

# **PUBLIC PETITIONS COMMITTEE**

Tuesday 21 April 2009

Session 3

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# **PUBLIC PETITIONS COMMITTEE**

## **7<sup>th</sup> Meeting 2009, Session 3**

### **CONVENER**

\*Mr Frank McAveety (Glasgow Shettleston) (Lab)

### **DEPUTY CONVENER**

\*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

### **COMMITTEE MEMBERS**

\*Bill Butler (Glasgow Anniesland) (Lab)

\*Nigel Don (North East Scotland) (SNP)

\*Marlyn Glen (North East Scotland) (Lab)

\*Robin Harper (Lothians) (Green)

\*Anne McLaughlin (Glasgow) (SNP)

\*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 :**

Brian Adam (Aberdeen North) (SNP)

Campbell Christie

Willie Coffey (Kilmarnock and Loudoun) (SNP)

Bruce Crawford (Minister for Parliamentary Business)

Rosemary Everett (Scottish Parliament Public Affairs Group)

Ali Jarvis

Louise Macdonald (Young Scot)

Professor Ann Macintosh (University of Leeds)

Margaret Mitchell (Central Scotland) (Con)

George Reid

### **CLERK TO THE COMMITTEE**

Fergus Cochrane

### **ASSISTANT CLERKS**

Franck David

Linda Smith

### **LOCATION**

Committee Room 2

# Scottish Parliament

## Public Petitions Committee

*Tuesday 21 April 2009*

[THE CONVENER *opened the meeting at 14:01*]

### Petitions Process Inquiry

**The Convener (Mr Frank McAveety):** Good afternoon, everyone. We have reached the critical time of 2 o'clock. I thank everyone who has managed to come along this afternoon, and I will allow the witnesses to introduce themselves in a moment. We have some specially invited guests, given that this is the Scottish Parliament's 10<sup>th</sup> anniversary year. The Public Petitions Committee should acknowledge the work that was undertaken by the individuals who are here today and by their organisations to prepare the ground for the new Parliament for 1999 and beyond.

Item 1 on the agenda is the inquiry into the public petitions process. It is a major item, and I suspect that it will take a wee bit of time to consider it, but I hope that there will be enough time to get through the key issues with which the committee wishes to grapple. However, it will be even more important to have a sense from the witnesses, who were key participants in the debate on the nature of the Scottish Parliament and the engagement that it should have with the wider citizenship of Scotland, of how they think that we should move forward over the next five to 10 years in terms of the role that Parliament plays in Scottish society.

I welcome back the members of the Public Petitions Committee after a two-week recess. Having spoken to them, I know that they have spent that time engaging with the communities that we serve regionally and at the constituency end. I hope that we have been so energised and enthused by our engagement with the citizens that we will take the debate on the public petitions process even further forward.

On housekeeping issues, I should say that we have virtually everyone who said that they would be here—one or two others might arrive later. Before we go into the formal business, I invite our guests to introduce themselves briefly, indicating the role that they played 10 years ago and their current role. We should start with one of the more senior former MSPs: former Presiding Officer George Reid.

**George Reid:** I suppose that these days I am best described as a recovering politician. I was a member, with Campbell Christie and Alice Brown, of the consultative steering group, which set up

the practice and procedure of the Parliament and sent it down the road of being a participative Parliament, with the sharing of power among the people, Government and Parliament. Perhaps we can talk about that a little later.

**The Minister for Parliamentary Business (Bruce Crawford):** I was not as heavily involved as George Reid and his colleagues 10 years ago, but I might need some of the counselling that he has obviously had since he became a recovering politician, given that I am responsible for a Government that has only 47 MSPs out of a total of 129 MSPs. However, I am delighted to be here to contribute.

**Ali Jarvis:** I have been involved over the past 10 years in the equalities field, working originally with Stonewall Scotland and subsequently with the Commission for Racial Equality in Scotland and chairing the Scottish equalities co-ordinating group, which worked closely with the Equal Opportunities Committee and a number of other committees of the Scottish Parliament.

**Professor Ann Macintosh (University of Leeds):** I currently work at the University of Leeds, but I guess I am here because of my time at Napier University, where I was involved in the design and application of technologies to support citizen engagement with public policy. I was the original designer of the petitioning system in the Scottish Parliament.

**Louise Macdonald (Young Scot):** I am the chief executive of Young Scot. I think that we bear some responsibility for the inquiry, so I am delighted to be here.

Young Scot is the youth information agency that not only supports young people with information but helps them to engage in debate and with their communities. I have a great deal of experience of working with a range of young people throughout Scotland, but I am particularly interested in the application of new technologies to engage young people.

**Campbell Christie:** My name is—[*Interruption.*] Does the microphone come on automatically?

**The Convener:** Yes.

**Campbell Christie:** What a wonderful system.

**The Convener:** It is one of the innovations that you recommended.

**Campbell Christie:** Can you cut it off automatically as well?

**The Convener:** Yes. That was an innovation that we recommended.

**Campbell Christie:** My background is in the trade union movement. As general secretary of the Scottish Trades Union Congress during the very

interesting period from 1986 to 1999, I was around when a lot of the campaigning for the Scottish Parliament was going on. Indeed, I was for many years a member of the campaign for a Scottish assembly.

I was also the chair of the Scottish Civic Assembly, which became the Scottish Civic Forum, about which I will say something in relation to the work of petitions. Along with George Reid, Alice Brown and Joyce McMillan, I was part of what I have always remembered as the constitutional steering group but whose proper title was the consultative steering group. That was an interesting time.

I look forward to contributing to this afternoon's discussion.

**Rosemary Everett (Scottish Parliament Public Affairs Group):** Since 1999, I have worked for the Scottish Parliament on implementing services for the public. At the moment, I head up the new education and community partnerships team.

**The Convener:** As part of our scrutiny of the petition that has led to this inquiry and our wider engagement with the public, the committee has in the past six or seven months visited different parts of Scotland. Indeed, we still have to arrange one or two more visits. Our aims are to open up the debate about the reach of the petitions process; hear people's experiences of it; and look at how, 10 years on, it might be improved.

In previous outreach sessions, members have been set questions, but I think that this afternoon it would be appropriate for members to come in on issues that matter to them. Before we pitch in with our questions, I give our invited guests the chance to open the debate by giving their perspective of the situation 10 years on. What are the important things that we should hold on to, and what do you think could be improved? It would certainly be useful if you could give us a wee sense of that.

I see that Bruce Crawford wishes to speak. Do any of the other witnesses wish to make any suggestions before I let in the Minister for Parliamentary Business? *[Laughter.]* To be fair to Bruce, I point out that he has already had a chat with me on certain issues and I know that he can make a substantial contribution to this discussion.

**Professor Macintosh:** The first thing that I would say is that we are all quite a bit older now.

The petitions process has been going for 10 years; it might not seem like it, but that is quite a long time. I should also point out that when I talk about the electronic petitions system I am not simply referring to the technology, which, as we should remember, is tightly bound with the committee and its processes.

