

PUBLIC PETITIONS COMMITTEE

Tuesday 27 January 2009

Session 3

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PUBLIC PETITIONS COMMITTEE

2nd Meeting 2009, 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)
*Jamie McGrigor (Highlands and Islands) (Con)
*Christina McKelvie (Central Scotland) (SNP)
*Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED :

Jackie Baillie (Dumbarton) (Lab)
Jane Boyce
David Chandler (C Diff Justice Group)
Sheila Chandler (C Diff Justice Group)
Margaret Curran (Glasgow Baillieston) (Lab)
George Darroch
Ruby Hamilton
Ian Holleran
Craig Macadam (Biological Recording in Scotland)
Murdo Macdonald (Biological Recording in Scotland)
Tina McGeever
George McGuinness MBE
Patrick McGuire (Thompsons Solicitors)
Patricia McKeekin
Richard McShane
Patrick Milne Home (Biological Recording in Scotland)
Marion Patterson
Nicola Ryan
Michelle Stewart (C Diff Justice Group)
Jacek Swilas
Anne Souter

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERK

Franck David

LOCATION

John Wheatley College, Easterhouse Campus, Glasgow

Scottish Parliament

Public Petitions Committee

Tuesday 27 January 2009

[THE CONVENER *opened the meeting at 13:06*]

Petitions Process Inquiry

The Convener (Mr Frank McAveety): Good afternoon, everyone, and welcome to the meeting.

I am conscious that we are in what John Wheatley College referred to as a tight and intimate meeting room. This is one of the biggest turnouts that the Public Petitions Committee has had in the past couple of years, since I became a member of it. However, we will try to squeeze more folk into the room, as it is important that people see the work of their Public Petitions Committee in progress. We will do our best to meet demand.

First, I will explain some formalities. From 2 o'clock onwards, the committee will discuss petitions that it has received. Michelle Stewart and others who support PE1225, on *Clostridium difficile*, are at the table in front of us at the moment because the seating arrangements are so tight. They can take part in our initial discussion.

In case I am unfamiliar to people, I point out that I am the convener of the committee. A fairly substantial complement of Scottish parliamentarians is here, including committee members, substitute committee members and the local constituency member, Margaret Curran. Margaret Curran has expressed interest in a couple of issues that we will discuss; she is not here simply because the committee is in her constituency. I welcome her to the meeting.

Agenda item 1 is grandly titled "Inquiry into the public petitions process". We want to find out how the Public Petitions Committee is working, and the views of members of the public on whether it can work better and how we can make it more effective and accountable.

We have already had meetings in the Scottish Parliament in which we have taken evidence on the petitions process from members of the public, and we have committed ourselves to taking the committee out of the Parliament to different parts of Scotland during the inquiry. We have been to Duns in the south of Scotland; we are in Easterhouse today; and we intend to go to Inverness, Dingwall, Alness, Ullapool or whatever other location we think is most appropriate. The purpose of our visits is to hear from diverse

communities about how they think the committee can work.

There are three important things about the Public Petitions Committee. First, it is unlike any other constitutional structure. The committee is one of the most advanced in Europe, if not the world, in its commitment to engaging with members of the public.

Secondly, individuals can petition the committee on as many varied issues as can be imagined. We have received some very modest petitions and some very well-supported petitions, but members of the committee have an obligation to engage with all petitioners—we must see every petition that is placed in front of us. Very few petitions can be ruled inadmissible under the Scotland Act 1998 or on the basis that they are not relevant to Scottish parliamentarians.

The third and most important point is that those who engage with the Public Petitions Committee think that that is a valuable and worthwhile experience. The problem is that, according to research that we carried out recently, most of the folk who engage with the committee are middle aged, male and middle class and have university degrees. We want to find a way of ensuring that those who wish to petition the Parliament reflect the reality of Scotland—where not everyone is male and middle class or has a university degree—and are not concentrated in four or five parliamentary constituencies, which, the evidence suggests, is the case at present.

We need to hear from you, as members of the public, about how we can make the petitions process more effective. I have probably spoken for far too long. There are people in the room who have known me over the years. Twenty-one years ago, I used to sit in rooms here with one or two folk who are in the public gallery; I hope that they are as quiet now as they were then. Members of the committee want to ask a series of questions. The format for today's meeting will give us an opportunity to ask those questions and you, as members of the public, an opportunity to respond. There is a roving microphone; Franck David and Eileen Martin are in the public gallery to ensure that it is available to people, if they wish to contribute.

I invite the first observation from members of the committee. [*Interruption.*] The clerk is giving me the rules. If you wish to speak, indicate that by raising your hand. The microphone will be passed to you; wait until you get it before speaking, so that you can be heard by everyone. If you would prefer to stand, you may do so. There will be an *Official Report* of the meeting. Once you have the microphone, you should say your name, for the benefit of official report staff; if you are a member

of a relevant organisation, you may indicate that, too. Am I all right now?

Fergus Cochrane (Clerk): Yes.

The Convener: Thank you. That is why I have a committee clerk beside me. I invite opening comments, first from members of the committee and then from members of the public.

Nicol Stephen (Aberdeen South) (LD): It is a great pleasure to be here and to see so many people in the public gallery. Little did you know that you were about to appear in the Scottish Parliament's *Official Report*. I hope that as many of you as possible will be able to ask questions and answer some of our questions. David Chandler and Michelle Stewart, who are sitting at the table, have some experience of the petitions procedure, because they are about to present their petition to us. However, how many of the people in the public gallery have been involved in submitting a petition to the Scottish Parliament Public Petitions Committee? Raise your hand if you have. I see that just under half of you have experience of the committee; that is a good starting point.

My first simple question is addressed to all of you, but those with experience of the committee may want to answer first. What do you think the Scottish Parliament petitions process should be there for? Is it currently achieving the objectives that you think should be in place for the committee? Who would like to have a go at that question first?

The Convener: Michelle Stewart is here at the beginning of a big process. How has the process been for you so far? Are there any lessons that we should learn from it?

13:15

Michelle Stewart (C Diff Justice Group): The problem with the question "How is the process as a whole?" is that each person who has been involved in it can talk only about what they have done. In our case, it has been fairly straightforward. Before, we did not have a clue what the Public Petitions Committee was. We had never heard of it and did not realise that it was a way of going forward. The convener talks about middle-class males with university degrees logging on to the Government's website every week and signing petitions, but that is not true of people in our area—that is not what we do.

The process needs to be more open. More people need to know about it. They need to know that submitting a petition is something that they can do if they are not happy with something or if they want Parliament to listen to them. It was only through working with Jackie Baillie that we found out about the petitions process as a way forward.

A lot of people out there have not been told about the Public Petitions Committee—you need to tell them about it.

Nicol Stephen: Perhaps I can ask the question in a different way. I direct my question at the people who just put their hands in the air. You can put your hand in the air again and we can then stick a microphone underneath your nose, but it would be better if there were volunteers. Can you briefly tell us about your experience? What were the positive things about it? What were the negatives?

Sheila Chandler (C Diff Justice Group): I am part of the C diff Justice Group, too. I cannot add anything to what Michelle Stewart said. We are all here for the same reason. I cannot add anything different.

Nicol Stephen: Are most of the people who put their hand in the air here for the C diff petition? Can anybody put their hand in the air who is not involved with the C diff petition?

Tina McGeever: We submitted a petition over a year ago. When we discovered the petitions process, the assistance that we got from the clerk to the committee and the Parliament to take our petition forward was totally positive. I cannot be more positive about that.

The main thing is finding out about the petitions process in the first place. That is a big, big thing. I found out about it only because my sister found it on the Parliament's website. Barack Obama is on Facebook and I think that the Pope was on YouTube a while ago. Perhaps you need to start thinking about that type of thing. You might also allow young people to learn what the process is about through having information about it in schools.

Once we got there, the whole process was very positive, which is why we are back here today.

Jane Boyce: I am the chair of the Easterhouse community reference group—that is among my many hats. I have never been to anything like this before, and I hope that I can learn. I am 100 per cent behind everything that has been said. We need you guys to listen to what the public says—in petition form or in any form. [*Interruption.*] And I hope that somebody buys some oil for that door.

The Convener: I remind you that you can petition the Parliament on any issue.

George Darroch: I have been involved with Tina McGeever's petition.

Nicol Stephen asked why we should have a petitions process and what it is about. I found out about it in relation to an issue of family concern, which we felt was also of public interest and concern. The person involved did not live in the

same constituency as me, so when I contacted my MSP, they were limited in what they could do. When Tina discovered the existence of the Public Petitions Committee and what it was supposed to do, we embarked on this journey.

The issue was initially private but became something that we felt was of public concern and should be opened up at that level. Whether it can achieve anything is an on-going process. Our petition is still open and will be discussed later this afternoon. The resilience that the Public Petitions Committee has shown has been really encouraging.

Patrick McGuire (Thompsons Solicitors): I will make a couple of general remarks. I am a solicitor with Thompsons Solicitors. We do a lot of work with trade unions throughout the country. In that capacity, I have personally been involved in a lot of different areas of the Scottish Parliament, including the justice committees, assisting members with members' bills, and, of course, this committee.

There is no doubt that the Scottish Parliament is the most accessible Parliament. You have made the point already, convener, and I agree with it entirely. As far as I am concerned, this committee is the jewel in the crown of that accessibility. People can come to the committee and put their points, and that is a wonderful thing. It is just a shame that that might be marred by the general public not knowing enough about it. As wonderful as this committee is, and as accessible as the Scottish Parliament is, if the public are not being told enough, that needs to be addressed.

The Convener: Are there any other observations on that broad theme? Three people here have recognised that the level of awareness at the early stage is not as high as it should be. I am pleased to hear that we are—I hope—handling in an effective way the experiences of people who are able to take their petitions through to the committee. It is always a test, however, because petitioners might not get everybody to agree with them. That is what happens in public office, too. Somebody might have a good go, and they might feel strongly about an issue, but others may disagree. People need to know that their issue is being properly dealt with and effectively interrogated.

The next question is whether people get a solution at the end of the process. A number of folk here today have submitted petitions. They might not get everything that they ask for, but they will at least start to shift the nature and direction of the debate. That is good, but how do we make more people aware of the Public Petitions Committee? How do we encourage people who feel excluded for lots of reasons when it comes to dealing with politicians or systems? Michelle

Stewart touched on the key point that, collectively, every one of us has to listen more effectively, act on the concerns that are raised and deliver for people. How do we get to that stage sooner?

There are folk in this room from the east end of Glasgow and other urban parts of Scotland who have been engaging in such processes for generations. They want their views to be heard, but they cannot quite get through the bureaucracy. The Parliament was established as an open and transparent body, and we need to demonstrate that in how we conduct our business.

I would like to hear some views about how we can improve.

Marion Patterson: Are you teaching kids in high school about the political side of the Scottish Parliament and how they can access it?

The Convener: The Parliament has information and education packs available for primary school and secondary school students. However, all members would concede that there is an issue with facilities for those wishing to come through to the Parliament being oversubscribed. It is difficult to come through with a group from a school, because the demand is so high.

I am not involved in teaching any more, but colleagues who teach tend to find information materials on the Parliament website that they can utilise in the classroom. Those materials assist them should they wish to engage a bit further.

The other point involves ordinary citizens. If an issue has got someone really annoyed, how can they get the Parliament to understand their concerns? The beauty of the Parliament's Public Petitions Committee is that people do not need 100,000 signatures—they might only get 10, but the petition can still come before the committee. In fact, it has to, by statute. It is a matter of getting folk to utilise the system a bit more effectively.

Marion Patterson: I was asking whether you actually teach young people, before they become adults and voters, about the process for accessing Parliament.

Nicol Stephen: The Scottish Parliament has an education section, and there are a lot of initiatives involving pupils coming to the Parliament. Every week in Parliament, we see a huge number of schoolkids. There are also initiatives where MSPs and parliamentary staff go out to schools, through which pupils learn about the Parliament. You are right, however: it is not possible at the moment to make certain that every pupil in every class in every school learns about the Parliament and the Public Petitions Committee. We need to spread the word. Although, judging by the number of children who come to and learn about the Parliament each week, we are doing really well in

comparison with other Parliaments, we could still do a lot more.

If you asked the average 14-year-old about the Scottish Parliament, they would probably not have huge awareness of the Public Petitions Committee. Probably, few kids use the committee. I do not know, but I guess that few petitions come directly from children. That is another issue.

The Convener: One of the key reasons for our inquiry into the public petitions process is that Young Scot petitioned the Parliament on the need to review the committee's role 10 years on. I am at an age when I am perplexed by technology, but that is not the case for youngsters. Technology and the ways in which youngsters communicate have moved far beyond what I am used to. We need to understand how young people communicate, because they are saying that the Scottish Parliament has to catch up with what is happening out there, with texting, mobiles, the internet and various other tools.

Jamie McGrigor, who has kindly come along as a substitute member for a colleague who is unavailable, wants to comment. After that, somebody at the back and somebody at the front want to comment.

Jamie McGrigor (Highlands and Islands) (Con): On the point about MSPs going out to schools, there is an education outreach programme, of which I have been a part a good many times. I am an MSP for the Highlands and Islands, which is a big lot of the top of Scotland and a lot of the left-hand side. It is amazing how many pupils from primary age onwards know a lot about the Parliament before we get there, and they are not hesitant in asking questions. I am enthusiastic about the public petitions process, but I am sure that we can do much better in advertising it as a tool that people can use to take their woes or anything else to the Parliament. As far as the Parliament's education service is concerned, however, I think it is doing well.

Nicola Ryan: I am doing a higher national certificate in working with communities and a professional development award in housing law. I was happy to hear talk about how the Parliament is going to concentrate on letting youth know about the public petitions process, but how are you going to let people like me know about it, or provide me with that information so that I can facilitate things in my local community? What efforts will be made?

