behalf of Highland Youth Voice, calls on the Parliament to urge the Government to reduce public transport fares for all under-18-year-olds who are in full-time education and to provide for

young people with no income to travel free or to pay only half the adult fare. It is recommended that we either close the petition or suspend consideration of it until the concessionary travel scheme has been reviewed. I am minded to support the latter option. To be blunt, political parties might address the issue in considering potential manifesto commitments for 2011 and people might campaign to persuade political parties to make such a commitment. I note with interest that one or two people have taken that up. The issue will not go away, so we should at least keep the petition alive.

I recommend revisiting the petition. We will explain to the petitioner that we have suspended consideration while we await the Government's review.

Residential and Abstinence Treatment (PE1113)

The Convener: PE1113, from Peter McCann, on behalf of Castle Craig hospital, calls on the Parliament to urge the Government to increase the availability and provision of residential and abstinence treatment for people who are alcohol and/or drug dependent. Do members have views on the petition? I have received a submission from a constituent who contested some of the evidence and research that we obtained about how people are assessed for referral to drug treatment. That is just an observation from an individual constituent.

Robin Harper: I am sympathetic to the Government's view that we need a range of treatment options rather than specific treatments. I am conscious that Audit Scotland is studying the range and effectiveness of public expenditure on drug and alcohol services to inform future spending priorities. I am content to close the petition.

John Wilson: Convener, you said that you received correspondence from a constituent that contradicted some of the advice that we obtained in response to the petition. I place the onus on you to decide whether that information is significantly different from what the committee received. If so, will you consider writing again to the Scottish Government about the issues that the correspondence raised, so that we catch the concerns?

The Convener: I have just had a discussion with the clerk. The correspondence was sent to me as a constituency member; I do not know whether my constituent sent it to me as convener of the committee. If you are asking my personal view as an individual MSP and not as the convener, it is that the information raised enough issues and, as for credibility, the individual does not support my political party. She would never

vote for me as a party candidate, but she has raised issues that are worth exploring. That is my personal view as an MSP, but I do not know whether the clerks have seen that information. I am happy for the petition to be brought back to the committee at the next meeting once we have had a look at the information, which may or may not be made available to committee members. We can then take a considered view. I hope that that addresses John Wilson's concern—I do not want to impose anything on other committee members.

John Wilson: I accept that. We should bring the petition back to the next meeting and perhaps a report should be produced. I am concerned that we might sign off petitions when there are other issues out there. The point goes back to our previous discussion about trying to encapsulate all the views that are out there, rather than only those of the people whom we asked to respond. If other evidence comes forward, we are duty bound to consider it before we deliberate on and sign off petitions.

The Convener: We have identified in the background papers that the individual who wrote to me also made the information available to the clerks. I have probably caused a bit of confusion. I suggest that we bring the petition back to the next meeting, when we can have further deliberation on it. John Wilson's comments indicate that that would be a good way forward. Let us deal with the matter in that way, so that we are clear about why we make a decision to either continue the petition or close it.

Robin Harper: In view of John Wilson's concerns, I am happy to withdraw my proposal to close the petition.

The Convener: We can make a formal decision at our next meeting. I thank members for their patience and courtesy.

Blood Donation (PE1135)

The Convener: I think that I am back on my reading recovery programme. The next petition is PE1135, from Rob McDowall, which calls on the Scottish Parliament to urge the Government to review existing guidelines and risk assessment procedures to allow healthy gay and bisexual men to donate blood. Members have in front of them a paper from Craig Wilkie, on behalf of Ross Finnie, which contains some observations on the Scottish National Blood Transfusion Service's decision. Ross Finnie contacted me earlier this morning about the issue. We have the papers in front of us.

This is a difficult and complicated issue. There are concerns about the effectiveness of blood products and the reasonable rights of individuals to donate blood. We will see where we want to go with the petition.

Nanette Milne: I have huge sympathy with the SNBTS. The crucial point is that, necessary though transfusion and donation are, transfusion must be made as safe as is humanly possible. We know that all sorts of people cannot give blood or are not allowed to give blood. For example, if someone has received a transfusion, they are not allowed to give blood any more because of the minute risk of passing on variant CJD. I have huge sympathy with its position, but I am not saying that we should close the petition because questions perhaps need to be asked of the Government.

The Equality Network, which represents the lesbian, gay, bisexual and transgender community, makes one or two interesting points in the summary to its submission. For example, it states:

"The UK blood services should be transparent in their annual review of the donor selection criteria."

As knowledge increases, the criteria must vary year on year. It is not obvious that that currently happens. Also, perhaps the questions that are asked of blood donors should be more searching. They are currently fairly superficial, so people can say yea or nay truthfully or not. That issue should be examined.