Before we make any criticisms of the current system, we should not forget that, in the past 10 years, there have been a number of amazing successes. When I think about all the other Parliaments from around Europe that have come here to see the petitions process and talk to you about it, the one that stands out is the Bundestag. It spent a number of years contemplating what you are doing here before finally deciding that it was the right thing to do. It now has its own petitions process and system.

Over those 10 years, the people who have championed the process in different ways have come and gone, as is the nature of such things. As a result, the process and the technology have developed in an ad hoc way, which is to the disadvantage of the petitions process. The Parliament was leading citizen engagement because of the Public Petitions Committee and its processes, but other Parliaments are about to overtake you or have already overtaken you, which is a terrible shame. I go to the Basque country next month, and the Basque Parliament is moving ahead with both processes and technology. The technology of the Scottish system is old and does not excite people any more. Ten years is an awfully long time. We have moved on to social networking sites and web 2.0; it is time for the Parliament to move on, too.

I do not think that we can talk about public petitions and citizen engagement without considering the whole engagement process. I remember the exciting outreach work that Rosemary Everett led in the early days. It is not just about getting people to the Parliament these days. People—particularly young people—use technology in such a way that they expect the Parliament to come to them. They talk about public issues in their own space, whether that is Facebook, MySpace or wherever. They are really involved with the issues and no longer want to feel that they have to go formally to the Parliament—they want you to listen. The engagement that you now need to consider, therefore, is going out to those sites and listening to what is being said there. You might also bring some of the new technologies into your own site.

**Ali Jarvis:** I would build on some of that. As I was thinking about coming here, having one of those daft-lassie conversations with myself on the train, three simple questions kept coming back to me. The first is: who are we trying to engage with and who are we currently engaging with through the process? Looking at the 2007-08 equalities report for the committee, we know that still only a relatively narrow group of people engage with the public petitions process, and they are in some of the easiest-to-reach groups, which most public engagement processes reach. We are still missing

many women and younger people—as I say, we are engaging a narrow group.

The second question is: what are we trying to do? Accessibility, power sharing, accountability and equal opportunities were the four founding principles of the Parliament. We have done quite well on some aspects of accessibility, but we now have an opportunity to review how much power sharing and accountability there is through the petitions process. There is a temptation, over a period of 10 years, to focus on honing and improving the process and systems, while forgetting the end for which the system has been set up and spending less time in thinking about the purpose of petitions and, more important, their impact. I reiterate what Ann Macintosh has just said about the great opportunity to see petitions as just part of public engagement. Public engagement involves a wide range of things that offer either technological or human solutions, such as groupware, group deliberation, collaborative software, citizens' juries and deliberative polling. Perhaps petitions should be seen simply as a part of that.

The third question is: which aspects of what happens now could be improved and which should be celebrated and kept? What needs to be done differently—not just to improve the existing model but to build out in a quite different direction?

14:15

**George Reid:** The committee has a very good reputation internationally. As I travel around Parliaments in North America and Europe, I find that overseas parliamentarians look to Holyrood rather than Westminster. Everyone should be grateful that our consultative steering group made the Public Petitions Committee a mandatory committee, which built in a structure and a secretariat that most other Parliaments do not have. The follow-up that is done by the committee is remarkably effective compared with the follow-up that is done elsewhere—for example, at Westminster—so good on you.

The importance of the Public Petitions Committee's work has been in informing debate, informing members and raising issues. From time to time, it has also changed regulations and laws. As all will remember, moments in time past include: those abused as children in church homes, to whom Jack McConnell had to get up on his feet and apologise; burnt babies, which led to changes in thermostat controls; and the smearing of sewage sludge in Blairingone, where a community that had been polluted by noise and smell is today clean and pristine. Where a direct connection exists between citizen engagement and activity that produces results, people believe in the process. One reason why the people of

Scotland, in survey after survey, trust this Parliament more than Westminster is that degree of engagement.

Of course, there are groups that do not engage, including young people to a large extent. I understand that the committee's work comes mostly from middle-class men of middle-class age, and some disadvantaged groups are not being reached. Therefore, I applaud the work that the committee will do on community engagement. Getting into social networking sites and so forth is one possibility, but in my view that will be slow-burn work. It will not happen by magic overnight; it will take time.

The more important thing, 10 years on, is that we look at the extent to which the citizen in this Parliament has, under the current public affairs dispensation, become the customer. We should look at performance indicators and paradigm shifts. To some extent, those have involved a move away from a fundamental principle for this Parliament—as Campbell Christie will remember—which is that this Parliament belongs to the people of Scotland. Therefore, any breakthrough cannot be achieved just by this committee working in a box. You are riding point, but much wider work is also required from across the whole Parliament. All Parliaments get stale if they do not redefine and revivify themselves. Much more could be done by marching off the edge of the old map and into new participative measures.

One thing that the consultative steering group was very clear about was that we have two models of democracy in the United Kingdom: the classic Westminster model of representative democracy, which dates back to the industrial age; and—what we have tried to have in this Parliament—participative governance appropriate to the 21<sup>st</sup> century that involves the sharing of power. Those two models are reflected in the two buildings: the Palace of Westminster is grand, patrician and set apart; this building is domestic and invites the people in.

This committee's work in getting through to marginalised groups could be buttressed in some areas. As Campbell Christie will remember, Crick-Millar—Bernard Crick and David Millar, who produced the "Standing Orders for a Scottish Parliament"—suggested things that were thought too radical at the time. For example, they suggested that, if the Public Petitions Committee received a petition with more than 50,000 signatures, the petition should immediately generate a bid from the committee for a debate in the chamber. On a number of big issues—for example, on carers or the Cod Crusaders—there was a real case for saying that the committee should automatically ask for time for a committee

debate. Another possibility, which is always available, is that the committee introduce its own legislation.

Lastly, we are talking about not just the Parliament but new democracy throughout Scotland. I find it fascinating that clauses 13 to 16 of the Local Democracy, Economic Development and Construction Bill, which is currently in the House of Lords, will make it mandatory for local authorities in England to set up a petitioning system, whereby people named at local level will be required to appear before an overview and scrutiny committee. Would that not extend democracy in Scotland and free up the work of this committee? At each meeting, you currently deal with something like eight petitions, many of which would be perhaps better dealt with at local government level. I know that in the constituency of the Minister for Parliamentary Business, Stirling Council has started to consider petitions, but I think that only two local authorities in Scotland do that. We should get back to principle and rethink procedure.

**Campbell Christie:** I recall the motivation to do something about a petitions committee. Having trudged to Downing Street on numerous occasions to deliver boxes of petitions that had been laboriously signed in the streets and knowing that those petitions were never seen again once they were handed in—nothing was ever done about them—some of us thought that it was important to have a petitions committee that was part of the structure of the Scottish Parliament and which took citizens' involvement seriously.