The Convener: Can I ask you a question in return? What are the most effective tools for getting information to you, if we want to do that? How do you get to know about other activities or things that could interest you?

Nicola Ryan: At the moment, the most effective tool for me is the college, because I am there every day, but there are many different groups out there that need to be targeted but do not have access to the internet. I understand and recognise the importance of stepping up marketing of the process and letting people know about it, but there will still be people out there who do not have that access. You need to consider how you are going to reach them, because they make up the majority of local communities. I am talking about people such as single parents and—I hate to say it—underprivileged children who do not have access to the internet. Perhaps no effort is made to take them to the library and they are not catching up at school. The petitions process just seems to be such an important thing. I will be honest with you. I only learned about what the Public Petitions Committee is yesterday, when I was asked to attend today. I cannot believe that this vehicle exists. Why is it not being used?

The Convener: That re-emphasises why we are not getting submissions from what I would call the more conventionally ordinary parts of Scotland. People are busy doing other things and they are not being made aware of how to use the process, whereas those who are in the know and in the loop use it disproportionately.

I would recommend that we try to get more resources to promote the process, but the clerks would be terrified at taking that to the chief executive. If we are serious about democratic engagement, we need to ask which tools reach people rather than just assuming that people will come to us because the committee is part of the Parliament.

Are there any views on that? If people do not have conclusive views now, we will be happy to receive written submissions later. If you discuss the topic with other individuals or groups, we will welcome their views as part of our inquiry. Even if you were made aware of the petitions process only in the past 24 hours, we will take on board any thoughts or ideas that you want to send us after today's meeting. They will help us to frame a good report on the consultation that we are undertaking.

Thanks for your honesty, Nicola. The communities that I represent are similar to the communities here, and I recognise that there are groups that do not have the easy access to technology that other groups have. It is important that we keep that in mind as well.

13:30

George McGuinness MBE: I am the chair of Baillieston community reference group, and I am one of the dinosaurs the convener talked about,

who have been at the game for a long time. Politicians keep saying that it is the people's Parliament. One easy solution is to bring the Parliament to the people, instead of us having to go to the Parliament all the time.

I applaud what the committee is doing today. I never thought that I would sit in a room with MSPs, ministers and people like that. It is the people's Parliament, so we must start bringing the Parliament to the people by having much more of what has happened today. Thank you.

The Convener: I take it that you are asking me to find another £440 million for a building in Shettleston. We will bring that forward.

Anne Souter: I have been a community activist for years. We usually concern ourselves with local politics—community politics. Some things do not change. Frank McAveety said that the people who submit petitions are middle-class suits with degrees. That is evident in the room today. He was dead right to ask how we can encourage the community to participate. The community would be terrified to sit here today and look around the table. George McGuinness is shaking his head, but he is empowered. We should think of the people who are not empowered. One problem—it has always been an issue—is communication and jargon. The Scottish Parliament sends out some things that you need a Philadelphia lawyer to understand.

Margaret Curran (Glasgow Baillieston) (Lab): We have one over there.

The Convener: Patrick McGuire has never been to Philadelphia in his life. He got as far as Wishaw.

Anne Souter: How does the Parliament engage with the community? Enough money is coming into greater Easterhouse for projects. Perhaps we could consider how we encourage communities in greater Easterhouse and other areas to understand and know what the Public Petitions Committee is all about. I am not unfamiliar with some of the processes; I have been to hear debates about motions at the Scottish Parliament.

This meeting is the first step. Frank McAveety is dead right. Could activists—volunteers—who are here today assist MSPs by empowering communities to be aware of what the committee is doing? Thanks.

Tina McGeever: Anne Souter perhaps has a point. Scotland is a big place. We have someone here from the Highlands and Islands, and I have come down from Moray. Can the committee use people who have been involved in the petitions process, such as me and others who are here, who are willing to talk to local groups—perhaps with their MSP—about their experiences of the committee? That would make people aware of

what is going on and make the process more accessible. We would just be ordinary folk talking about our experiences. Nicola Ryan talked about people who have no internet access. Going out and talking to groups in the community would deal with that.

The Convener: Does anyone else have comments or observations on this broad theme? I will call committee members after further comments.

Ian Holleran: I am from Shettleston community reference group. Surely the simplest way to inform people of the committee's existence is to put leaflets through doors. That can be done during election campaigns, so surely that is the simple solution.

Robin Harper (Lothians) (Green): A question lies behind all the comments. Access has been mentioned many times—probably more than any other word—in the past half hour. Of course, Parliament is not the only democratic body that performs services for the people; local councils do that, too. All our inboxes suggest that some dissatisfaction is often felt with how local government works, just as it is felt with the Government in Edinburgh.

What would people think of a two-part petitions process that included a petitioning process for local government? Instead of the only route being to approach your local councillor or MSP, if you felt deeply about something you could petition your local authority to change the way that it does things. I would welcome views on that.

The Parliament cannot do everything. People say that we should tell the public more about the Public Petitions Committee, but we should not forget the huge costs that would be involved in running a really comprehensive programme of telling people what we do and getting that information into every organisation and through everybody's letterbox. We could do it partly through MSP surgeries, but even they reach only the small number of people who go to the surgery. Sorry, I am ranting on. It would be useful to hear views about a petitioning process for local government.

Patricia McKeekin: I agree that a lot of money is spent on these things already, but electoral roll notices are sent out every year, as are council tax notices—sometimes umpteen are sent out to the same address. Why not put some information in with that? You would save on your postage bill for a start.

Robin Harper: Fantastic.

The Convener: We are happy to consider anything. The caveat is the legal framework and whether we can submit information alongside

information from another statutory body. You are right that we could use existing means of communication more effectively. We are happy to receive any good ideas on that.

Richard McShane: We set up the Blairtumnock and Rogerfield tenants and residents association, which Margaret Curran knows about. Ordinary people in the community were fed up with what was happening and with the fact that nothing was being done about it. BARTARA has been very successful. Margaret Curran, the police and others have taken part in some of our meetings. We have come together strongly as a community. We did that with no finance and no help from anyone. Last year we held a meeting in Lochend school, where we had 150 kids sitting talking to politicians, the police and so on. I wrote to the Government to ask why it did not take that sort of thing to other schools, because the kids loved it. As Nicola Ryan said, we have to get young people in the community involved. We have got the pensioners and middle-aged people involved, but we want to get the young people involved.

People do not know about the Public Petitions Committee. As Frank McAveety knows, I was at the knife crime debate on Friday, which I thought was a great chance for people to get involved. I hope that it was not just a talking shop and that action will come out of it. We need you guys to communicate with us and to come to our meetings to tell us what is happening and what can happen in the future. Our association will pass that on to our community. About 1,500 people stay in my community, so the message will get passed out, but we need it to come from you.

The Convener: I appreciate that. Thanks.

Jane Boyce: I am such a novice that I do not even know what the process is for your work. I would not know where to start. Perhaps you could give a rundown of that for Joe Bloggs—people like me. I do not mean today, but when you send out information. You could let people know in as few words as possible exactly what your work entails.

Ruby Hamilton: I want to return to what Richard McShane was saying about getting communities together. We have the same problem in our area. We managed to get our community together. It was a bit like Huckleberry Finn: we were painting a wall and the weans and other people wanted to do it, and we were saying, “No. I’m enjoying it too much.” Before we knew it, everybody was joining in. That needs to be encouraged at a local level and at a parliamentary level, but it does not happen.

Someone talked about boxes. If you do not fall into the wee category or the wee box, you are not wanted and you do not fit in. We need to be encouraged. We are a community, but we are all

unique and we all have different ideas. It is still the same as when Frank McAveety and Margaret Curran worked here. They know what it is like. The officials are still trying to tell us—the people who are living the life—what we need. That does not work. You all know that it does not work.

The Convener: Christina McKelvie has kindly filled in this afternoon for another member.

Christina McKelvie (Central Scotland) (SNP): I am delighted to be here today to talk about the issue. I grew up in Easterhouse. I went to St Leonard’s secondary school and I stay five minutes from here. I have been in the east end all my life.

For me, getting involved in local politics is usually the result of getting in among the issues in your local area. That is probably why I am where I am now. Taking that back a step, one of the issues is about engaging properly, as everyone has been saying today. That is a bit about self-motivation as well—if something happens in your local area, you get involved in it. It is about targeting people who do not engage and people who have totally disengaged from the process. That is something that I see day in, day out where I live.

Another big issue is the jargon. It is the problem of thinking that you do not have the right to speak to people. I quite like saying to people, “I grew up in Easterhouse.” I get officials looking at me as if to say, “You grew up in Easterhouse?” I like saying it because I am proud of it. As I grew up, my family encouraged me to engage—that is the thing about encouragement. I have seen people out there who have not been engaged in processes and political initiatives, or even just campaigns for things that are morally right. Maybe their families are not encouraging them. It is down to everyone in this room to be ambassadors. I see faces around this room that I have known for years—people who have been involved in their community for years. You have done a brilliant job in pulling people together. That is something that we need to continue, but how do we get to the bottom of it? How do we engage people who do not want to engage or who do not have the confidence to engage?

We hit the nail on the head when we talked about schools. That is the place to go with some of the things that we have got to offer. The Scottish Parliament is fantastic for engaging with people. We probably have some of the best processes in the world for doing that. The committee is fantastic, too. Lots of Parliaments do not have a vehicle such as this for ordinary folk. The big issue is schools. I go to schools all the time. I represent Central Scotland, and I get to go to schools from Kilmarnock to Falkirk. I try to go to them all. If I am invited to a school, I try to go to it because the kids

are amazing. They would blow your mind with some of the stuff they know. It is about keeping kids engaged, from primary school into secondary school, so that we do not lose them at 14 or 15, which tends to happen. It is about giving them something that they believe in. How do we do that as a Parliament, as a committee and as parliamentarians? How do you do it as community activists? How do we give people something to believe in? It is a tough one. I do not know how I got to where I am. It could have been because of what I believed in, but it was probably down to some of you folk sitting in this room.

Anne Souter: Gie them what they want.

Christina McKelvie: Absolutely. I agree with everything that has been said by witnesses today. It is about listening to what people want. When I sat on a community council, it used to annoy me when council officials came along and told us, "Oh, you'll want this for your community and you'll want that for your community." We would say, "No, we don't—this is what we need for our community." It is about being strong and keeping up the fight.

The Convener: Is there anything else on the broad issue, because I want to move on? There are two or three questions that we have to ask wherever we go in Scotland, and we need to try to get to those because they are part of what was in the initial petition that triggered this off.

John Wilson (Central Scotland) (SNP): The issues that have been raised are important ones for the committee to take on board. As Christina McKelvie indicated, the Public Petitions Committee is trying to engage with communities at the Scottish Parliament level. A number of local authorities and other agencies have visited the committee and said that they want to set up their own public petitions committees because they see the value in the work that has been done at the Scottish Parliament level. Local authorities throughout Scotland are thinking about setting up their own public petitions committees. It is not just at the Scottish Parliament level that that can work.

13:45

I want to ask those who are here today who have submitted petitions in the past what they think about the information technology route for submitting petitions. There are several ways to submit a petition, and we are looking at other aspects of that. It is not just a case of getting people to sign a petition in black and white, sticking it in an envelope, sending it to the clerks and hoping that it goes to the committee. It can be done online over the internet. We are trying to find out whether that method of engaging with the committee works. Could it be better? Earlier, the

convener talked about how we engage with young people and we talked about using the internet more. The convener mentioned getting a blog on Facebook and, for some of the younger people in the audience, on Bebo as well. How do we engage with people? Are the internet and other information technologies one of the ways that we can do that?

I have taken on board the point that people in the audience have made today that not everyone has access to the internet.

The Convener: Does anyone want to respond to that?

Michelle Stewart: We started off our petition with an e-petition. We did not go out on to the streets and ask for signatures. We thought, "If folk want to sign it, it's there and they can sign it." However, we had so many people in our community coming up to us and saying that they wanted to sign the petition but could not do so because they had no access to the internet that we made petitions up and put them in all the local shops. In the end, we had 400 signatures online, which was really good, but we got more than 1,200 signatures from people in the community who did not have access to the e-petition. That shows that access to the internet is important, but going out into the community is much more important. The internet is faceless.

The Convener: By having the petition on the internet and getting people logging in from all over Scotland, did you get to share the experiences of other individuals who might have been facing similar difficulties?

Michelle Stewart: We had people from America and Canada signing the petition, but local people signed it too. It is on an issue for Scotland, so it is important that both petitions work alongside each other. I do not think that the e-petition should be shut after you start taking other signatures; both ways have to be available so that we get the diversity and people are able to sign for what they believe in.

The Convener: Are there any other observations?

Ruby Hamilton: I have recently started using the internet, but I have a problem with accessing some of the documents because they are in a format that I do not have, and I do not have £100 to go out and buy Microsoft Office. That is the kind of problem that is stopping me getting the information that I require, and I suppose that there are more people like me out there.

Marion Patterson: I think that we are missing a whole generation with the internet. The likes of my mum, who is in her 70s, would not use a computer, so you are missing a whole generation by sticking to that alone. You need both.

The Convener: At this point, I should stress that people can use whatever format they want to petition the Parliament. Obviously, we have adopted an e-petition structure as well because, for some campaigns or petitioners, it might be more appropriate.

I like authenticity in these things and I like to see the signatures, but it is not an either/or question. The petitions system is accessible in whatever format or fashion. Even petitions that are made to the committee by letter are accepted under our criteria. Sometimes there is a very small number of signatures to support an issue. By contrast, a petition on class sizes from one of the teacher unions had 80,000 signatures. That petition had no greater validity than the one that was submitted with fewer than 10 signatures. We try to look at petitions on their merits and on the issues, knowing that everyone has the chance to put a petition in front of the committee.