The Equality Network also makes the point that while the existing refusal to accept donors from the gay and bisexual male community continues, the blood services should make clear that they know that the existing criteria will, because they are so superficial and broad brush, exclude many gay and bisexual men who are at low risk of HIV and other infections. That is not currently made clear. If we write to the Government, and perhaps also to the SNBTS, we should point out that these matters should be brought more into the open. I do not see the current situation as discrimination against gay and bisexual men. I see it as a sensible approach to public health safety. However, steps should be taken to make the situation clearer.

The Convener: Let us see whether we can explore those constructive suggestions.

Robin Harper: It is a pity that the pages of the submission are not numbered. The graphs that show the relative probabilities of acquiring HIV from heterosexual and MSM—men who have sex with men—contact show that, between 31 December 2007 and 31 March 2008, heterosexuals were more likely to contract HIV. I should emphasise that that is only the probability of acquiring HIV. Those figures come from the Health Protection Agency Scotland and the Health Protection Agency UK. Therefore, there is definitely a case to answer.

The Convener: Okay. We will take on board the points that members have raised and explore

them with the SNBTS and the Scottish Government.

Nanette Milne: When we contact the Government, it would be worth asking for its view on the issue with regard to heterosexual males who buy sex. That is a serious point as well.

The Convener: Okay. Thank you for your patience on that one.

Scottish Agricultural Wages Board (PE1139)

The Convener: PE1139, from John Quigley, on behalf of Unite the Union, calls on the Scottish Parliament to urge the Scottish Government to retain the Scottish Agricultural Wages Board as a separate body and to expand its remit to cover all workers in the agricultural sector, including those in private and ornamental gardens and all types of fish farming. I refer members to my entry in the register of members' interests; one or two other members, including John Wilson, are in similar circumstances.

John Wilson: I declare my interest as a member of Unite the Union.

I suggest that the committee keep the petition open. I understand that the Government is about to respond to the consultation exercise that was carried out, and I would prefer to see the Government's response before we decide to close the petition. Issues may come out of that consultation response that the committee may want to comment on at a later date.

The Convener: I think that we are in agreement on that. We will await the response to the consultation. Another noble effort by the clerk to close a petition is foiled by the democratic impulse of members around the table. That is a good story.

Water Charges Relief (PE1142)

The Convener: PE1142, from the Rev Jock Stein, on behalf of the Dunfermline presbytery, calls on the Scottish Parliament to urge the Scottish Government to continue beyond 2010 the scheme of relief and exemption of charities and churches from water and sewerage charges.

Nanette Milne: I think that the petition has achieved its goal. I am delighted that the Government has agreed to continue the exemption until 2014. I know that it is also looking beyond that to see what the charging policy might be thereafter. For the immediate future, the petition has achieved what it set out to do. I am delighted with that and move that we close the petition.

The Convener: Okay. I recommend that we close the petition on the ground that it has

achieved what it sought to achieve. It might be one of those petitions that we want to make a note of, given the earlier discussion about promoting the role of the committee. We played a small—and, hopefully, useful—part in amplifying the demand for the continuation of the rebate.

Right of Notification (PE1143)

The Convener: PE1143, from Carol Ann Bowmaker, calls on the Scottish Parliament to urge the Scottish Government to amend all relevant legislation to ensure that private tenants have a right to be notified when their landlord has applied for planning permission to demolish their home and that planning permission is not granted and notices to quit are not issued to a tenant when outstanding repairing standard enforcement notices exist on the property.

I thought that we had already discussed the petition, but it was a similar one. That is my fault—I am getting too old. Do members have any comments or observations to make? It seems to me that the legislation exists to deal with these matters. I recommend that we close the petition on the grounds that measures to prevent landlords from ending tenancies were considered in the Parliament in 2006 and were rejected and that there are procedures for enforcing repairing standard enforcement notices.

Nigel Don: What the lady is asking for is too restrictive all round—everybody can see that. The solution that she is calling for is inappropriate, although I understand where she is coming from.

The Convener: Okay. Do we agree to close the petition on those grounds?

Members indicated agreement.

Domain Names (PE1144)

16:45

The Convener: PE1144, from Ross Ingebrigtsen, on behalf of dotSCO, calls on the Scottish Parliament to urge the Scottish Government to give full support to the dotSCO application to the Internet Corporation for Assigned Names and Numbers to introduce a standard .sco top-level domain name, in order to enhance Scotland's distinct languages, culture and identity. The domain name would be for use by all Scottish public bodies. Do members have any comments or observations on the petition?