In the papers that we received for this meeting, the first question that we were asked to discuss was whether the system is working as envisaged. The answer is probably that it is working as envisaged. If I were still in the same position as I was in the mid-1990s, I would endorse Unison's submission to the committee, which says that everything is good and is going well, because people in trade unions or organised bodies in society know about the committee and will have the expertise around them that enables them to make use of it. However, life has changed for me over the past 10 years. I am now retired and am no longer involved with the trade unions to the same extent, but I am president of Age Concern Falkirk, honorary president of the Central Scotland Race Equality Council and chairman of Raploch Urban Regeneration Company, and I am involved with Raploch community forum and the Forth Valley sensory centre, which has very good facilities for those who are deaf, those who are hard of hearing, those with visual problems and so on. My constituency has therefore changed dramatically.

For this discussion, I talked to all of those organisations about how they see and use the committee. I am not saying that the Royal National Institute of Blind People and the Royal National Institute for Deaf People are not involved with the committee, but at the level of people on the ground—I almost said "on the shop floor"; I suppose that such terminology sticks with me—there was no knowledge about the committee, how it works or why someone would use it. I understand the importance of the technological developments, but it is important that we do not leave behind a big group of people who are a bit frightened of technology. Many older people will use technology, but technology and the communication through it are not the be-all and end-all.

There is no doubt that technology is the future. Online petitioning to the committee and the way in which the committee communicates are among the dramatic changes that have come about. Someone who accesses the committee's website can get information on where their petition is, how it is being handled and the advice that has been given to the committee. That is a huge step forward from where we started, but the petitions system is a long way away from representing true civic activism, which should be the objective.

The petitions system is hugely better than the Westminster system and hugely improved from the early days but, if we want real civic activism, we need to consider the evidence that has been submitted. The civic forum was trying to promote the idea of the Parliament having outreach workers working with the people I am talking about, on the ground, on how they can be involved in petitions, in responding post legislation and so on. The civic forum's role was to be the means of communication with the Parliament and civic Scotland. For whatever reason, that was not seen as being appropriate, but there still seems to be a huge gap in our outreach work. For the middle class and the middle aged who use the petitions system—someone said grey men in grey suits; I had to ensure that I was not wearing grey today—that is okay, but there is a big part of the population with which we are still not communicating.

I thought that the geography would change things but, when I went up to Inverness during my period with the STUC and I talked about "down south", I was talking about London and the people there thought that I was talking about Glasgow and Edinburgh. We still have a big area that we have to cover and we still have big gaps in how we engage citizens. The committee is to be congratulated on its work—it wants to listen and to involve people, and I am hugely heartened by that—but there is a long way to go.



**Louise Macdonald:** Obviously, Young Scot's interest is in young people. I previously stated an interest in how technology can be used, but technology is not the only answer; it is part of the picture. If we are an aspirational, ambitious Parliament—which I believe we are—we must be ready for that kind of future. Technology should be a really important part of our thinking.

We have to recognise that the majority of young people are now essentially digital natives. They have never not known computers and mobile phones. I was talking to a teacher the other day who says that every time he walks into a classroom and tells young people to switch off the mobile phones, computers and so on that they have with them, he feels that he is switching off their engagement—he is closing them off to that open engagement. Technology is very much their world. Wanting the engagement of young people is not about excluding other parts of the population or excluding young people who do not have access to technology. In fact, I suggest that, if the Scottish Parliament drove forward a digital agenda, it could help to equalise access to those technologies for harder-to-reach groups.

In Young Scot, we are interested in all of that. We recognise that it was the work of a group of young people who were involved with Young Scot at the Microsoft Government leaders forum a couple of years ago that started a petition that is part of this inquiry. We have been involved in all kinds of discussions with young people about how technology can be used to engage in their communities.

Among the young people whom we talk to, we have noticed a great deal of excitement and a real sense of privilege when they get an opportunity to link with the Parliament. There have been a number of occasions on which we have considered having an event in the Parliament and the team we are working with has said, "Oh, you don't want to take young people there. It's all very stuffy." However, the young people love coming here—they love engagement with the Parliament.

That sense of young people, and how they see the Parliament, is an incredibly powerful tool. It is about relevance, place within young people's lives and being where young people are, but it is also about young people seeing that they can influence things.

14:30

Technology really gives us an opportunity as part of that picture. That reflects the petitions process itself. Lodging a petition is a collaborative process whereby a group of citizens get together, identify an issue and present the petition. There are really exciting collaborative tools, which Ali

Jarvis mentioned, such as digital software, which allow people to collaborate. Look at how the discussions about Susan Boyle have taken off overnight. There are loads of other examples of how technology can allow people to collaborate on issues. The spirit of the Parliament and of the petitions process can be reflected in the use of technology.

We have discussed some ideas with young people through social networking platforms—not so much Facebook, because we will only really find one another on Facebook, but on Bebo and other such places. On collaborative tools and enhancing the e-petitions process, we talked about having e-democracy points in public libraries. All those things are possible, but it is also about involving young people, getting their ideas and allowing the boldness and creativity that they have to come through in developing the use of technology.

Feedback loops are also important and tie into the whole purpose of the Parliament in showing young people that they can influence things and effect change. We have been involved in work with young people on bank accounts and, on the basis of their evidence, we managed to persuade the Committee of Scottish Clearing Bankers to accept Young Scot cards when young people want to open bank accounts. The young people who were involved in that work wondered what else they could achieve—it was about showing them that they have made a change.

I have a final point on social networking. I know that that can be a bit difficult, and having the Scottish Parliament set up a social networking site might not be the way to go. However, establishing some mechanism by which you can have a presence, build a community or be there for young people is something to look at. We have a presence on social networking sites, but it is not about delivering a service through those sites or making all our material available there. It is about saying to young people, "Did you see that episode of 'Hollyoaks' last night? Oh my goodness! Did you see all that stuff about the eating disorder? Wasn't that terrible? Did you know that there's a service that can help with that?" Similarly, young people talk all the time on message boards about what an issue transport is for them and how lack of transport means that they cannot access opportunities and services. Is there a way of being in that space and saying, "That's a really interesting issue—did you know you could all get together and put in a petition about that and it would be heard?" It is about being in those spaces. We are interested in exploring that within the spirit, aspiration and innovation of the petitions process in the Parliament.

**Bruce Crawford:** This is more fascinating the more you get into it. It is invigorating to get away from my usual front-line activity to have a discussion such as this.

I congratulate the CSG on what it did in setting pretty fundamental foundation stones for the future and making a great place for us to lift off from. We have heard a fair number of suggestions today about how things can be improved.

The research that was undertaken in 2006, to which others have referred, shows that petitioners included a disproportionately large number of older, male, middle-class people, that the majority of petitioners were educated to university level and that a high proportion were already actively involved in other areas. For many people, the sheer effort of relating the skills of reading and writing and learning the petitioning process can be a disincentive. How do we overcome some of those disincentives and involve people from the harder-to-reach groups, for want of a better term? I am glad that the Public Petitions Committee is considering those issues, as now is an appropriate time to do so.