One difficulty is that, given the tightness of our committee time under the current structure of the parliamentary timetable, we cannot invite everyone to come and talk in the way that the C diff petitioners will today. We can have a maximum of two or three verbal contributions at a meeting—the rest have to be in written form.

I stress that we do not exclude anyone, whether it is an older citizen or a young person who thinks only of using the internet. That is how my teenage son communicates and consumes virtually everything, including music. My record collection is, sadly, now meaningless to my teenage son—I have to learn to live with that fact. His remarkable comment to me was that if I passed away, he would get my collection on to eBay as quickly as possible—at least it is reassuring that he would sell me internationally. We must stress that we need to use both formats.

John Wilson: Ruby Hamilton's point about the way in which documents go on the Parliament website is interesting. We all assume that everyone uses Microsoft and that they have access to Adobe Acrobat to enable them to open up those documents. It might be a challenge for the Parliament, but we can take the matter back to the IT team in the Parliament and say, "Look, we need to look at ways in which people can get those documents." If we are encouraging people to use the internet, we must ensure that the documents can be opened and read on the internet. There is no point in posting them if people cannot read them. Ruby Hamilton's contribution was useful. The Parliament must be aware of that issue if we want to use the internet as a form of communication.

The convener is right that it is about looking at the process as a whole and at how the Public Petitions Committee and the Parliament more

generally engage with the public. The committee is trying to find out what the issues are, particularly on how we deal with petitions, but I hope that the Parliament more generally can take some lessons from what we are doing today.

The Convener: Are there any other comments on the topic? There is another theme that we need to address, so we can perhaps move on to that. If the discussion triggers another thought on a different theme altogether, I am happy to take that.

Jamie McGrigor has indicated at the last minute that he would like to comment on the matter we have been discussing.

Jamie McGrigor: I have a question for the audience. When a petitioner submits a petition, what responsibility should there be on the petitioner to build a strong case for it?

Ruby Hamilton: I do not think that that is down to us. If people are taking the time and the trouble to come to the Scottish Parliament or any other petitions committee, it means that they have reached the end of their tether and they feel strongly about an issue. If the matter was something that could be dealt with locally, we would not need you, would we?

The Convener: You are going too far, now; I knew that it was not going to last, Ruby.

Ruby Hamilton: When we bring a petition to the committee, it means that every other avenue has been blocked—you will be getting one from me next week.

Nicola Ryan: As petitions go through the process, the committee should recognise the person or the group's own merits and basically deal with them on an individual basis. Some groups may need more input than others, because some will have more experience of the process than others. Given that petitions deal with local community issues, it should be recognised that every group's level will be different and that they will go through the process at a different pace. The correct amount of help and support should be given to each petitioner to facilitate what they want to do.

The Convener: That is an important message, because people need appropriate help at appropriate points in a petition's journey. They have to go through all the procedures to lodge the petition. Two members have already raised the key point that people could feel intimidated by the structures. How can we allay that concern and maximise the merit of a petition?

Robin Harper: It is worth noting how our processes assist that. If the committee thinks that there is merit in a petition but needs to find out more about the matter, it will write to people to seek further evidence and not take a decision until

it has that further evidence. Over the past two years, we have approached many petitions in that way; it is part of the process that the committee uses to come to its decisions. We never place all the responsibility on the petitioner to provide all the arguments. As long as we are persuaded that a petition is important, we will participate in finding what further evidence we need.

Marion Patterson: Is it not the responsibility of councillors to support the local community when it raises an issue with you?

The Convener: Robin Harper was trying to explain the Parliament's petitions process. There are meant to be other mechanisms at local authority level, not only in Glasgow City Council but in all councils in Scotland. To be fair, one or two councils are exploring the idea of having their own petitions processes because a substantial minority of petitions that come to the Parliament are on issues that would best be dealt with by local government.

We want to respect local authorities' legitimate, statutory role as directly elected bodies, but I think that people will still wish to raise issues in the Scottish Parliament that they would have liked to have resolved at council level. We will see what happens with the committee's report, but I do not believe that parliamentarians should be silent on those issues because some of them could be of national relevance or significance. That is a personal view, not necessarily the committee's view. We might arrive at a different understanding when we explore the nuances of that issue.

Local authorities are directly elected bodies and should have consultation and accountability built into their structures. Having been a local authority member, I know that, although authorities say that that is what they do, people on the ground tell them that it is not always their experience. There is a constant inconsistency on that. We need to keep working at it.

Before we get on to the petitions that are before us, John Wilson will ask a critical question about the structure of the petitions process. We are asking it everywhere that we go in Scotland.

John Wilson: My question is not only crucial to the structure of the petitions process but has implications for the Scottish Parliament. The Parliament works under devolved powers, with certain powers being reserved to Westminster. The Public Petitions Committee is presented with petitions from individuals or groups on issues that the Scottish Parliament is not empowered to take any action on. They can be United Kingdom-wide issues, such as benefits, or international issues, such as the conflict in Palestine and Israel. There is usually quite an illuminating debate about whether the committee should consider such

petitions. Do you consider it legitimate for the committee to discuss issues that are outwith the Scottish Parliament's devolved remit?

George McGuinness: It is important to discuss such issues, because surely the committee can influence the national Government. It is important that the Scottish Parliament does not just say, "That's no oor fault. We can't dae anything about it." I am sure that, as parliamentarians, you can influence the members in Westminster. It is important that all petitions that are brought to the committee be dealt with one way or another.

14:00

Patrick Milne Home (Biological Recording in Scotland): I do not agree that the Scottish Parliament should debate matters that are outwith its remit.

George Darroch: For me, it is a case of cutting out the middle man. Why can we not persuade the national Government that it should have a public petitions committee so that we can go directly to Westminster, rather than have to go through one parliamentary splinter group, or whatever, to get to another one?

The Convener: The issue is challenging. John Wilson and I have a tennis match on the issue, because we represent different political parties. Fundamentally, the language of the Scotland Act 1998 makes lots of things admissible for discussion, but there is a world of difference between what is admissible for discussion and the powers of parliamentarians in the Scottish Parliament, because under the act certain matters are reserved. We can have that debate in a party-political or ideological bun fight any time we want—I am not exactly a wallflower when it comes to political debate.

In essence, we need to navigate through that. We need to tell folk that we do not have power over some issues. People might think that we should or should not have that power, but the reality is about how we deal with petitions. I come at it from the angle of being the custodian of the Public Petitions Committee. I need to consider how I ensure that people feel that they are listened to or that their issue has been amplified in the Scottish Parliament, even if their petition calls on the Scottish Government to raise an issue with the UK Government. For example, we have had that phraseology in relation to the difficult issues to do with what has happened in Palestine. Several petitions will come up on that, and it is difficult to navigate on that.

I am just asking you to try to help us a wee bit. Maybe the wisdom of Solomon will need to pop up eventually on the issue, but we at least need to get a sense from members of the public of where you

instinctively think that we need to be. Having said that, I am conscious of time, so I would like to make the next contribution the final one in this part of the meeting before we move into formal session.

Jacek Swilas: I am probably the only foreigner here.

The Convener: There are a few people from Edinburgh as well, so do not worry about it. I could not resist that.

Jacek Swilas: In the past, I was deeply involved in political work in my country and I am involved with political work here. I am a member of a political party. The Scottish Parliament's invention of a Public Petitions Committee is very good. I see it against the background of what happens in other countries, especially mine—I am from Poland. The committee is a very fine short cut between the public and Parliament. Somebody talked about the costs, but they are the costs of learning and teaching democracy. In my opinion, the documents and leaflets that you send out are useful. Scotland is probably at the beginning of its way to a new future. Those are the costs of learning about a new future. However, it is probably necessary to get more information about the committee to recognised communities, such as the Polish, Pakistani and Lithuanian communities. Scotland is starting to become an international nation. It is necessary to finish with a kind of clan thinking and to think in the category of a nation. Information about the committee and the possibilities must be sent to different parts of this complicated community.

The Convener: Thanks for that positive contribution. Before we move on to the formal consideration of petitions, I have several important points to make. This is one of the best turnouts that we have had at such a meeting. In terms of responses and direct contributions, it has been the best to date, which is a compliment to the people who are in the room. I was always confident that that would be the case. Margaret Curran said that folk from the greater Easterhouse area can be fairly voluble, which has been confirmed. Having taught in the area, I can testify to that.

Nicol Stephen: I now realise that Margaret Curran is one of the shy ones.

Margaret Curran: Yes—I am one of the quiet ones.

The Convener: The meeting has been great. If people have ideas emanating from it, they should pass them to our committee clerk. Your comments will get to the Parliament whether you do that by e-mail or letter. Just direct them to the Scottish Parliament Public Petitions Committee and we will certainly take your ideas as part of the information from the session.

Richard McShane, who spoke earlier, and I attended the knife crime debate in the Parliament on Friday. The reason why we had that debate, which was the first time ever that there has been a national debate in the chamber that did not involve only politicians, was because of a petition. You will have read the stories from the petitioner, John Muir, who lost his son as a result of a knife crime incident. The benefit of the debate was to pull together all the issues related to knife crime, the dangers of which are a reality in all parts of Scotland. Substantial figures were involved to try to make progress. At the end of the debate, the petitioner feels that the issue is moving on and he feels quite powerful.

We are commissioning research on how to reach the groups that are difficult to reach, but the best research that I know is to find out about your authentic experience. It is essential that you give us any comments that you have, so that we can deliberate as parliamentarians on your behalf and, I hope, arrive at a better way for the committee to work in future. I am the third convener of the Public Petitions Committee—I am merely a custodian. We want to ensure that, year on year, we improve the system, based on the commitments that were made when the Scottish Parliament was created in 1999. All those who have the privilege of serving in it want to ensure that it lives up to the four founding principles, which include openness and ensuring accountability. It is easy for me to say that—those words are used all the time by people in public office—but we want to demonstrate those principles in our work.

I thank everybody who participated. You are welcome to stay for as long as you want. The formal meeting will take the next couple of hours, and I realise that people may have family commitments or other arrangements. *[Interruption.]* We have a squeaky door, so I ask people to exit with caution and with a modicum of quiet, as that would help us in our deliberations. I will suspend the meeting for a minute or two so that people who want to leave now because of other commitments can do so.

14:08

Meeting suspended.

14:11

On resuming—

New Petitions

Clostridium Difficile (Public Inquiry) (PE1225)

The Convener: Agenda item 2 is consideration of new petitions. The first petition is PE1225, by Michelle Stewart, who is accompanied by David Chandler, and by Patrick McGuire from the legal team that represents families affected by *Clostridium difficile*. I also welcome Jackie Baillie, whose constituency contains the Vale of Leven hospital. She came to know this part of Glasgow very well in her previous roles as a parliamentarian, so I welcome her back to it. I also welcome the petitioners.

The petition essentially asks the Scottish Government, under the Inquiries Act 2005, to hold an independent public inquiry into the outbreak of *Clostridium difficile*—or C diff, as it is known in newspaper and television coverage—at the Vale of Leven hospital, so that wider lessons for the whole of the national health service can be learned. It asks that the inquiry involves and publicly funds all relevant individuals, groups and organisations that have been affected by the outbreak to determine the inquiry's terms of reference and to identify the issues that are to be examined. I invite Michelle Stewart to make an opening statement, which we expect from petitioners.

Michelle Stewart: We are here today because we are all relatives of folk who have died of C difficile at the Vale of Leven hospital. We have come together as a group because we think that the systems have totally failed, which is why the bug was allowed to run rampant for six months. Nobody detected what was happening or how many people were catching the bug. Until it became obvious from newspaper reports, even we, as the families of those who were affected, did not realise that we were caught up in what was probably one of the biggest outbreaks that Scotland has ever seen.

Given what happened and the way that we found out, we feel that none of our questions about how our loved ones were able to catch the bug, why they were not isolated, why proper procedures were not put in place and why the systems totally failed in the Vale of Leven hospital has been answered. We know that a lot of emphasis has been placed on the police inquiry, but we are not interested in people being charged or going to court—that will not satisfy the families, and it will not help other people.

What happened at the Vale of Leven hospital could have happened anywhere in Scotland, because the hospitals are all under the same surveillance systems—there is no difference. The issue does not affect only us.

We do not know what happened. We deserve answers. Anyone who has lost somebody deserves to know why, but we also deserve to know that lessons will be learned. We need to find out what happened, so that it can be stopped and will not happen anywhere else. We want to know that nobody else will put somebody they love into hospital and end up going through what we are experiencing.

So much support for the NHS and so much morale have been lost that nobody believes in it any more. We do not believe in it any more because it is a closed institution that keeps itself to itself and does not answer to anyone. We are here today because the NHS has to answer to people. It looks after the health of everyone in this country, so it has to answer to us. It has to show us what it is doing, where it is going wrong and how it is putting things right. People will believe in it again only if it comes out and says, "Okay, we've made a mess. This is what happened and this is how we're going to fix it."

In this day and age, it is appalling that we are having to fight to get answers to find out why people died. We will not go away. We totally respect the police inquiry. We have been interviewed by the police and from what we can tell, they are not against a public inquiry. I have met John Watt, the procurator fiscal. Not one person has come out and said that they do not think that there should be a public inquiry. Lessons could be learned in a public inquiry.

People are saying, "We're gonnae do this and we're gonnae change that," but all those ideas have come from the families. We are not medically trained and we do not know what went on, so we are only scratching the surface. For things to change and lessons to be learned, how much deeper do we need to go? At some point this year, everyone here will have a family member who goes into hospital. Are you willing to take the risk that things will not be in place for them?

14:15

The Convener: Thanks very much, Michelle. I know that it is difficult for people who have been affected by an issue to speak about it. That was a very brave contribution.

I invite members to ask questions, to which any three of you can respond.

Robin Harper: There is an issue that I want to clarify, because I think that it will help us to come

to the best decision. If I understand the situation correctly, you are quite clear in your minds that, regardless of whether the police inquiry concludes that people need to be prosecuted, there should be a public inquiry.