John Wilson: I am aware that the Welsh Assembly Government recently awarded £20,000 to a group in Wales to campaign for the .cym domain name. It is important to have an identifiable area where Scots can fix into the world wide web. There is real business interest here. We

know about the importance of various areas in the marketing of Scotland. As the convener said earlier, some of us might be luddites when it comes to new technology, but people want the proposal to go ahead. I suggest that, in order to try to promote the issue, we approach the Government and ask it to reconsider its position.

The Convener: I can just imagine the final line in the movie: "They may take our lives, but they'll never take our domain name." That will be fascinating.

John Farquhar Munro: The Scottish Government supports the petition and it has created a working group.

John Wilson: It has created a working group, but the application to get the domain name established will require some money—money usually helps. Perhaps the Scottish Government will follow the lead taken by the Welsh Assembly Government and give money to the appropriate body to move things forward.

The Convener: Are members happy with the recommendation?

Members indicated agreement.

Beverage Containers (PE1145)

The Convener: PE1145, from Dr Alexander Gemmell, calls on the Scottish Parliament to urge the Scottish Government to introduce a statutory deposit-and-return scheme on all used beverage containers. Are there any observations on the petition? Do members think that we should write to the Government and seek its response on specific points?

Robin Harper: Indeed. I would be happy if the committee considered asking the Scottish Government what provisions on deposit-and-return schemes it will include in the climate change bill and what discussions it has had or will have with the UK Government and the European Commission to ensure that any move is compatible with European Union law, which is important.

The Convener: Are members happy to do that?

Members indicated agreement.

Fresh Talent Initiative (PE1146)

The Convener: PE1146, from Jennifer Newman, calls on the Scottish Parliament to urge the Scottish Government to review with the Home Office the fresh talent working in Scotland scheme, to allow overseas students on the scheme to stay and work in Scotland for an extended period at the conclusion of their academic studies without the need for a work permit. Members have papers on the petition, and

the petitioner has come to the committee in the past. Do members have any views on the petition?

Nigel Don: It looks like we have a good-news story, because it seems that the changes that the Government has made satisfy the petitioner. Those changes might not be entirely what was intended at the beginning, but a happy petitioner and progress is the best that we can hope for. We should close the petition and give ourselves another pat on the back, which is always useful.

The Convener: Thank you. Such contributions are always welcome.

We have already dealt with PE1155, which is the final petition on our agenda. We considered it earlier, in relation to the children's hearings system.

New Petitions (Notification)

16:49

The Convener: Agenda item 6 is notification of new petitions. We have a paper from the clerks that lists the petitions that we will consider in due course. Do members agree to note those petitions?

Members *indicated agreement.*

Work Programme

16:50

The Convener: Agenda item 7 is on our work programme for the next period. I invite Fergus Cochrane to comment on paper PE/S3/08/16/6.

Fergus Cochrane: Back in June, the committee agreed that it would hold three external meetings as part of its inquiry. The paper invites the committee to consider the arrangements for its first external meeting, which it is proposed will be held in Duns, Berwickshire. As members will recall, the committee agreed to go south, west and north as part of its inquiry. The paper simply sets out the arrangements for the meeting on 2 December.

Nigel Don: Bill Butler and I sit on the Justice Committee, which meets on Tuesday mornings. I request that we do what we can on the timing of the proposed meeting to take into account the transport arrangements, as I would very much like to be able to get from one meeting to the other. Perhaps the Public Petitions Committee meeting could start a bit later or some negotiation could be done to ensure that the Justice Committee had a reasonably short programme that day. However, being realistic, I think that that might be difficult as the Justice Committee is currently doing a lot. I simply make that request.

The Convener: The disappointing news is that previous discussions have suggested that the time of our meeting might be brought forward rather than moved back. It is suggested that the meeting will kick off at half past 12.

Nigel Don: In which case, members will understand that, given previous experience, the chances of the Justice Committee meeting finishing by half past 12—I see that the Justice Committee clerk is in the public gallery listening—are zero.

The Convener: That is a dilemma that I have also experienced in the past. I do not know what we did wrong for our parties to put us on two committees that meet on the same day. The timing will be gruelling, so I appreciate that some members might not be able to make the meeting. That is disappointing, as I am sure that Nigel Don would have made a positive contribution to our discussions, but we recognise that some members have commitments to other parliamentary committees.

Nanette Milne: My query is on transport. Only reluctantly do I ever take my car to Edinburgh, so I would appreciate a lift to Duns and back again.

The Convener: We can organise transport for members who require it. We will try to reach

agreement on whether that should leave from Edinburgh or Glasgow or wherever.

Are members happy with the recommendation on the work programme and the suggested arrangements?

Members indicated agreement.

The Convener: The next item will be considered in private, so any members of the public who are still here are kindly requested to vacate the room. Thank you very much for your time.

16:52

Meeting continued in private until 17:28.

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