Next week, the Government will launch our consultation document on values in young people, which will deal with how we deliver services that reflect the reality of young people's lives; how we recognise and promote young people and the contribution that they make in our society; and how we can involve younger people earlier. Louise Macdonald got us on to the track of younger people issues, but she probably hid her light under a bushel a bit, given what Young Scot does, so I will take the opportunity to talk about that. The Public Petitions Committee could usefully tap into some of Young Scot's work. For instance, it has links with many smaller organisations of young people; it supports vulnerable young people; it has generic publications that reach almost every young person; and it has active engagement methods and a European links process. There is no reason why the Public Petitions Committee cannot link directly to Young Scot's activities and, thereby, reach many more people. Obviously, the committee can go directly to young people through social networking sites, but it would be useful to involve Young Scot.

Is there any reason why the committee cannot have a regular petitions slot every year, or perhaps twice a year, dedicated to young people? You could do the same for other groups. Could the Scottish Youth Parliament be encouraged to have a petitions committee and a process for involving young people? It could bring petitions to the committee. I could make several more suggestions in relation to the harder-to-reach groups, whether they are disadvantaged people, ethnic minorities or people with disabilities.

However, rather than take up time discussing those specific issues, I will write to the committee.

George Reid picked up on one potential approach that the convener and I have already discussed, which is the possibility of more debating time in the Parliament. I am more than willing to discuss that. Stretching that further, I am also willing to discuss the committee being involved in the legislative process. Obviously, in considering any proposed legislation from the committee, we would need to be resource aware, and the proposal would probably need all-party support. However, the Government would be more than happy to consider empowering the Public Petitions Committee to bring alive some of the issues that come to it from the groups that engage with it.

As I said, it would be great if we could get beyond the usual suspects and into the harder-to-reach groups, whatever part of society they are in. Otherwise, the process might be dominated by the things that we all expect. It would be nice to find something exciting and novel that we had not really expected—something that would change people's lives in just a small way, but make a huge contribution to Scotland.

**The Convener:** I invite committee members to raise issues of interest or concern.

**Bill Butler (Glasgow Anniesland) (Lab):** I have several issues to raise—I have been taking notes furiously. Ann Macintosh talked about some of the positives that have flowed from the public petitions process. We would all agree with what she said, which has been echoed by other contributors to our inquiry thus far. However, she also mentioned a couple of concerns. She said that ad hoc development has disadvantaged the committee or the process and that the process does not excite people any more. She talked about the need for citizen engagement and for the Parliament to come to the citizens—she mentioned Facebook and MySpace. I am interested to hear her thoughts on how we would balance that lack of formality with the formality of a parliamentary process. How do we excite people about the public petitions process?

Ali Jarvis asked three questions of herself on her way here, but she did not give us any clue about her initial response to her third question, "What next?" What does she consider should be the next step or steps?

George Reid talked about the two models of democracy. He said that the Westminster model of representative democracy was rather staid and old-fashioned: I agree. He talked about participative democracy and the sharing of power at Holyrood. I agree on that, too, but does he think that there might be a contradiction between

participative democracy—people engaging is an essential part of what this Parliament is about—and the fact that, ultimately, the decision on how accountable we have been rests with the electorate four years hence? Those two things are not exactly the same.

Campbell Christie said that civic activism is essential. He mentioned the Scottish Civic Forum and said that, for some people, it has not been the right model, whereas for others—including himself, perhaps—it has been the right model. However, he said that a gap remained to be bridged. I invite him to elaborate on how that should be done.

Louise Macdonald talked about engaging with young people, which is her job, her interest and her passion. We engaged with young people about three weeks ago up in Fraserburgh, when we considered two petitions from two sets of students at Fraserburgh academy, who I think were all in their second year. Their contribution to our discussions was praiseworthy. The performance of one young man who talked about international aid and international development was especially noteworthy. It was not just the fact that his presentation was so outstandingly good; it was the fact that he knew his subjects inside out and was able to respond to questions with an astonishing maturity. It certainly made all members of the committee tremble to think about themselves at that age.

I accept that we need to talk to young people as digital natives—I am so old that I did not even know that that was the new jargon, but I thank Louise Macdonald for giving me the phrase. I do not particularly like it, but never mind. How do we get round the fact that, although young people can use the net to obtain information, there has to be a formality about the process? They have to be able to assimilate information, structure it and propound arguments. How do we go about ensuring that young people can do both those things, which are not necessarily contradictory? Those are just a few thoughts.

**The Convener:** Beyond that, there was not much. I want to hear from two or three other members before I invite guests to add their thoughts.

**Nanette Milne (North East Scotland) (Con):** I want to return to a simpler level. I am certainly not a digital native—I am not a digital very much, I have to say.

At a meeting that I attended in Aberdeen, it was brought home to me just how remote we are from certain groups. There must have been about 60 people at the meeting—the room was pretty full—from ethnic minority groups. Aberdeen does not have an enormous ethnic minority population in comparison with some other parts of Scotland, but

there was keen interest in the meeting. I mentioned the Public Petitions Committee and the fact that it was trying to communicate with more people. The person who was chairing the meeting said, “Before we go on, how many people here know what a petition is?” About two hands went up. With certain groups of people, we have an extremely basic communication problem to overcome. I do not know whether Ali Jarvis has any suggestions about how we can do that; I do not. I was struck by the fact that we are a long way from communicating effectively with certain people, whether through technology or through human contact. We must do it somehow.

14:45

I was interested in what George Reid said about councils setting up petitions committees. The Public Petitions Committee has thought about the issue, and I think that that could make a significant difference to our role. We are getting overburdened by the work that is caused by some petitions. I am not saying that we should not be doing the work—it is absolutely right that we should—but perhaps we could find other ways, such as petitions committees in councils, of dealing with work that should not necessarily come to Parliament.

Another issue that we have yet to touch on is that a number of petitions that come to us are on reserved matters, rather than devolved matters. There are different views among committee members, and we have anguished about whether we should work on those petitions or not. I would be interested in hearing the views of other members.

**Robin Harper (Lothians) (Green):** I will follow on from what George Reid and Nanette Milne said. I have addressed this theme briefly before, and I would be interested in hearing people's views on local authorities having their own petitions system. Local authorities have busy timetables, and that can exclude a lot of things that should be addressed. However, it is only because the local authorities do not know that issues exist that the issues are not being addressed. The basic point of the petitions system here is that it alerts us to what people are feeling, to problems that we do not know exist, and to problems that we know about but do not know how badly they affect people.

The question that we should consider is not why we are receiving petitions that need to be addressed more locally. The question that we should consider is this: if so many issues that we should deal with are coming to the Scottish Parliament, how many local issues are there that are not being dealt with, when it would be appropriate for councillors to have their attention

drawn to them? On the principle that devolution did not stop at the Scottish Parliament, petitioning should not stop at the Scottish Parliament, either.