Michelle Stewart: The difference that a public inquiry would make is that it would enable lessons to be learned. Lessons will not be learned as a result of the police inquiry. The purpose of a police inquiry is to find out whether people have been negligent and need to be charged. That will not change the systems that are in place. We need people to be safe and to feel secure; we need them to be able to go into hospital and know that they will come home.

Many members of the public come up to the families and tell us that they have cancelled hospital appointments because they are terrified, not of the operation that they are going in for but of the possibility that they will not come home. There are 80-year-old folk who say, "If I collapse, just leave me lying on the floor. Don't take me to hospital." That is how scared they are. Prosecutions will not make a difference to what is happening in the hospitals. The only way that we can make a difference is by learning what went wrong and fixing it, which can happen only through a public inquiry.

Patrick McGuire: From a legal point of view, it is essential to remember that any criminal prosecution will be highly focused on specific issues—it will be thumbnail stuff. The families do not want only a specific incident at Vale of Leven hospital to be investigated; they want investigation of what happened at Vale of Leven to serve as a springboard for making things better for the whole of Scotland and, perhaps, the whole of the United Kingdom. Only by making things better will the families be able even to begin to put their lives together again.

Robin Harper: I would like to pursue the issue a little further. How urgent is it that we start a public inquiry now rather than wait to find out what happens after the initial stages of the police inquiry? We do not even know whether there will be any prosecutions. I presume that if there were to be prosecutions, that could get in the way of a public inquiry or could confuse matters.

David Chandler (C Diff Justice Group): It is vital that a public inquiry starts as soon as possible, partly because people forget detail. As we all know, inquiries take a long time. It takes a long time even just to appoint someone to head an inquiry and to get the process moving. The fine detail will be vital as we move forward. That is the main reason why we must start a public inquiry as soon as possible. There is no reason why the two inquiries cannot run in parallel.

Patrick McGuire: I can assist the discussion, using my personal experience. I was—and, because the decision has not yet been released, I remain—the recognised legal representative of all of the families of the victims of the Stockline Plastics factory disaster, which led to the first public inquiry run under the joint auspices of Westminster and Holyrood. However, there was an extremely long delay between the incident happening and the beginning of the public inquiry process. It took about three years to get an announcement that there would be an inquiry, and the inquiry did not proceed until some time after that.

We have heard about due process and the fact that we should not impede the criminal investigation. However, there is no such thing as due process in Scotland; that is an Americanism. The only requirement is that the investigations that are undertaken as part of the public inquiry should not prejudice the on-going criminal investigation. From experience, I can tell you categorically that that is a simple thing to ensure.

When the Stockline inquiry team was put in place, three years after the event, the investigations that took place were extremely restricted, secretive and confidential. Even I, as the recognised legal representative, did not get access to the majority of the information until about nine months after the investigation began. There is absolutely no doubt that an inquiry team could begin its investigations now without hampering or prejudicing the on-going criminal investigations.

Stockline can also teach us a lesson about people's memories fading. The Stockline families were ultimately very pleased with what the inquiry did in relation to the issues that it was able to address—they got answers that enabled them to start to move on with their lives, and there is no substitute for being in an open forum, hearing questions being asked, seeing people being cross-examined and reading people's body language as they give answers—but the inquiry did not explore all of the issues that the families wanted it to. It concentrated heavily on the gas issue and, to an extent, on the role of the Health and Safety Executive. The families wanted many other issues to be explored, including the corporate governance of small companies, but that was not possible, because the inquiry team proceeded on the basis of the HSE and police statements that had been taken two and a half to three years earlier. That was the case because, by the time the public inquiry was under way, people's memories had faded and there was not enough evidence to explore the issues.

The families were happy and got answers, but the inquiry did not address everything that they

needed it to, simply because of the passage of time. We have to avoid that happening in the case that we are discussing today. The families that are represented here want to explore far wider issues than the police will be looking at. The answer is to set the team up and get it to have an early meeting with the families to work out what issues the team will look at and what the inquiry ultimately will address.

Robin Harper: The input that we have had so far will be useful to us in making up our minds.

Michelle Stewart: On timelines, the only other similar inquiry that has taken place in Britain is the inquiry into the Kent outbreak. That took two years, and family and staff were not interviewed. We are told that the current police investigation will take four months, but I think that that number has been plucked out of the air. Given that an inquiry into a similar outbreak took two years without questioning family and staff, we do not know how long the inquiry into the Vale of Leven outbreak will take. We should not rush it. We respect the fact that the police inquiry is on-going and it should be allowed to do its job properly. If that does not happen, we will end up with people criticising it for the fact that it was rushed, was not allowed to do its job and did not answer all the questions.

My mother-in-law will have been dead a year on Sunday, so already a year has passed, and the police inquiry might take another two years. How much will people remember in three years' time?

Nicol Stephen: I accept that there is a strong case for a public inquiry. I would like to press you a bit on how you would like that to proceed. Clearly, it might not be appropriate to have certain individuals give evidence to an inquiry until the police inquiry has concluded and the police have decided whether to prosecute them. Do you agree? If so, should the inquiry team be set up immediately so that it can agree its remit, speak to the families and gather evidence without questioning those who are currently under suspicion? If that were done thoroughly, it might take until the police inquiry had finished, and the public inquiry could then take evidence from the staff.

Michelle Stewart: That is what we have always said should happen. We have never expected that the public inquiry would be in court tomorrow. A lot of groundwork needs to be done in setting up a public inquiry—even deciding who will chair it will take time. We are saying that we should get the ball rolling now and start taking statements from the families, so that by the time the police investigation is over we are ready to go. The public inquiry and the police inquiry can work alongside each other by taking statements together. They do not need to be two separate

entities; they can work together. I have spoken to John Watt—the procurator fiscal—and the police, and they have not said either way whether they want to have a public inquiry, but they have not said, “Please don’t have a public inquiry, because that could mess up the police inquiry.”

Nicol Stephen: The police inquiry could result in prosecutions, which might involve trials. As we know, that process can take some time. Have you had any discussion with the Scottish Government, legal advisers, the Crown Office and Procurator Fiscal Service or the police on how all of that could be handled if the public inquiry were up and running?

Michelle Stewart: No.

Nicol Stephen: Would you welcome such advice if you could get it?

Michelle Stewart: Definitely.

Nicol Stephen: We might need to seek some advice on how the process would be properly handled. Is your legal team aware of how such issues have been handled in similar situations?

Patrick McGuire: It depends on what you mean by “up and running”. The families want the inquiry to be up and running in the sense that the chairman, inquiry secretariat and various investigators are appointed—no more, no less. Any evidence gathered in that period would be completely confidential—nothing would be disclosed to the families, their legal representative or anyone else until such time as the police investigation and any subsequent trials were concluded. Because of the entirely confidential nature of the way in which the inquiry team would gather evidence, it would be able to liaise freely with the police and the Crown Office and Procurator Fiscal Service to ensure that neither investigation impeded the other. The families would be entirely content with that.

Nicol Stephen: Is there an example of that arrangement operating in a recent case?

Patrick McGuire: I can give you only the negative example of the way in which the Stockline inquiry was handled, which was not ideal.

Nicol Stephen: Because it took a long time until the public inquiry was established.

Patrick McGuire: Indeed. It took too long. Until the inquiry concluded, the families were anchored to the past and could not move on. Further, because of the delay, the inquiry did not explore everything that the families wanted it to.

14:30

Nicol Stephen: If the process were to operate in the way in which you suggest, there would be no public dimension to the public inquiry until after the criminal aspect had been dealt with, either by a trial taking place or by inquiries being concluded and a decision not to prosecute being taken.

Patrick McGuire: Absolutely.

Nicol Stephen: If the non-public aspect of the inquiry—the investigation and speaking to families—was completed and there was a wish to take evidence in public, but the prosecution case was still on-going, would the inquiry be suspended, for as short a time as possible, and then reactivated?

Patrick McGuire: Absolutely. The crucial point is that the evidence would be obtained and preserved.

Nicol Stephen: I understand all the points that you have made.

Jackie Baillie (Dumbarton) (Lab): I have been privileged to work with the families who have been affected by C diff. The scale of the outbreak at the Vale of Leven hospital was unprecedented. Michelle Stewart was generous on that point—in terms of the percentage mortality rate, it was the worst outbreak in the whole United Kingdom. I am clear about the need for us to ensure that such an outbreak never happens again. That is a responsibility for the Parliament, too.

I am equally clear about the fact that the issue is not restricted to the Vale of Leven hospital—it affects people, hospitals and care homes throughout Scotland. The incidence of C diff is rising: year on year, the trend has been upwards. New strains are being diagnosed as we speak. At this point, no one is quite sure about the toxicity of the new 078 strain that has been discovered. However, in England, the number of C diff cases has dropped by 38 per cent in a year. Clearly, there is much work to be done and much to be learned. A public inquiry would enable us to learn lessons not in a piecemeal way but in a comprehensive way, so I hope that the committee will look favourably on the petition.

I have two questions for Michelle Stewart and David Chandler. I know the answers, but I hope that the committee will find them enlightening. What are your views on the validity of the independent review report on the tragedy at the Vale of Leven hospital? As members will be aware, the report was used as evidence that a public inquiry was not needed, on the basis that a review had already been carried out.

Michelle Stewart: The independent review panel did what it could with the remit and the time that it was given, but it was inadequate. We have

scratched the surface, but it did not even do that. At the back of the report was a list of about 30 people the panel had spoken to, but none of them were quoted inside; all the comments in the report began with “The families think” or “The families feel”. There were no medical or staff comments—absolutely none. It is totally unacceptable that 18 people died but the panel came up with a booklet of only eight pages.

David Chandler: The report was put together quickly and was inadequate. The aim was to placate people and to show that something was being done, but the report did nothing. One guy—I cannot remember his name—described it as “not fit for purpose”.

Margaret Curran: Was it Hugh Pennington?

Michelle Stewart: No, it was Brian Toft, who wrote the report on the King’s Cross disaster. His job is to deal with such issues every day.

Jackie Baillie: I have a question for Patrick McGuire, as a lawyer’s perspective is sometimes useful when dealing with issues such as this. Others have suggested that we should hold a fatal accident inquiry rather than a public inquiry. For the record, could you help the committee to understand the difference between the two and say why you think that a public inquiry is more appropriate?

I also want to draw out a point of detail. In the petition, you say that the inquiry should involve “all relevant individuals”—including relatives—“groups and organisations”, and that their involvement should be publicly funded. Can you explain that, as I was unaware that such involvement could not be facilitated otherwise? Involving the public and families is critical when we are dealing with issues such as this.

Patrick McGuire: Thank you for that massive question.

The Convener: Please give us a brief answer, Patrick, not a lawyer’s answer.

Patrick McGuire: I will do my best, convener—but, unfortunately, my answer to the question on whether a public inquiry should be held, as opposed to a fatal accident inquiry, proceeds from a legal analysis. Article 2 of the European convention on human rights is on the right to life, and that right has now been established in Scots law through my firm’s efforts with hepatitis C victims. The cases of Black and O’Hara have been in the press again recently. The state has a duty to investigate such matters and to do so properly, which means holding a full inquiry.

The important point to grasp is that a full inquiry—like article 2—would cover more than just the people who suffered fatal injuries; it would also cover people who were afflicted but survived. Of

course, a fatal accident inquiry can deal only with fatalities—the people who died. Our group contains members who are survivors, so it is not only on behalf of those who died that we are calling for a public inquiry—although that is obviously a strong part of our case. A fatal accident inquiry would disenfranchise the survivors. More important, it would not be ECHR compliant.

There is also a political aspect. By statute, fatal accident inquiries must take place under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976. There is no choice about that—a fatal accident inquiry must take place if a fatality occurs in certain circumstances. A public inquiry is a totally different matter: it is a matter of political will. There will be a public inquiry only if our political leaders say, “We consider this matter to be serious enough, and we think you deserve a public inquiry. We know you want answers; we’re going to give you answers. We want lessons to be learned.” That last point is the important one, and it is why we have to take the public inquiry route. This is a political issue, and we want answers for the whole of Scotland. That will not be achieved by an FAI.

Jamie McGrigor: From the fact that the petition is before us, it is obvious that the bereaved families and others are not at all happy with the results of the review.

I have to declare an interest. I live in south Argyll, and an enormous number of people there have depended on what used to be thought of as a great hospital. I regret to say that I believe that the hospital has been run down very much in the past few years.

It is important that we make progress with this petition, because it is vital that we restore the reputation both of the hospital and—as Michelle Stewart said—of the national health service.

We are taking about 18 people who have died. However, Professor Pennington, who is the acknowledged expert on these matters, says that more people may have died. Do you know how many more people the professor has suggested may have died?

Michelle Stewart: No, but from our personal point of view, we honestly believe that more people have died. People who have lost family members have come to us and said, “See what you said in the paper about your family? That’s what happened to our family, but they never told us that’s what it was. It’s not on the death certificate, so how do we prove it?” All that we can advise them to do is try to get the medical records, but people then come back to us and say, “They’re not giving us the medical records. We’ve to go and get a lawyer.” At least three families have stopped

me in the supermarket and said, “That’s what my mum had. All the symptoms were exactly the same. Within a week she had died and we had buried her. But nobody’s told us that’s what it was.” So we honestly believe that more people have died.

The hospital itself did not seem to know. In our case, the infection was mentioned on the death certificate, but when we were in the hospital we were not led to believe that the infection could kill somebody. We were told that it was a bug and she would get over it—and that was it. When we then saw the death certificate, we thought, “Why did the infection contribute to her death?” If it was just a wee bug that people get over, why did it contribute to her death? The problem was a total lack of education. The hospital staff did not seem to know what they were dealing with or how rampant the infection was in the hospital.

The Convener: Are you happy with that, Jamie?

Jamie McGrigor: Yes, convener. I should, however, declare an interest—my son was born in the hospital and my father’s leukaemia was treated there. It is high time that we got to the bottom of what has happened at the Vale of Leven. I think that having a public inquiry would be a very good move.

John Wilson: The question is not only whether a public inquiry should take place but how wide its remit should be. I understand the relatives’ feelings about what happened at the Vale of Leven hospital. I am concerned by Michelle Stewart’s comments on the recording of deaths in hospitals. I suffered a bereavement over Christmas. When I received the death certificate this week, it confirmed that the death was due to C difficile. I should point out that it was contracted not at the Vale of Leven but at another Scottish hospital.

As a result, I believe that, instead of simply getting to the root of the problem at the Vale of Leven, a public inquiry should examine a number of wider questions. We know that there is a problem in the UK, but the parameters of an inquiry need to satisfy not only the relatives of those who died at the Vale of Leven hospital but people throughout Scotland who are just becoming aware of C difficile’s impact on their loved ones and relatives and what is happening in our hospitals. The NHS will, of course, learn lessons from a public inquiry into what happened at the Vale of Leven, but I believe that the wider impact of this infection needs to be addressed.

As Michelle Stewart pointed out, C difficile infection is simply not being recorded on people’s death certificates. Other people might have died from it in other Scottish or UK hospitals, but we do not know, because the death certificates cite

things other than C difficile as the primary cause of death. How do we track that back? In many cases, death certificates cite only one ailment, illness or cause, but might there be some way of listing the various factors that contributed to a person's death in hospital?

As I say, I feel close to the issue, given my bereavement over Christmas, and I have a great deal of sympathy for the relatives in the Vale of Leven situation. However, I believe that it raises wider questions, and the more the issue is raised in public, the more people will come forward and say, "This might have happened to my loved one, but we can't be sure," either because records have not been kept or hospital staff have said that they are not prepared to release the necessary documentation. Not every relative is a medical expert who can go through medical records and discover, for example, that C difficile might have led to someone's death. As Jackie Baillie has pointed out, new strains are emerging that might have a more devastating impact, although they might not: we simply do not know.

If a public inquiry were held, would the panel welcome its being widened to take those issues on board?

14:45

Michelle Stewart: As we say in our petition, we want lessons to be learned not only at the Vale of Leven but throughout Scotland. In fact, I think that your comments about death certificates not being filled in properly argue my case for me. If that issue came out at a public inquiry into what happened at the Vale of Leven, measures to address it would be put in place throughout Scotland.

What is happening at the Vale of Leven is indicative of what is happening across the country. No matter what we say, we have to remember that there might be different NHS health boards but there is still only one NHS Scotland. If death certificates are not being filled in properly at the Vale of Leven, they are not being filled in properly across the whole of Scotland. If that turns out to be a problem, it can be fixed across the whole of Scotland. *[Interruption.]*

Robin Harper: Oops. Sorry. That is my phone.

Michelle Stewart: That shut me up, for a change.

The Convener: It is okay; we will force him to sing at the Christmas party. We have not decided which outfit he will wear, yet.

David Chandler: John Wilson makes an excellent point. If someone dies partly as a result of a hospital-acquired infection, it should show on their death certificate as one of the primary causes

of death. That approach would allow us to record properly the number of people who caught such infections. At the moment, that is being missed.

Nicol Stephen: I know that, in pilots that are being introduced at some hospitals, all admissions are screened before their operations to find out whether they already have any of these infections. However, are people who die screened to find out whether an infection was a secondary—or, indeed, primary—factor that might have been missed? It seems an obvious way of comprehensively assessing the size of the problem, Scotland-wide.

Michelle Stewart: But, under the current law, C diff does not need to go on death certificates; all that needs to go on them is the primary cause of death. If that is found out to be an issue in a public inquiry into the Vale of Leven hospital, it can be addressed across the whole of Scotland. That is why a public inquiry is the right approach.

The Convener: We have had a chance to explore some of the issues. I thank the petitioners for their comments. We now have to deliberate on what needs to be done next. I realise, of course, that this input into the Public Petitions Committee is only one part of the family members' campaign.

I am in members' hands. How do you want to take the petition forward?

Robin Harper: Before I comment, I should apologise for my earlier minor interruption.

The Convener: Don't worry, Robin. After all, I have heard you singing.

Robin Harper: And nothing worse could happen. Well, perhaps it could. *[Laughter.]*

After reading the committee papers, I was in no doubt that a public inquiry was needed. Before we started this afternoon's proceedings, the only question in my mind was whether it would be better to wait until the police inquiry had been completed and any subsequent prosecutions had been brought or whether we should simply cut to the chase and ask the Scottish Government for a public inquiry now. I have to say that I am fully persuaded that we should go now.

The Convener: Do members have any other comments? There seems to be broad consensus on the need to get to the very bottom of the issues raised in the petition. None of us wants to be put in the same position as the petitioners and one or two members who have been brave enough to indicate that the same thing might have happened to their family members. The issue, after all, seems to affect more than your own neighbourhood hospital.

We have had a clear view from Robin Harper. What do other members think?

Nicol Stephen: I agree. The presentation has been very persuasive and we have received answers to the legal concerns that we all had about how the public inquiry process could work alongside an on-going police inquiry. We are not legal experts on these issues, and pausing for legal advice might take a number of weeks or months. We should therefore put the case for the public inquiry to the Government, the Crown Office and Procurator Fiscal Service and whoever else needs to be involved. If any legal issues arise on the handling of an inquiry in these circumstances, it is really for the Government to explain how the situation would be handled, in consultation with the police, the COPFS and others. That would allow us to deal with the matter today as positively as we possibly can deal with it.

The Convener: I think that everyone can hear that the consensus around the table is that we should try to get to the bottom of this. We will take on board all the comments that have been made. The clerk has registered a number of key indicators that were raised in responses and in questions. We will pull all that together and make a submission to the appropriate agencies and the appropriate minister to see whether they can interrogate and deal with this issue of concern to the petitioners and other family members.

I hope that the process has been positive for the petitioners. I know that your campaign is continuing and that there are other things that you want to do over the next period. Thank you for your patience.

We will have a brief comfort break before we move on to the next item. That will also provide an opportunity for the television people to speak to family members, but I suggest that that is probably best done in the corridor.

Jackie Baillie: I just want to thank the committee for its support for the petition today.

The Convener: Thank you very much.

14:50

Meeting suspended.

15:03

On resuming—

Interests

The Convener: The committee clerk has just reminded me—it must be the private world that occupies the minds of clerks—that we have three substitute committee members today and that the Parliament's procedure is that such members must declare their interests.

John Wilson: That is not on the agenda.

The Convener: Sorry about that. I will just ignore that procedural note from John Wilson.

Jamie McGrigor, Christina McKelvie and Nicol Stephen are substitute members, so we probably need to follow the procedure involved.

Christina McKelvie: I have no interests to declare in relation to this committee. I direct people to my entry in the register of interests on the Parliament's website.

Jamie McGrigor: I do not think that I have any interests that are relevant to the committee.

Nicol Stephen: I am in the same situation.

The Convener: Are you happy?

Fergus Cochrane: Yes.

The Convener: Look at the contentment on the face of our clerk, who can say, "I managed to do my duty."

Christina McKelvie: Convener, I pointed out that the procedure was required.

The Convener: Good stuff!

New Petitions

Biological Data (PE1229)

15:04

The Convener: We return to item 2. PE1229, by Craig Macadam on behalf of Biological Recording in Scotland, calls on the Scottish Parliament to urge the Scottish Government to establish integrated local and national structures for collecting, analysing and sharing biological data to inform decision-making processes to benefit biodiversity. I welcome petitioners Craig Macadam, Murdo Macdonald and Patrick Milne Home to the meeting. Craig will make an opening statement.

Craig Macadam (Biological Recording in Scotland): Biological records, whether relating to species or habitats, are at the heart of environmental decision making. There are many sources of records, including the monitoring by agencies such as the Scottish Environment Protection Agency and surveys commissioned by agencies, developers and local authorities. However, individual volunteers make the majority of biological records.

Biological data are essential for public bodies, so that they can fulfil the biodiversity duty that was placed on them by the Nature Conservation (Scotland) Act 2004. Data on species and habitats are required for the completion of, among other things, environmental impact assessments and development control issues; reporting on progress for biodiversity action plans and the Scottish biodiversity strategy; targeting agri-environment schemes under the Scottish rural development programme; and local and strategic planning. Biological data are also the basis for the assessment of protected sites, such as sites of special scientific interest and special areas of conservation.

The lack of a strategic vision for biological data in Scotland has resulted in an underfunded and incomplete network of local record centres that are often answerable only to local partners and which sometimes work to their own, locally agreed standards. There is an urgent need for a robust new system for data management and sharing that covers the whole of Scotland. The national biodiversity network—or NBN—provides a United Kingdom-wide facility for storing and providing access to biological data. However, the NBN is merely a tool for providing access to that collated data. There is a need for local data management to collate biological data for submission to the NBN and to interpret such data for local circumstances.

The local organisation of biological recording activities can foster existing expertise and enhance the quality of data collected by volunteers, many of whom are highly skilled. It can also deliver significant benefits through public participation and awareness, which are key objectives of the Scottish biodiversity strategy and Scottish Natural Heritage's corporate strategy. Our view is that there is a need for a national vision, implemented by a system for data management and sharing, to provide independent, reliable, one-stop shops for the collation, interpretation and provision of information on species, habitats and sites, and the co-ordination of local biological recording activities.

The Convener: As neither of the other petitioners wishes to say anything, Robin Harper, our Green member, will lead on the issue.

Robin Harper: I draw attention to my entry in the register of interests because I am a member of a number of environmental organisations, in whose interests a national structure for collecting and analysing biological data would be. Do you have a clear idea of what the organisation you recommend would look like? Or does that need further discussion among all the interested parties?

Craig Macadam: A number of organisations currently collect biological data, but probably only about half a dozen local record centres operate well in Scotland. There are recording schemes and societies that involve specialised groups looking at individual families or orders of species, and there are also local recording groups. We need a structure that can bring all that together and collate and manage the data so that they can be used in local decision making.

Murdo Macdonald (Biological Recording in Scotland): That sums things up. It is important not to worry about the fine detail of what the structure would look like; rather, it is important to consider what it would do. At the moment, a huge amount of the biological data in Scotland is collected by volunteers, as Craig Macadam has said. A robust system is needed to get all the data that they collect, which are fed into disparate groups and societies, into one place where they can be interpreted in a local context and turned into useful information that local authorities, agencies, developers and other interests can access and use to inform decisions and fit with biodiversity strategy policies and other policies that Craig Macadam outlined.

Robin Harper: For example, the local biodiversity action plans—LBAPs—took an unconscionable time to complete throughout the country. In some places, they were completed relatively early, but in quite a lot of other places they were completed relatively late. If we had the

structure that you suggest, could all the LBAPs have been completed a bit earlier?

Craig Macadam: I used to be an LBAP officer, so I know about the problems with LBAPs. A big problem in our area was that we did not have a record centre, so information was not available to us. We still do not have that information. We relied very much on local knowledge—on people out in the field who had been recording for years and kept everything in their notebooks. We had to go to them and question them about what was happening in the area. We would like much more accessible information. We want to be able to find information easily and we want other people to be able to do so too.

Robin Harper: Finally, the point of the petition is to ensure not only that we have information, but that it is accessible so that people can take action when that is necessary. We are not there yet.

Craig Macadam: We are nowhere near there.

Murdo Macdonald: Robin Harper mentioned the LBAP process. I have been involved in the LBAP process in Highland, where I am based, since it was established. The situation there is different in that, nominally, we have a record centre based at Inverness museum. However, the reality is that that centre has not been resourced for the past 10 years or so. Indeed, it has now reached the stage at which it simply does not exist as a functioning record centre.

Three years ago, come April this year, the LBAP partnership in Highland was asked to prioritise various projects to allow the LBAP to happen. The formation of a system for collating Highland biodiversity data was at the top of the list. We are only now, more or less as we speak, considering letting a contract to establish exactly what the appropriate form of the record centre would be. Rather than a record centre supporting the LBAP, as you suggest it should, people involved with the LBAP in Highland are trying to get a record centre in place. At the moment, a local recording group that I am involved in is handling the data set with the help of Scottish Natural Heritage grants. It is doing little more than keeping that data set up to date. A very limited service is supplied—the work is done by me with my laptop. The situation is unsatisfactory, even in the short term. That is a different aspect of the story.

Nicol Stephen: It is clear that the issues that we are discussing are increasingly important, with, for example, environmental impact assessments now having to meet European standards. Typically, SNH will ask for a lot of detailed information about major developments. From the point of view of a developer, how would your proposal improve the quality of information that is provided to SNH?

I assume that at the moment, a developer commissions a consultant to look at such things and, from what you are saying, the consultant, whether an expert in the particular field or not, has to deal with quite a broken or non-existent network of informal volunteers and information that is held in a variety of sources. Alternatively, the developer starts to gather fundamental data from scratch. Is that a fair understanding of what currently happens? It would be helpful if you could flesh it out a bit to give me an insight and say how that process could be improved with the central database that you are talking about.

15:15

Craig Macadam: The developer would be asked by the local authority to clarify which European protected species are on the site, which is just a small subset of what is around.

Nicol Stephen: Typically, developers talk about bats and badgers.

Craig Macadam: Those are European protected species, as well as otters—

Robin Harper: Great crested newts.