**The Convener:** If we want to be connected with the movement of ideas, as a Parliament should be, we will have to be brave enough to consider the investment that will be required. The present model is based on the model from 1997-98, but it is 2009. Things should change every two or three years.

We should not forget the authenticity of the Parliament chamber, which represents the bringing together of elected members. If we are not careful, we might uninvent the purpose that we are meant to serve—scrutinising the work of the Executive, or ministering in the country. There is a real issue affecting the legitimacy of Parliament. Although I welcome wideness and openness in trying different things, we should ultimately be saying to people that Parliament belongs to the people of Scotland and that things of importance happen here.

A third point relates to the mechanics of how we engage with people. Youngsters who have made presentations to us have been great, as have youngsters in audiences, but teenagers feel an understandable ambivalence towards people of our age talking about issues that relate exclusively to teenagers' interests and needs. Two or three youngsters were horrified at the idea that we in the Scottish Parliament might have our own, supposedly cool, Bebo site. It does not really bear thinking about.

However, if we do not do something, we will be disconnecting from a substantial section of the population—people who are young now, and who will not always be young. They will be using that technology and whatever is invented 10 or 15 years hence. We might exclude a whole generation of people because we do not think imaginatively about what we do.

There is another perennial problem that, to be fair, the committee is finding it harder to solve. We all know who can petition Parliament and who can navigate the decision-making corridors of local and national Government. Many of us here might have started in the social group that allegedly cannot access and navigate those corridors, but a combination of good fortune, hard work and education has allowed us to do a bit better in that regard than people from our background have been able to do before.

The fundamental issue is that we have a real challenge in finding out how we can reach the hard-to-reach groups. I am sure that every organisation at local and national levels is grappling with that. However, we have a bigger commitment to that because we were predicated

on a different set of principles compared with other parliamentary structures in European democracy, which were constructed from a combination of compromise, power and strength, and the fact that some people could batter people more effectively than others. We started with a very different model that evolved from a late 20<sup>th</sup> century concept of what a parliamentary structure should be, despite the fact that many of us who were involved in that debate might have found it a tortuous process.

I am interested in getting the legitimacy of the Parliament recognised, while acknowledging that we need to open up the Parliament much more. I would like to get a sense from the witnesses of how we should do that. Bill Butler, Nanette Milne and Robin Harper have touched on a number of points and I have thrown in a few. The witnesses should feel free to respond to some of those general points.

**Professor Macintosh:** I found it interesting to hear you talking about public petitions and local authorities. When I was in Scotland, I tried desperately hard to move the petitions system into local authorities in Scotland, but I just kept hitting a brick wall. I managed to get the system into a few local authorities in England. I could not do it in Scotland, although I think that it is needed here. If the committee could take that forward, it would be brilliant. However, the committee might want to take the reformed petitions system that it is considering to local authorities.

On the lack of people who know about the petitions system, I know how hard Rosemary Everett works on that because I have worked with her over the years. It is difficult getting people to know about the petitions system. Again, by going to the local level, we could start to let people know about local issues and the local process, then let them know about the bigger process at parliamentary level.

Ultimately, increasing awareness depends on champions who want to push citizen engagement. George Reid talked about participatory democracy, which is what we want. However, that is not done just through the petitions process but through a range of citizen-engagement processes. Considering how to revise the current system provides a great opportunity. Let us open up the remit, make it much wider and consider the different types of engagement process that we can have.

It takes a lot of effort, however, to increase awareness. I have been doing research into successes and failures, and have found that one of the key successes is always the willingness of somebody in Parliament to champion the system and push it forward. Such people's wanting it to happen—rather than the technology and the process—is what makes for success.

Bill Butler asked me what I meant when I said, I think, that the system is cumbersome now.

**Bill Butler:** You described it as being “ad hoc”.

**Professor Macintosh:** I have not been on the petitions system since I have been away. I went back on to the electronic system the other day and—

**The Convener:** Be candid.

**Professor Macintosh:** It is boring. It is slow and boring, and it has mistakes in it. I am talking not just about e-petitions but about the whole content management system. The convener might be alarmed to hear that I pressed the back button on the screen—or one of the buttons—and it told me that John McAllion is still the committee convener.

**The Convener:** Do not worry about it. That will be sorted at about 5 o'clock tonight.

**Professor Macintosh:** The website is not alive any more. Nobody is going to sit and wait while the screen takes that long to refresh itself. When we first considered the e-petitioning system, we did not have web 2.0, social networking sites and blogs—we have moved on. The committee has an opportunity to move on with that, make the system more exciting and perhaps attract more people that way.

**The Convener:** Very good. We will take up a couple of those recommendations immediately.

**Ali Jarvis:** Not only has the method of delivery moved on, but social attitudes are changing. George Reid talked earlier about the reasons for some of the differences in attitude between the Parliament in Westminster and the Scottish Parliament. What we have done in Scotland is to be applauded, but we are considering a broader attitude towards political engagement. I looked at some of the surveying that the Hansard Society does every year with Ipsos MORI. The latest survey, published in December 2008, found that 43 per cent—less than half—of British adults wanted

“to be involved in decision-making in the country as a whole”

whereas, the previous year, 69 per cent agreed to a slightly different question and wanted

“to have a say in how the country is run”.

A downward trend in desire for engagement is being played out in a number of areas. The Hansard Society survey is only one example of it. Against that backdrop, the work to engage people has to be doubly exciting, doubly relevant and seen to be doubly effective and impactful. That is because people are not necessarily predisposed to engage; if you are going to get them to do so, something must make it interesting for them and it must be seen to be worth while.

I will pick up on Nanette Milne's point about the group of people in Aberdeen who did not know what a petition was. I could give the slightly facetious answer that perhaps it does not matter. It may be that we have got a little bit too hung up—perhaps I should not say this in the Public Petitions Committee—on petitions as the mechanism for engagement. If we talk about a petition being simply one way to engage—to have a say, make a difference and address things we care about—communication will become easier because we will become less involved in explaining to people the niceties of the system for submitting a petition and more involved in making them desire to participate per se. One question that we must weigh up is whether we should communicate better and harder something that, in itself, might be a bit dull, or should we widen out the communication so that we get people wanting to engage and seeing a purpose to it?

When I looked through previous years' *Official Reports* of the committee, I wondered about a conceptual petition life journey. Who submits the average petition and what do they expect when they submit it? We do not know petitioners' motivations, but what can we draw from what happened, how long it took, what feedback there was and what changed at the end? The most compelling examples that George Reid gave first made me think, “Yeah—this is really worth doing,” because I could see a concrete benefit and how the petition had made a difference. What percentage of petitions are we able to say made a difference and really changed people's lives? Did they all just go through a process and never get anywhere? If people are going to engage, they have to see the impact and see that it makes a difference not only on the process but on the issue that they are trying to address.