Craig Macadam: Yes, that sort of thing. However, the vast majority of Scotland's wildlife is not considered in impact assessments. The UK biodiversity action plan lists 1,200 priority species and the Scottish biodiversity list, created under the Nature Conservation (Scotland) Act 2004, lists another 2,000 species important to the biodiversity of Scotland and the UK. If the data are not there to flag up that there might be a problem, those species are not considered in impact assessments. If the data have been collected, managed and interpreted locally, planning applications can be screened according to that system, issues on or near the sites can be flagged up and the planning authority can then ask the developers to commission the appropriate surveys. That happens in some areas. There is a record centre in Lothian where they offer a planning screening service that works well. However, that has been an organised centre for some years and they have a big data set. There is no record centre in other areas, such as around Falkirk and Stirling, where the only species covered are European protected species.

Nicol Stephen: In those areas, how would a developer or a developer's consultant typically respond? What sort of information can they provide and how do they gather that information?

Murdo Macdonald: I fairly frequently get requests from consultants who are employed by developers to look at the environmental impact of the site. They want some basic biological data and they ask for lists, usually specifying the European

protected species, as Craig Macadam said, because that is the gold standard of protection in this country. They also ask for lists of other species of conservation interest, which would include the UK BAP species, the Scottish biodiversity list species and sometimes others that have for one reason or another not got on to either list, but are still of local importance. Those lists are passed to the consultant, but I never find out what the consultant does with them unless I go into the process in some detail. However, they have the best information that they can get.

The problem is that, without a fully resourced system in place, you cannot be too precise about the areas. Sometimes I get requests about areas for which we have no or very few biological data. That does not mean that there is nothing of conservation interest there; it means that the data simply have not got to us. As Craig Macadam mentioned, the Lothian centre goes out and surveys specific sites at the request of consultants if the data are lacking, which allows it to give a much more targeted answer to the questions that they are asked.

Nicol Stephen: Is there a charge for that service?

Murdo Macdonald: Yes. We have mentioned the volunteer side today, and we want to stress that the huge majority of such data comes from people who simply collect them as a hobby. That does not mean that they are not rigorous or robust in their work—many are national or international specialists in their field—but they are not paid for it: they freely provide the data to the general pool of knowledge. Clients will pay for a service that adds value to that by interpreting the data locally or nationally, analysing them in a specific way for a specific purpose, or in a local context with local knowledge.

Jamie McGrigor: There is a definite lack of information at present for some local areas—certainly in my local area, the Highlands and Islands—with regard to renewable energy projects such as wind, hydro and tidal systems, and the effects that those will have on local biodiversity. On that issue, and on the issue of aquaculture and how it affects wild fisheries, it is almost impossible to get what I would call rock-solid information from SNH or SEPA, although I have tried on occasion to do so.

A new structure would fill a hole, but I do not believe in the establishment of too many quangos. How will you avoid duplication—or reinventing the wheel, so to speak? Is it possible, for example, that SNH would be replaced?

Murdo Macdonald: I do not think so.

The Convener: I sense a manifesto commitment coming on, Jamie.

Jamie McGrigor: I am not suggesting that for a minute.

Murdo Macdonald: One obvious difference between SNH—let us stick to talking about that agency, although the issue extends to the Forestry Commission and to other agencies—and the voluntary sector is that SNH knows a lot, or sometimes not even a lot, about the biological data from its designated sites, such as SSSIs, national nature reserves, European sites and so on. However, it would be happy to admit that it knows virtually nothing—in relation to its own data set—of what happens in the wider countryside.

As soon as one steps over the boundary of an SSSI or a national nature reserve, the collection of data is down to the volunteer naturalists. I have no problem using that term, although some people put an interpretation on it that is perhaps not terribly flattering. A huge army of volunteer naturalists records data for the places where SNH, the Forestry Commission and SEPA do not have the resources to go. It is far more likely that any proposed development will involve the wider countryside, much of which is of high biodiversity value, rather than an SSSI or the middle of a national nature reserve. The voluntary sector will provide the information on the areas that the agencies—for whatever reasons—do not cover.

Jamie McGrigor: When you talk about the voluntary sector, are you referring to your group? Are you talking about establishing a body out of voluntary sector organisations?

Murdo Macdonald: No, I do not think so. The voluntary sector will always be the primary source of wildlife data. There is a long tradition of naturalists in Britain, whether birdwatchers or others, who collect information that is of a high standard—there is nothing suspect about its quality.

We need a system for getting that information into the arena where developers, agencies and local authorities—everyone who comes under the public biodiversity duty—can access the data. More importantly, they should be able to access the information that derives from the data. The data themselves are often not terribly informative; the interpretation that local entities can put on them is often more important.

John Wilson: We are not too far away today from some sites of special scientific interest. There were problems to do with development at Gartcosh, in connection with the great crested newt. Scottish Enterprise Lanarkshire became involved in the project, and it was able to put in place the necessary measures to protect the great crested newt on the site.

I come to the issue that I wish the panel to comment on. I am concerned about cases in

which local developers, who are responsible for doing environmental impact assessments, bring in consultants. I think that I picked up an earlier comment about environmental impact assessment reports not always being fed into the process—either to local plans or to national bodies—in the way that we would want and that would produce an accurate reflection of what is happening. My fear is that, in some cases, the developer might decide to ignore the biodiversity in the area concerned, on the basis that it might impinge upon their current or future developments. Do you find that a problem? Do you have a concern on that point regarding the collection of local data?

Craig Macadam: There are two points in that. One of the problems with consultants' reports is that the data that are contained in them never make their way back out into the wider arena. They are kept on a shelf and are never disseminated. In future applications or whatever, people do not gain from the knowledge that has been bought—essentially—and the surveys that have been undertaken.

The question of environmental impact assessments being ignored or data being left out of them is very much down to the professional conduct of the consultant. The consultant has a moral obligation to do the best job that they can; it is up to the planning authority to assess that and to consider whether the EIA is valid.

Patrick Milne Home: The developer takes the information that is provided to him. If the records have not been updated, or are available only in a general sense—they might have been taken by a volunteer—they are not in the public domain. Therefore, understandably, the planning authority must take the report at face value. There is no particular reason why a developer should have picked up on species that were not brought to his attention.

It is quite important for records to be available not just to the developer, but to local authorities, too. It should be possible, as has been said, for them to be interpreted. Some local authorities will go back to the recording and the central position; they will ascertain whether the data are correct and will ask for guidance. Other authorities do not do any double-checking of that sort.

John Wilson: My concern is about who collects the data and how they are made available. There are questions about how the data are collected, the formats that are used to collect them, how they are made available, whether they are computerised and whether local authorities should have a duty in relation to data. Under the Nature Conservation (Scotland) Act 2004, local authorities are supposed to have a duty regarding the collection of biodiversity data. There are clearly issues around how those data are conveyed. Have

there been discussions among your colleagues about the best way to collect, store and retrieve data?

15:30

Murdo Macdonald: There are national standards on this, which anyone working in this field should aspire to meet. For the past half dozen years or so, we have had the national biodiversity network, which Craig Macadam mentioned earlier. It is a central point that is available to everyone. You can log on to the internet and get a map of whatever species you are interested in. You will be able to see whether that species has been recorded in a particular area, who recorded it, when it was recorded and so on. There is a system in place. What is lacking is that the network is not complete; it is only as good as the information and data that are fed into it. An example of that is that if you look for the distribution of the Highland midge, you will find one dot in Scotland, which was recorded in 1984. The fact that a dot does not appear on the map does not mean that a species would not be present if somebody went to look for it.

There is a problem with interpreting what you see on the dot map. There is a lack of completeness in the data provided to the NBN and it is necessary to interpret the data—particularly the absences. That can only really be addressed locally. We need a structure that creates the nodes on the network, so that completeness is achieved, through whichever route is appropriate.

Robin Harper: I will summarise the situation on biodiversity data in Scotland, as I see it. We do not even have locally centralised information across the country, let alone nationally centralised information. People might be engaged by developers and others to do environmental impact assessments but, however good those assessments are, in most places in Scotland we do not have sufficient data to benchmark the information that comes from them. That means that a lot of environmental impact assessments are not as sound or as good a guide as they should be. Not to put too fine a point on it, the situation is a bit of a guddle. What we have is certainly not fit for purpose.

I am minded to write to the Scottish Government to ask whether it will establish integrated local and national structures for collecting, analysing and sharing biological data in order to inform decision-making processes, so that we can act wisely and properly. If the Government is not minded to establish such structures, we should ask it to explain why not. We should also write to SNH, the national biodiversity network, the Biological Records Centre and the National Federation for

Biological Recording to ask for their opinions, so that they can be fed into this discussion.

The Convener: As we conceded earlier, some of us had a fairly sketchy knowledge of the detail to which you are referring. However, having explored the issues that you have raised, it strikes us that the fact that we are not gathering the information probably does not assist us in knowledge acquisition. We can take on board what Robin Harper said. Are there any other suggestions from committee members?

Jamie McGrigor: I agree that we should write to the bodies that are mentioned in the paper. Progress in areas such as aquaculture and renewable energy have made these data much more important.

Nicol Stephen: There are two important points. First, we should emphasise that we are suggesting that the issue be tackled not through a centralised organisation but through a network. Secondly, as Jamie McGrigor indicated, all the political parties want to encourage developments in relation to renewable energy and aquaculture, but we want them to be in the right place and to be developed in the right way. We should make it clear that our aim is in no way to block development, but to encourage the right sort of development in the right place.

The Convener: The petitioners will sense from committee members' contributions that we are willing to take your petition to the next stage. We will write to the agencies that deal with biodiversity issues and to the Government, which has responsibility for those issues, to get some clarity for you. I hope that that will be of benefit. We support the recommendation to take the petition to the next stage.

Margaret Curran is here in support of a petition that we will consider later, but she must move on because of other commitments. I thank her for her attendance, her patience, the contribution that she has made and the warm welcome that we have received in her constituency.

Margaret Curran: I did not say much. Obviously it is better when I am silent.

The Convener: I am trying to give her compliments, but she will not shut up. That is the Margaret Curran that I know and love. I hope that her area has benefited from the Public Petitions Committee coming here.

Margaret Curran: I will follow up on a couple of points locally.

The Convener: That is fantastic. I thank the petitioners, too, for their patience—I know that it has been a long afternoon.

Lessons from Auschwitz Project (PE1227)

The Convener: PE1227, from Hannah Newton, calls on the Scottish Parliament to urge the Scottish Government to continue funding educational trips for school pupils, as part of the lessons from Auschwitz project run by the Holocaust Educational Trust. Members may be aware that today is Holocaust memorial day, and events are taking place across Scotland in recognition of the fact that we should always be aware of those horrific events in very modern European history. The lessons are, I hope, that nothing similar can ever occur again.

The issue has also been debated in the Parliament, and the Scottish Government has committed itself to continuing to fund educational trips for pupils in 2009-10 and 2010-11, as part of the lessons from Auschwitz project run by the Holocaust Educational Trust. We all welcome that change of opinion; there is consensus among the parties on the matter. The petition has fulfilled its purpose, so I request that we close it formally while recognising that the petitioner raised an important issue. Those of us who have the opportunity to participate in democracy should never forget the reality of what happened to too many of our fellow citizens in Europe less than 65 years ago.

Do members agree to close the petition?

Members indicated agreement.

Tail Docking (PE1230)

The Convener: The final new petition—we also have current petitions to consider—is PE1230, from Dr Colin Shedden, on behalf of the British Association for Shooting and Conservation, the Scottish Countryside Alliance, the Scottish Gamekeepers Association and the Scottish Rural Property and Business Association. The petition calls on the Parliament to urge the Scottish Government to amend the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 (SSI 2007/256) to allow prophylactic tail docking of working dogs under tightly specified circumstances. PE1196, on the same issue, is to be considered later in the meeting. We may wish to discuss both petitions collectively. Do members agree to delay the discussion until that item?

Members indicated agreement.

Current Petitions

Play Strategy (PE913)

15:38

The Convener: PE913, from Debbie Scott, on behalf of To Play or Not to Play, calls on the Parliament to urge the Government to adopt a play strategy that recognises the right of all children in Scotland to have a safe, accessible and challenging play environment. Would members like to comment on the petition?

Robin Harper: Although the Government has announced a commitment to improving children's quality of life through play, the papers that we have received highlight the fact that there is a gap for children between the age of eight and 11, leading up to secondary school. The Government should be invited to meet the petitioner to discuss the provision that could be made for children in that age range. Otherwise, many people will feel that there is a distinct possibility that those children might continue to suffer from a lack of access to reasonable opportunities for play.

It is not enough merely to provide football pitches and other formal sports areas; children like areas where they can simply play and do their own thing, informally and creatively. That can often be as valuable as, or more valuable than, sport. The Government should show willingness to sit down with the petitioner to discuss provision for eight to 11-year-olds.

The Convener: I think that committee members are in broad agreement on the issue. For the benefit of members of the public who are here today, I will say that the Scottish Government has produced an early years framework that addresses 10 areas for improvement relating to play. Robin Harper has been drawing attention to children in a certain age group, for whom there might be a gap in provision.

Robin's suggestion is worth while—we could urge the Government to enter into dialogue with the petitioner on the issue of play, and the early years framework would be the background to their discussions. There are also recommendations for the Government in our paper on the petition. Shall we close the petition, with the proviso that we encourage dialogue between the Government and the petitioner? We shall pass on our recommendations to the Government.

Members indicated agreement.

Edinburgh South Suburban Railway (PE1080)

The Convener: The next petition is PE1080, by Lawrence Marshall, on behalf of the Capital Rail Action Group. I understand that additional material has been received and circulated to members. The petition is about the introduction of local passenger transport services on the Edinburgh south suburban railway.

Robin Harper: I have to declare an interest: I have been a member of the Capital Rail Action Group for many years.

The City of Edinburgh Council has said clearly that it does not intend to reopen the south sub line, and reopening the line is not a Government priority either, but the issue will not go away. If the committee thinks that we have taken the petition as far as we can, obviously we have no option but to close it. However, I would like to record my sadness about that, and I am speaking not only for myself when I say that the issue will not go away—CRAG will not stop campaigning for the south sub.

The Convener: I understand what Robin Harper says about the campaign, which will probably find other strategies or opportunities to try to influence decisions.

Many members would be keen to support transport projects in their constituencies, but the Government has announced its strategic transport projects review. We have heard what Robin said and we accept that we should close the petition—

Robin Harper: I have not said that we should close the petition.

John Wilson: I recommend that we should close the petition.

The Convener: Okay. John Wilson recommends that we close the petition, and I feel that that would be the broad view of committee members.

Members indicated agreement.

The Convener: Robin Harper has put his views on record.

Nursery Schools (Closures) (PE1093)

The Convener: PE1093, by Helena Hamilton on behalf of the Friends of Cameron House Nursery School, calls on the Scottish Parliament to urge the Scottish Government to extend the guidelines governing proposed school closures to the proposed closure of nursery schools. Do members have any comments?

I should explain to members of the public that the Government has decided to extend its guidelines governing proposed school closures to

cover the proposed closures of nursery schools, so the petitioner's request has been delivered on.

John Wilson: On that basis, I suggest that we close the petition.

The Convener: Okay, I think that we accept that.

Rural Post Offices (PE1102)

15:45

The Convener: PE1102, by Bill Herd, calls on the Scottish Parliament to urge the Scottish Government to assess the impact that the UK Government's recent announcement on the future of the post office network—both sub-post office closures and Crown post office relocation—will have on areas such as Galashiels, where the petitioner lives.

Do members have any comments on how the committee should deal with the petition? It has come in front of us on several occasions previously.

John Wilson: The strategy of closing post offices has been dealt with in another place. The Scottish Government has attempted to address local concerns by asking local enterprise companies and local authorities to look at the best way to retain post offices, particularly in rural areas. On that basis, I propose that we close the petition. I hope that many local and rural post offices can be maintained with the support of local authorities and local enterprise agencies.

The Convener: Does the committee accept John Wilson's recommendation?

Members *indicated agreement.*

Cancer Treatment (Cetuximab) (PE1108)

The Convener: The next petition is PE1108 by Tina McGeever. I thank her for her patience this afternoon and for travelling down quite a distance to Glasgow to contribute to the earlier part of our meeting. Her petition asks the Scottish Parliament to urge the Government to consider the provision of cancer treatment drugs, in particular cetuximab, on the national health service, to ensure equity across NHS boards in determining the appropriateness, effectiveness and availability of such treatments.

In the year or so since the petition was lodged, we have explored many of the issues that it raises. We produced an independent report to the Cabinet Secretary for Health and Wellbeing that led to a parliamentary debate on the topic several months ago, but there are still some outstanding issues that we need to explore. Do members have

any views on how we should take the petition forward?

Nicol Stephen: I seek clarification. There has been a change in policy on the issue in England and Wales, but we have not yet had a definitive statement on the policy for the NHS in Scotland. Is that correct?

The Convener: The critical issue in the rest of the UK is that the Secretary of State for Health indicated that he wanted a review of co-funding arrangements. In our parliamentary debate, the Cabinet Secretary for Health and Wellbeing said that she would accept several of our recommendations but would come back to us on a number of issues. For the sake of consistency, I should say that the cabinet secretary indicated sympathy—

Nicol Stephen: She is sympathetic to our recommendations.

The Convener: Yes, but she argued that she was troubled by the impact that co-funding might have on other people's right to access treatment. Some fundamental issues need to be explored.

Nicol Stephen: In my view, we should continue to put pressure on the Government and emphasise the significant time that has been spent in reaching this stage. Given the policy announcement that was made for the rest of the UK—or at least for the rest of Britain—there are good reasons why we should reach an early and urgent conclusion in Scotland.

The Convener: I have some observations, but I will let John Wilson speak first.

John Wilson: We know that the Scottish Government published a consultation paper, for which the closing date for submissions was 12 January. It is incumbent on the committee to seek the results of that consultation from the Scottish Government as they will help us to determine the best way to take forward any issues that arise. We should urge the Scottish Government to release the information as quickly as possible. As the convener pointed out, the petition has been with the committee for about a year.

Like the convener, I commend the hard work that the petitioner has done to get us to this stage. I hope that, when we get the consultation results from the Scottish Government, we will be able to declare a way forward for future treatment, particularly when there is a crossover between private and public health care.

The Convener: The petitioner is fully aware that the matter has a series of implications because we are dealing with a big beast called the health service. There are complications in the way in which it interprets guidelines and guidance and the resources that are available to health boards.

I will suggest what we might want to do in relation to the petition, and members can add to that if they wish. We raised a series of points in our committee report and asked the Government to respond to them. Its initial response, rightly, was to say that it was undertaking some work and that it would get information back by the end of January. In addition, it said that the better cancer care strategy should be part of the overall framework.

The committee has discussed the fact that some of the initiatives will not require big resources but need just a different approach to patient liaison. I think that the petition was precipitated as much by the way in which the issue and the people who are involved in it are handled as by the difficulty of the issue itself. We could argue about whether certain drugs should be available on the NHS, and it is understandable that there are different ideological and philosophical positions on that, but the matter is fundamentally about how we care for people who have such traumatising experiences.

We can liaise with the clerk about the series of questions that arise from our report, but I would welcome members' views on the areas to emphasise. That will help us to seek a clearer response from the Government and more information about its direction of travel on the petition.

Robin Harper: We need to know what is happening with the evaluation of the Scottish medicines consortium and more about what is happening with quality-adjusted life years. We have also been presented with a draft statement. Would it be appropriate for that to be read in full now, so that it is on the record?

The Convener: That is a cue for the convener. I am happy to read it, unless you want to do so.

Robin Harper: No. I think it should come from you, convener.

The Convener: I will give the statement for the benefit of members of the public.

As I said earlier, it is more than a year since we first considered the petition from Tina McGeever and her late husband Michael Gray, who started the process along with Tina but sadly lost his life in the interim period. The petition led to our inquiry and report, which set out 16 conclusions. We thought that those would be addressed in partnership with the Scottish Government through "Better Cancer Care, An Action Plan". Specifically, we wished to see how the conclusions of our report were addressed in the minister's deliberations.

We recognise that the action plan addresses wider issues and not only those that were raised by the petition and our inquiry. We will continue to

press the Scottish Government to put in place procedures, facilities and people that will improve the system for patients to access cancer drugs on the NHS. In his evidence, Michael Gray told us that he felt strongly that that was the right thing to do, rather than have a system in which people had to use personal savings or look to friends to make a contribution.

Although the review of the guidance on NHS patients who receive private health care is welcome—ministers and the Parliament will determine their view on that in due course—we must remember that our inquiry highlighted other issues, such as the exceptional prescribing procedures, which were part of the process that the petitioner and her family underwent in their local NHS board, as well as communication and patient liaison.

Our report states that some of the issues

"can easily, readily and quickly be addressed with some imagination and commitment."

We welcome the broad action that the Government has taken to date, but we wish to discover whether practical improvements have been put in place at the grass-roots level as a result of, for example, our support for the appointment of liaison officers in NHS board areas.

To date, we have had no formal indication from health boards that they wish to appoint liaison officers, although we had assurances from individuals whom we interviewed as part of the inquiry that they would welcome such an initiative. The petitioner's local health board recognises that it needs to put in place better opportunities for that. We hope that we will get a clearer picture, and we await the outcome of the Government's consultation and of its "Better Cancer Care" plan. We hope that the Government will recognise the key recommendations that committee members took time to make.

Do members have any final points?

Robin Harper: We have probably covered everything.

The Convener: Thanks—that was a long shift for me. The issue is important, and none of us, as parliamentarians, has had to deal with the dilemmas that Tina McGeever and her family have faced. Our recommendations could be of benefit in the long run, and we hope that they will be taken on board by those who make the final and formal decisions.

I recommend that we keep the petition open until we explore the key issues that have been identified. I thank members for their patience; I also thank Tina McGeever for her patience in staying for the course of the meeting.

Child Care Strategy Review (PE1114)

The Convener: PE1114, by Gillian Vance, on behalf of the Galloway Childcare Company, calls on the Parliament to urge the Government to conduct a review of its child care strategy to ensure that there is adequate funding to provide for child care services in all local authorities.

The petition is one of several that are before us that have been in the system for a while. Are there any views? We have received several similar petitions. The Government has produced an early years framework, which we hope will shape the quality of services. There will always be a debate about how to define the word “adequate” and about how the resources get to local authorities. However, the Government needs to meet the petitioner and Voluntary Organisations Influencing Childcare Environments to discuss the future provision and funding of child care services.

I recommend that we close the petition on the ground that a broad framework is in place. However, we will encourage the Government to enter into dialogue with the petitioner.

Christina McKelvie: I am heartened to find that the petitioner is encouraged by the Scottish Government's work. We should note that in closing the petition.

The Convener: That is appropriate—sorry for that oversight. Contrary to what people might think, it was not deliberate. Although we have barneys in the Parliament on various issues, there is broad agreement among the parties on the early years framework, because we know the value of investment in the early years and that it can provide opportunities for youngsters. Taking on board those points and the recommendation that dialogue should take place, do members agree to close the petition?

Members indicated agreement.

Free Nursery Education (Eligibility) (PE1116)

The Convener: PE1116, by Alexis Stevenson, calls on the Parliament to urge the Government to ensure that a fully funded placement for free nursery education is provided from the date of a child's third birthday. The petitioner's constituency member, David Whitton, was at a Public Petitions Committee meeting a few months ago. He has submitted an additional letter, in which he raises an issue that we might explore. Comments from members would be welcome.

Robin Harper: The Government is clearly committed to progressing the issue and increasing entitlement to pre-school education over time. It has reaffirmed its policy on the provision of free pre-school education and confirmed its plans to

amend existing legislation to achieve an increase in entitlement to 570 hours in 2010, as part of its commitment to give a 50 per cent increase in entitlement to pre-school education.

It is clear that progress is being made and that the Government has taken on the spirit of the petition. I suggest that we cannot take the petition much further in this parliamentary session, so it is appropriate to close it.

16:00

The Convener: I am happy with that recommendation. Before closing the petition, I draw attention to the paragraph in my colleague David Whitton's letter in which he asks whether a fourth nursery intake date—in October—could be considered. That is a matter for the minister and local government; an agreement would be needed on that. We will close the petition, but I ask for that point to be drawn to the Government's attention for its consideration.

Personal Expenses Allowance (PE1125)

The Convener: PE1125, by David Manion, on behalf of Age Concern Scotland, argues that the personal expenses allowance does not reflect the true cost of living and that it should be raised to allow care home residents to have independence, dignity and a good quality of life. We have discussed the petition before and we have had the chance to consider the issues. We might wish to pursue one matter, so I invite members' comments.

The UK Government is undertaking a consultation on care home charging rules and we could ask the Scottish Government its view on the framework for Scotland, as it is probably responding to that consultation. Most—if not all—such matters are devolved, but Westminster deals with the broader interpretation framework, because of its benefits implications. Are we happy to ask the Scottish Government that question and to keep the petition open until we have explored the issue?

Members indicated agreement.

A92 Upgrade (PE1175)

The Convener: PE1175, by Dr Robert Grant, calls on the Parliament to urge the Government immediately to improve and upgrade the A92 truck road—I mean trunk road, but it probably is a truck road—in particular between the Prestonhall roundabout and Balfarg junction, to reduce the number of hazards and accidents and bring about improved benefits to the local and wider economy. A recent development in the Parliament since we previously considered the petition is the strategic—I can never get my teeth round that

word—transport projects review. How do members wish to deal with the petition?

Robin Harper: Not all the questions have been answered. Until they are all answered, we should keep the petition open. We need to know what action will be taken on the A92 following the results of the assessments that BEAR Scotland is undertaking, and we need answers to the points made in the petitioner's submission.

The Convener: I concur with that wise course of action. Do members agree?

Members indicated agreement.

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

The Convener: PE1188, by Nick Dekker, calls on the Parliament to urge the Government to investigate the circumstances whereby it agreed that 60 hydroelectric power stations could be accredited for subsidy under the renewables obligation scheme and that generation capacity could be cut to below the 20MW qualification threshold at others to enable accreditation, and whether, in the interests of electricity consumers, it will rescind those accreditations.

The Government's response is that it does not wish to have the inquiry that the petitioner requests and that it undertook two consultations on the obligation. Is there any value in keeping the petition open, or have we exhausted all the issues?

Robin Harper: It should be noted that I convene the cross-party group on renewable energy and energy efficiency. We can close the petition, because the Government has responded adequately to all the petitioner's points and has made it clear that it intends to take no action. The committee can do nothing more.

The Convener: Do members accept that recommendation?

John Wilson: I record a note of dissent. Although the Government has responded, there are wider issues about the renewables obligation and how it applies to hydroelectric schemes in Scotland. The hydroelectric power stations receive a large subsidy from the public purse. However, further investigation reveals that, despite the fact that we were informed that there would be investment under the renewables obligation scheme, that investment has not come about. I record my concern about those wider issues. The Scottish and United Kingdom Governments should take note of what we are doing with public subsidy in relation to the renewables obligation.

Jamie McGrigor: I am waiting for an answer to a letter that I wrote to the Minister for Environment

about the fact that, in some cases, it may be more profitable for a company to reduce, rather than increase, its production of electricity in order to gain higher subsidy. I want to know whether that represents value for the consumer.

Robin Harper: On a point of clarification for the member, the companies have reduced their rating and capacity but not the amount of electricity that is being produced. There is a difference between the two. The refurbished and reorganised stations will provide value for money. The evidence needs to be read carefully.

The Convener: Shall we close the petition, with the caveats that members have raised?

Robin Harper: I am happy for it to be closed.

The Convener: We accept those points and close the petition.

Members indicated agreement.