That brings us back to the legitimacy of the Parliament. Is this the time to start exploring whether the committee should become a public engagement committee rather than simply a Public Petitions Committee? That would allow you to start drawing together a range of things that enable true accountability, accessibility and power sharing to take place in a way that is not simply channelled through one system—a petition.

**Campbell Christie:** I will follow the idea of a public engagement committee, rather than just a Public Petitions Committee. I recall that there were two elements to our thoughts when we discussed the proposal for a Public Petitions Committee. One was the genuine feeling that, if people felt sufficiently strongly to want to petition the Parliament, that should be considered to be important and, therefore, that we should have the petitions arrangements that we have.

However, we also had quite a debate about the involvement of citizens in consultation on legislation. We all know how such consultation works—this is, at least, how it used to work—with big tomes of proposals being sent out to people, who are given four weeks to respond. The responses come in only from organised groups. Does that involve the citizen to any great extent? The answer—I do not know, but I suspect—is largely that it does not.

15:00

One question that was posed in the background paper—this was also posed to the committee in its review—asked:

“does the petitions system currently represent true civic activism?”

I do not know what exactly is meant by that, but if the question is whether the current petitions system is the holy grail of civic activism, I would say that it is not. We need to consider how we can achieve wider involvement in proper discussion about proposed legislation and about existing legislation that upsets people and needs to be changed.

I note that one proposal in Carman's report suggested that there should within Parliament be a public outreach specialism, whose role would be to look not into Parliament but outwards to civic society. That would be a pretty big job if the aim is to ensure that wherever people gather together in numbers—for instance, the Forth Valley sensory centre brings together people who are blind or have hearing difficulties—those who work with them have the resources and understand how representations can be made to Parliament about proposed legislation and so on.

Frank McAveety said that we should recognise the resource issue. Resource is an issue. If we genuinely want civic participation, people here really need to work harder to ensure that—not just at national level, with trade unions and so on, but on the ground where people who have problems meet—the Parliament can send people out to participate with them in their discussions. If we had a petitioning arrangement in local government, that might start to create a way in which such matters could become more understood and more apparent to people at local level.

On the legitimacy of debates in the chamber, I do not know—I do not watch Parliament's debates often—to what extent the whipping system allows genuine discussion and debate. Certainly, I would be anxious that we should have such debates. Public participation should not prevent genuine debate taking place in Parliament by people who represent their communities. That is an issue that should be addressed.

**George Reid:** I will continue from the points that Campbell Christie and Alison Jarvis made, and ultimately come to Bill Butler's question about who decides.

In listening to the discussion, it occurs to me that our first petition ever was probably a line of the Lord's prayer: “Give us our daily bread.”

**The Convener:** Some people are still waiting.

**George Reid:** That is the point. In a society in which people are marginalised, disadvantaged or have learning disabilities, their first preoccupation must be with their daily existence. It would be absurd to look to a society such as that of ancient Athens, where every citizen stood up and engaged in the political process. What we can do is reach out as best we can, through the outreach programme that is being undertaken and through a refresh of the present e-petitions system, which is looking very tired. However, as I said earlier, it is going to be slow-burn stuff—it will take time and will not result in massive change.

The one thing that we have identified in the course of this discussion is the need to get back to principles. Any democracy needs a demos—a community that is united by common social values and in which power is vested. That takes me right back to early discussions in the consultative steering group that ran as follows. There are two concepts of sovereignty in law in these islands. There is the Westminster concept—a figment from the civil wars—that sovereignty is vested in the Crown and Parliament. There is also a much older tradition in Scotland that sovereignty is vested in the people. That tradition is not 100 years old; it is almost 650 years old. Robert the Bruce won Bannockburn, but if he had been a bad king the people would have got rid of him. That doctrine was developed by John Major, the medieval philosopher, not the politician, and George Buchanan.

Another model for us, which impacted on the CSG's understanding, was that of two kings and two kingdoms. There was the democratic right of the state, but the church, representing civic society in the 16<sup>th</sup> century, had a right to impact all the time. The tradition continued through the national covenant, the disruption and straight through to the claim of right that was the progenitor of the Scottish Parliament: sovereignty is vested in the people.

The problem these days—touching on what was said about engagement—is that elections are a crude system of determining popular will. The old ideological certainties have gone. People are engaged more than ever, but they are engaged in issues rather than the political process, so it is inchoate and floating. I would have thought that that would be fertile territory for the Public Petitions Committee.

It would be wrong just to look back to 1999. I occasionally hear presentations about the Parliament in which it is presented almost like Moses coming down from the mountain. We are told the four principles that the Parliament is built on. However, we walk into the future looking backwards if that is all that we say—we look at our future through a backward-looking telescope.

Donald Dewar said that devolution is a process, and it must be a process in terms of the procedures of the Parliament as well. That is why, if you want to think really constructively about how you build that demos, a lot of what comes here should go to local authorities. They will not like that—councillors and local authority officials do not like being called to account—but surely, if we are talking about a democratic Scotland, we should invest in that. Governments can do that. I say to the Minister for Parliamentary Business that, in that respect, England is now ahead of Scotland. We should think about that.

At Westminster, petitioning is all about numbers. I do not particularly agree with that, but I think that the Parliament could deal differently with big petitions, such as that of the Cod Crusaders or petitions on knife crime or carers. Any petition with more than 100,000 signatures should go straight to the Parliamentary Bureau for parliamentary time and the committee should institute a debate on the subject. I am glad that the minister was reasonably supportive of that proposal.

I have talked about Crick and Millar. They went even further, taking up the wider points of democracy. Their suggestion—which was too radical for Donald Dewar at the time, but he said that we might come to it later—was that any 1,000 duly certified signatures that were sent to the Parliament, addressed either to a committee convener or to a minister, should generate a written response in the *Official Report*. They also suggested that any 10,000 duly certified signatures should trigger a debate in Parliament. You will see where I am starting to go. The new democracy in Scotland is a rolling process, and 10 years down the road it is about investing power in the people. These days, politics is too important to be left just to the politicians.

I come finally to Bill Butler's point. The buck has to stop somewhere. It has never been all power to the people. The fourth principle was always the sharing of power among the people, the Parliament and the Government. The petitions process and other participatory forms of democracy inform members, but at the end of the day they must stand up and press their button at the appropriate time. The consequences for them come at the next election, but by taking the petitions process into account they can adopt a much more informed approach. Who knows—if we

go down that road there might be much more consensual, cross-party decision making, which lies at the heart of the Parliament but has never quite come through.

**Anne McLaughlin (Glasgow) (SNP):** Ann Macintosh said that people no longer find the petitions system exciting—a point reiterated by Bill Butler. Is the point that we, who have known about the system all along and have experience of the various petitions that have been submitted, no longer find it exciting? Perhaps telling people about the system is more important than making it exciting—today, we have spoken a great deal about the fact that we cannot reach certain groups.

Three things suggest that people still find the petitions system exciting. The first is Louise Macdonald's point that young people see engaging with the Scottish Parliament—not the Public Petitions Committee specifically—as a great opportunity and find it exciting. The second is our trip to Fraserburgh, about which other committee members have spoken. In Fraserburgh, speaker after speaker got up to say how worth while they found submitting their petition and how the system had worked for them—they gave glowing reports. Perhaps the people who have experience of the system are excited by it, but we know that we are not getting through to enough people.

Something else tells me that people still find the petitions system exciting. I have been a member of Parliament for only eight weeks. People ask me about my job, but they also challenge me all the time by asking—as they often ask politicians—what I actually do and what the Parliament has to do with them. It is mainly members of my family who do that. When they complain about things that they are unhappy about, I tell them, “If you feel that strongly about it, why don't you approach the Public Petitions Committee?” I have said that to many people over the past eight weeks, but most of them know nothing about the committee. My personal polling indicates that they are very excited when they hear about it.

One issue that we are considering is how to make the process more interesting for people when they are engaged in it. I may be contradicting my argument that people who are engaged in the process are excited by it, but we could consider making certain changes. At the moment, only some people are allowed to speak to the Public Petitions Committee. When I worked for an MSP, someone complained bitterly to me that he was not given the opportunity to speak about his petition. Although the system had been explained to him, he still thought that he would be able to speak for a short time. We may want to consider that.

I am not arguing against making the process more exciting or doing things to make submitting a petition a better experience. Ann Macintosh suggested that we should make things easier for people when they go online. They should not have to wait five minutes for a page to refresh itself—I know that I would not wait more than five seconds, but I am an impatient person. George Reid said that Stirling Council is one of only two councils that have a petitions system. It is not all about geography, but Campbell Christie made the point that for people in Inverness, down south is Glasgow and Edinburgh, whereas for us it is London. Bringing democracy closer to people works. We should consider doing that.

Ali Jarvis suggested that we should make the process much more worth while and look at the life of petitions. We have talked a lot about young people, but we have not discussed in detail other groups that we have mentioned in passing. I would like to consider the groups that we are not reaching and how we reach them. One of the most important things that we can do is make the process worth while for people and look at the lifetime of petitions. If the people whom we spoke to in Fraserburgh talked to people who know nothing about the committee, they would provide perfect examples of how worth while the process is. Ali Jarvis's point was important.

15:15

**The Convener:** We will pull together the discussion for the last 10 minutes.

**Louise Macdonald:** I will make a few points in response to what has been said. I came to an event in the Parliament at which someone said there are no hard-to-reach people, only hard-to-reach services. The issue is not that people are hard to reach, but that services are not designed for people. Perhaps a shift in our thinking is needed, so that we do not always think that other people are hard to reach.

One key issue with any group is working in partnership and not thinking that one group has the answer. What has worked is collaborative working with many groups on the ground, whether they work with minority ethnic communities, young carers or others. Some organisations have developed expertise in working alongside such groups, which involves considering what a partnership can offer those groups. For instance, when we do street work, we do not just go out and about; we work with experts such as Includem and Barnardo's.

Some changes in local authorities, such as the re-emergence of community planning partnerships, offer a great opportunity to engage all groups. From the Convention of Scottish Local

Authorities and our partnership with all 32 authorities, we have formed the sense that champions exist and that renewed vigour is felt about engagement, what it means and how it can be reflected in single outcome agreements and so on. It has certainly been our experience that an opportunity exists to have a conversation with local authorities about that. I am aware that I speak from the point of view of working with young people, but such points can be expanded.

I am delighted to hear about the committee's Fraserburgh experience, but I am not in the least surprised by it. I am in a privileged position at Young Scot, because we hear from young people and most days have experiences like the one the committee had. We are always incredibly impressed by what young people have to say and to offer.

That ties into the idea of the continuum, which Bill Butler talked about, from someone reacting to a piece of information or having a view through to informed participation, not just by a young person but by an MSP or other elected representative, for example. Everyone around the table has had many months in which to reflect on the petitions process, to hear from different people and to access evidence and research. To give young people the opportunity to consider issues in that way, we developed the local investigation team model, which involves teams of young volunteers throughout Scotland. We used that model in relation to financial services and a consultation on the United Nations Convention on the Rights of the Child and young people. Under that model, local groups of young people throughout Scotland are given a set of questions to reflect on for two, three or four months and are asked to go out into their community to ask their peers, their family, their local MSP, their local councillor or whoever for their opinions. We then bring all the groups together for a national discussion day, when they share their expertise and what they have learned and produce recommendations. That allows young people to have informed participation. We are developing that with the new online consultation tools that we are building in Young Scot, which will reflect the journey for those who want to react to something straight away and those who want to take time to consider and reflect and to talk to others to help inform and shape their view.

In addition to the issue of informed participation for all, engagement should not just be something that happens, in the case of some of the electorate, every four years. Can we reach a position where people engage in debate and discussion every day, and their views are regularly sought? That would mean more than people just getting an opportunity to vote and having their opinion heard via the ballot box. How do we engender debate and discussion every day? I am



thinking about the fact that young people could be allowed to vote in health board elections. That would contribute to the sense that young people are being shown that they can get involved in such things all the time. I hope that that answers the point about informed participation.

Lastly, many of society's organised groups have fragmented, and are being replaced by online groups and communities. Many young people are finding communities that way, as well as in their own streets. It is about having a presence in all those places and in all aspects of young people's lives.

**The Convener:** Robin Harper is next, and I know that Bill Butler has a point to add. Other committee members who have not yet contributed may do so. I am conscious of the time—I know that the minister has other commitments this afternoon.

**Robin Harper:** I entirely agree with George Reid: giving the petitions system greater clout is a great idea. If a petition attracts 10,000 or 50,000 signatures, for instance, it could automatically result in a parliamentary debate, with a commitment from the Government to take things further. However, we must not lose sight of the fact that one person's petition has exactly the same clout as a petition from 60,000. That is the jewel in the crown of the accessible system that we have set up. The huge majority of the petitions that have successfully gone through the committee and followed various routes, including letters simply being sent to public authorities, have resulted in huge and significant changes to service delivery.

Consider the postcode lottery in cancer treatment drugs, which was addressed mainly by the public pressure that the committee brought to bear on health boards, using the evidence that we gathered. Petitions do not even have to be discussed in the chamber—the process can be too slow. In that example, the petition did not even go before the Health and Sport Committee; this committee addressed the matter and applied pressure on its own. People must be taught that this is a powerful and influential committee, given how it can affect public life in Scotland.

**The Convener:** I like the idea of a co-operative share in democracy—whether a petition gets one or 60,000 signatures, it does not matter. That is great. I will let in Bill Butler, and then Nigel Don, but I really want to conclude soon after that.

**Bill Butler:** I agree with what Robin Harper said about cancer drugs such as cetuximab. It is horses for courses—we needed to act expeditiously in that case. I say to Louise Macdonald that I welcome young people voting in health board elections, and funnily enough I

welcome direct elections to health boards, which are long overdue.