Social Rented Housing (Standards) (PE1189)

The Convener: PE1189 is by Anne Lear, on behalf of Govanhill Housing Association. Anne Lear is present. I had better declare an interest, in that Govanhill is in my constituency. I stepped down from the discussion when we heard the oral submission from the petitioner. However, given that we are now dealing with the responses, it is appropriate for me to continue in the chair, with the consent of members of the committee—unless, that is, a coup d'état is imminent, although I do not want to encourage you.

The petition asks the Parliament to urge the Scottish Government to conduct an inquiry into the responsibilities of private landlords, the levels of social housing that are below tolerable standard, the impact of slum living conditions on the wider community, and whether such conditions merit a review of housing renewal area status and additional Scottish Government funding.

We have received an e-mail from Govan Law Centre, which is one of the key new agencies that have been established with Scottish Government resources. The centre is making a welcome contribution to the legal framework for dealing with private landlords in the Govanhill area. There is a lesson for other parts of Scotland as well. A message from Mike Dailly from the centre indicates the work that it is undertaking.

When it comes to how we wish to take the petition forward, I am in the hands of committee members. I am happy to contribute to the discussion, but I am conscious of my constituency interest. The acute nature of the petition is down to historical issues to do with tenements. It has emerged that, because of the way in which it was

constructed, much of that housing has been in a substandard condition for a considerable period. There have been intermittent efforts over the years to target housing that is below tolerable standard. However, the situation has been exacerbated by recent developments in the social and economic profile of the area and by the arrival of a substantial new immigrant community. Property belonging to private landlords has not been reaching the standard that people expect from a modern home. The situation has legislative and resource implications.

A major piece of research on legal remedies is awaited. That research, which is being done on behalf of Govan Law Centre by Mr Roy Martin QC, will help us with the dialogue that we want to have with ministers. The two ministers who have responsibility for the issue have visited the area recently—thanks, in no small measure, to the petition. I hope that there will be benefit from that sharing of knowledge. We still need to explore the issues and raise them with the ministers and their officials.

Robin Harper: I remember the original evidence and it is clear that this is a very serious situation that needs to be addressed. I am in complete agreement with your suggestion that we keep the petition open and continue to press for further answers.

John Wilson: Like Robin Harper, I remember the original evidence, which involved a lot more than just the housing conditions in the area from which people suffer. It would be worth while putting on the record again the concerns and issues that the petitioner raised and how they gave the committee great cause for concern in relation to housing conditions, general environmental issues and other issues that I do not want to repeat. This is wider than simply how private landlords deal with housing conditions. When we discussed the petition previously, the committee raised concerns about other agencies and how they react to some of the issues that they are presented with.

The Convener: I am very close to the issue. We might wish to raise a number of questions about the Housing (Scotland) Act 2006 and the legal framework with the Government's legal team. The law centre is waiting for the outcome of the specific research—that research might help with the difficult issue of compulsory purchase. We are talking about people who own properties and, although they have not invested in them, they still have rights and might well have their own Queen's counsel and other legal advisers to protect their interests. It would be useful to keep the petition open and explore the issues that members have alluded to today as well as those that we discussed previously. Is that okay?

Members indicated agreement.

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

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

Robin Harper: There has been criticism of the SPSO during the past couple of years—justified or not—and it is looking for greater powers. It would help the SPSO considerably if it were granted those powers. Perhaps we should ask the Government whether it supports the proposed amendments to the existing legislation so that the SPSO can compel evidence at the initial consideration stage. If the Government supports that move, when will it give effect to it?

The Convener: We need to seek some clarity and we will explore the points that Robin Harper raised.

Robin Harper: It is anomalous that there are different powers at different stages.

The Convener: I accept that. We will keep the petition open and write to the Scottish Government for comment.

Members indicated agreement.

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

The Convener: PE1195, by Dr David L McNally, calls on the Parliament to urge the Government to place a statutory duty on local authorities to maintain common areas in new housing developments. The issue has been the subject of intermittent debates in the Scottish Parliament during the passage of various housing acts. Are there any comments?

16:15

Robin Harper: It is clear that progress is being made. The Government is liaising with the Office of Fair Trading and it is bringing forward secondary legislation. The industry is also developing its own code of conduct. Having noted all those developments, it might be appropriate to close the petition.

The Convener: Do we accept the recommendation to close the petition, given that, as Robin Harper has identified, a series of actions have been undertaken, and commitments are being looked into, to address the petitioner's concerns?

John Wilson: Although I agree to the recommendation to close the petition, the actions that Robin Harper has outlined do not address the petition, which sought a statutory duty on local authorities. We must put it on the record that it is difficult to put a statutory duty on local authorities, given that private estates may be engaged in these activities. I would like to think that the actions that the Scottish Government and others are taking to address the issues raised in the petition will alleviate the problems that have been highlighted.

The Convener: I accept those points, and they are now on the record.

Tail Docking (PE1196 and PE1230)

The Convener: The next item is on petitions PE1196 and PE1230. PE1196 is by Michael Brander and calls on the Scottish Parliament to urge the Scottish Government to amend, as a matter of urgency, the Animal Health and Welfare (Scotland) Act 2006 to allow the tails of working dogs to be docked. Petition PE1230, by Dr Colin Shedden, asks for an amendment to the regulations that would allow prophylactic tail docking of working dogs under tightly specified circumstances.

I invite comments from committee members on the two petitions.

Jamie McGrigor: The issue has been talked about a great deal in rural Scotland, where working dogs—especially spaniels and terriers—can suffer injuries to their tails. The petitions are about preventive prophylactic docking for certain breeds under special conditions, not cosmetic docking. We are not talking about something that is done to change the appearance of the dog for appearance's sake.

In the debate on the Animal Health and Welfare (Scotland) Bill in 2006, Fergus Ewing lodged an amendment that was defeated, but at that point we were told that the matter would be returned to. I understand that the University of Bristol and the Royal Veterinary College are conducting a study that will document the risks of tail injuries to dogs in the United Kingdom. Of course, south of the border there is a derogation for working dogs. We should keep the petition open until the survey's conclusions are published.

The Convener: John Wilson seems to concur with those comments.

Robin Harper: We know what the Government's position is but, as research is being done on the issue and since—going by the letters that I received on the issue—vets were generally against docking, it is clear that the research will be balanced. It is our duty, therefore, to suspend our

decision on the petition until the research is published.

The Convener: Okay, we are agreed on that one. Thanks for that suggestion.

Crofting (Shucksmith Report) (PE1201)

The Convener: Petition PE1201 is our final current petition today. It is by Netta MacKenzie and calls on the Scottish Parliament to urge the Scottish Government not to adopt the main recommendations of the Shucksmith report on crofting in any future legislation, including the recommendations on breaking up the Crofters Commission, permitting non-crofters by mere virtue of residency to sit on crofting township development committees, and introducing burdens which will reduce the value of crofters' homes, thereby rendering borrowing impossible.

John Farquhar Munro, who is the committee's deputy convener, could not be here today, but he has submitted an e-mail for us to consider as part of our discussion. I invite members to comment on the petition and on how we wish to proceed.

Jamie McGrigor: Once again, I must declare an interest, as I sit on the cross-party group in the Scottish Parliament on crofting. The matter of the petition affects my area a great deal. As there is no general consensus on the Shucksmith report, I would like the petition to be kept open. It will be a long time before crofting is revisited, so if the Government does not get it right this time, it will have a detrimental effect on the sector. Under the circumstances, the petition should be kept open until we have got to the bottom of all the issues.

The Convener: Before I invite other members to speak, John Farquhar Munro specifically asked me to put part of his e-mail on public record. He explains that he is unable to be present today because he must attend a funeral. He first requests that we consider referring the petition to the Rural Affairs and Environment Committee, on the understanding that it might consider crofting in the spring. He goes on to say:

"My second point is with regard to a point of contention between the petitioner and one of the respondents regarding a conversation I had with Michael Russell regarding a consultation on crofting legislation. I can confirm that Netta Mackenzie's statement in her submission that I have been told by the Minister that there would be no consultation prior to a crofting bill was correct. This may have subsequently changed, however it was correct at the time."

He wanted that to appear in the *Official Report*.

The material issue is how we should go about getting the debate going. John Farquhar Munro has made a suggestion and Jamie McGrigor has suggested that we keep the petition open. Are there any other comments?

Robin Harper: I seek guidance, convener. A draft bill is to be published in the spring. All the issues that the petition deals with can surely be raised as part of Parliament's scrutiny of the bill, which would be the right place for discussion of such matters. What would be achieved by our keeping the petition open, given that the issues that the petition deals with will almost certainly be discussed as the bill is developed?

John Wilson: I support Robin Harper's proposal that we close the petition but suggest that we pass all the communication that we have had on it to the relevant ministers and to the Rural Affairs and Environment Committee, if it is to hold its own investigation into the bill. I would be happy for us to do that rather than to take up more of our time with the petition. It is clear that the Government is making progress on crofting—it proposes to publish a draft bill in the spring. If the Rural Affairs and Environment Committee is to consider the bill, it would be the most appropriate committee to address the issues that the petition raises.

Nicol Stephen: I am concerned by the comments of the Scottish Crofting Foundation. I find it extremely surprising that in its response, it makes reference to Mrs MacKenzie's political affiliations and alleges that she

"may be using petition signatories for party politics, being a worker for the Scottish Liberal Democrat Party."

That seems to be an inappropriate response from an official organisation, and I think that we should pursue the issue with the Scottish Crofting Foundation. I am not even aware of whether the person in question is a member of the Scottish Liberal Democrats.

The SCF goes on to suggest:

"With respect, any SLD MSPs on the committee should declare an interest."

In making that remark, which is obviously directed at John Farquhar Munro—the organisation would have been unaware that I would be attending today's meeting—the SCF goes beyond its remit.

I am sure that the same allegation could be made of many of the people who bring petitions to this committee, who could be members of the SNP, the Conservatives, the Greens or even the Labour Party. However, I hope that people's membership of political parties would not become an issue for scrutiny by public bodies in this way.

John Wilson: If we are moving to close the petition, it might be an idea to urge all sides to try to reach some kind of amicable agreement on how to take the discussions forward. Clearly, there have been less than friendly negotiations so far. I hope, however, that all sides can move forward and work towards ensuring that we get the appropriate legislation in place.

The Convener: I gather that the consensus of the committee is that we should close the petition, but also that we want to ensure that information relating to the petition is passed to the Rural Affairs and Environment Committee and to the minister, given that a crofting bill is imminent.

On the other issue, I know that we are in a world in which everyone is cynical, but I have tried, as convener, to be as non-party-political as possible. The level of attention that has been drawn by a public body to an individual in this case is unusual. A person's membership of a political party is a private commitment rather than a public commitment. I think that we are all long enough in the tooth to recognise a party political animal by how they conduct themselves in relation to their petition. Accordingly, I think that we should instruct the clerk to write quietly and gently to the SCF to say that its comments are not what we expect to hear from a public body. That would address Nicol Stephen's concern.

Jamie McGrigor: I declare an interest, in that I happen to agree with John Farquhar Munro, although I am not a member of the Liberal Democrats.

The Convener: It may yet happen. Funny things can happen, Jamie.

Jamie McGrigor: I am prepared to go along with your proposal, convener, provided that there really is consultation around certain issues. For example, although the Shucksmith report recommends the break-up of the Crofters Commission, nearly 80 per cent of the respondents—the practical crofters—were in favour of keeping the commission. The report's recommendations are not based on the evidence that I have heard.

John Wilson: If we are going to write to the SCF about its having raised the issue of political affiliation, we ought to notify the minister of that as well, just so that he is aware that the issue has come up, given that he has overarching responsibility in that regard.

Christina McKelvie: The final sentence in the minister's letter says:

"As I have mentioned above, there will be further opportunity to debate these issues once we publish the draft Bill."

In that spirit, bringing everyone together to comment when the draft bill is published is the way forward.

The Convener: I agree with what has been said, but I think that, out of courtesy, we should always remind public organisations about what information is legitimately given and what information should be sensitively handled, if that is the best way to describe that.

New Petitions (Notification)

16:29

The Convener: Under item 4, I must formally notify members of the new petitions that have been lodged since our last meeting. They will be timetabled to come before us in our subsequent meetings. Do members agree to note the petitions?

Members *indicated agreement.*

The Convener: Before I close the meeting, I want to record our appreciation of everything that people have done today. The Public Petitions Committee works because other people help it to work, and the staff behind the scenes at John Wheatley College have ensured that this afternoon has run fairly seamlessly. In case anyone rakes my past up, I should declare an interest in that I was formerly a tenant of the college. I particularly thank John Kennedy for providing the venue and the small selection of refreshments that was made available for members of the public and the committee.

I formally thank all the Parliament staff who have enjoyed themselves in Scotland's best city this afternoon—if I had had my way years ago, Parliament would have been here in the first place. They do a lot of work behind the scenes before meetings such as this, and now they have to pack all the stuff up and take it all back to Edinburgh. That said, this was the easy shift—the big challenge will be setting up our meeting in Ullapool.

Most of all, I thank those sturdy members of the public who have stayed until the very end of the meeting. I hope that you have found the meeting beneficial and that you recognise that this is your Parliament. We are privileged to be elected members in it, as it has provided us with a tremendous life experience. All of us—regardless of political party—like to think that we try to reflect the views of the people of Scotland as best we can and are trying to make the country a better place to live in. Given that this is the year of homecoming, we recognise that we have a contribution to make. If you have a chance to submit further views on the issues that we have raised today, we would be happy to receive them.

Jane Boyce: I would like to say thanks to all of you. It is nice to sit down with a lot of politicians without seeing a lot of backstabbing. I might not be using the right words, son, but that is the Easterhouse way.

The Convener: Thanks very much—I have been given an “acceptable behaviour” card today.

Meeting closed at 16:31.

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