I am interested in the local investigation model that Louise Macdonald briefly described. As she said, it could be a good model for informed participation. However, I caution her: my experience of community planning partnerships does not allow me to be as enthusiastic as she is. There is a good case for saying that the influence of local community activists has lessened. I agree, and would argue the point with anyone. We need to examine that issue some time in the future.

I agree with much of what George Reid said, and I agree about local authorities being, I hope, persuaded—I do not mean forced—to be part of the process when it is appropriate. That is subsidiarity, as Campbell Christie said.

We could, as George Reid suggested, have a system in which a petition with 1,000 signatures would elicit a written response and one with 10,000 would trigger a parliamentary debate. I hope that the Minister for Parliamentary Business and the Government will take that idea on board. I agree with George Reid on the different concepts of sovereignty and its being vested in the people versus the Crown and Parliament. I prefer a civil war example, but it is the example of the Levellers, who were unsuccessful. However, with major issues such as carers, hepatitis C and perhaps cetuximab—or perhaps not, given that we had to act quickly on that matter—such a system would be a good way of proceeding.

There must be a realisation that power needs to be shared. In that respect, I again agree with George Reid. We must not pretend to people that they will have the same democratic mandate as an elected member. For a start, people will not believe us. However, as Ali Jarvis made clear, they want to engage with the political process. That is why I would like to know the terminology that was used in the two surveys that she mentioned. As I recall, she said that 43 per cent wished to be involved in decision making, which, of course, is less than the 69 per cent of people who wished to have engagement. I think that those figures are quite easy to explain, because although people might want to be part of the process, they might not want to have the same engagement as full-time elected politicians. Providing the opportunity to be part of the process, improving the process itself and trying to reach harder-to-reach groups are what the committee is about.

I would be grateful if those who are involved in the discussion could say something about reserved issues. My view is that, where there are overlaps—as in the case of asylum seeker schoolchildren—the Government at Holyrood, with its devolved responsibilities, and that Parliament

down there at Westminster, with its reserved responsibilities, need to work together. That is why I welcomed the agreement that our longest-serving First Minister, Jack McConnell, reached with Westminster in March 2006. To be absolutely fair, I make it clear that the present Scottish National Party Government has taken forward that agreement, which is the way we should go. We should not simply say that just because a matter is reserved we cannot touch it. As with so many issues, there are overlaps.

Just a few thoughts, convener.

**Nigel Don (North East Scotland) (SNP):** I thank everyone who has contributed to the discussion, which has made for an hour and a half of good listening and concentrated wisdom. I just wish that I could spend every hour and a half of my time as an MSP in such good company.

**The Convener:** It can be arranged.

**Nigel Don:** Probably the major lesson that I have learned is that we need to work hard to reach what are known as virtual communities, by which I mean groups that do not live next door to each other and do not have to meet to work but that, one way or another, coalesce through the web and other media. However, if we succeed in significantly increasing our contact with the outside world, we will make work for ourselves. We could meet every week, but it is worth making clear that committee members take their responsibilities quite seriously and work quite hard. We have an awful lot to read even now; having twice as much would simply tax us. Alongside thinking about better ways of reaching out to the rest of the world, we will have to consider how to handle all the information and input that we will receive.

**John Wilson (Central Scotland) (SNP):** As Nigel Don said, it has been useful to get a history lesson of the Parliament, and I found George Reid's history of democracy very interesting.

With regard to the suggestion that local authorities set up petitions committees, I feel that the public petitions process should be extended to all public and statutory bodies in Scotland. After all, a number of the petitions that we have dealt with in the past year have involved health boards and other public bodies—although I would always protect the committee's right to accept petitions from anyone on any issue.

Bill Butler commented on reserved issues versus devolved issues. I would defend vigorously people's right to bring reserved issues to the committee, for us to discuss and deal with as appropriate. If people take the time to present a petition to the Parliament, it should be treated with courtesy and dealt with appropriately. If that means crossing the boundary into reserved

issues, we should do so. Bill Butler gave a good example of that.

15:30

The committee has got out and heard extremely useful contributions in Duns, Fraserburgh and the east end of Glasgow. One of the lessons that I have learned from the process—it is perhaps a lesson not only for the committee but for the Parliament—is that we have to take ourselves out of Edinburgh occasionally to listen to people throughout Scotland so that we not only engage with people on public petitions but bring the democratic process closer to the people of Scotland, no matter where they are.

Campbell Christie spoke about going up to Inverness and down south, by which he meant London, but for many people in the north of Scotland down south is Edinburgh and Glasgow. We have to take those lessons and, I hope, the lessons that we have learned today and throughout the inquiry back into the parliamentary process. We have to think about how we will deliver the type of democracy that we are trying to achieve in Scotland.

**The Convener:** Thank you. The minister has to leave—do you want to make any final comments?

**Bruce Crawford:** The discussion has been fascinating, but some of the things you are talking about will be resource intensive and there may be an argument for not reinventing the wheel. There are organisations that people are involved in, such as Young Scot and organisations in the ethnic minority arena, that are already addressing many issues of civic engagement. They are already trying to build up confidence, abilities and advocacy roles in the communities they support. Rather than reinvent the wheel, the committee could use that expertise. The committee does not need to do everything itself; there are lots of organisations that can help you. I would like to leave the committee with that point—and I will write to you about the organisations that I have mentioned.

**The Convener:** Thank you. That was helpful.

Are there any final contributions, particularly from our invited participants? You have raised a number of big issues—I thank you for that. Ali Jarvis and Campbell Christie are indicating that they wish to say something.

If issues crop up later, when you are reflecting on the meeting, we are willing to acknowledge them—it would be preferable if you e-mailed them to us. We are so hip-hop with the technology.

**Bruce Crawford:** I make my apologies as I have to leave.

**The Convener:** On you go. Thank you.

**Ali Jarvis:** I want to pick up on something Ann Macintosh said and refer to the committee's 2006 report about what petitioners felt about their petitions. Although 63 per cent of respondents thought that their petition was handled fairly, only 30 per cent thought that their petition had been a success, 54 per cent did not rate their petition a success and, overall, 55 per cent of petitioners were not satisfied with the outcome. There has been a lot of work since then and a lot might have moved on, but it is important to measure that work. Last year, a letter was sent to 183 ethnic minority and equalities organisations, pushing the message. It would be interesting to know whether anything has changed as a result. Perhaps one of the issues is not how we can better communicate what is here but whether the product is still right for the marketplace of the citizens.

**Campbell Christie:** I wanted to get the minister before he left. He is absolutely right: there are organisations that are working in this area, but they require resources. Many of them are working on a shoestring, which means that they have a limited ability to deliver the sort of role that we are talking about. Although the minister is right that it is not necessary that a resource based in the Parliament should seek to assist people, resources will have to be found for organisations that are already on the ground, which often live hand to mouth.

**The Convener:** It remains for me to thank the participants in the discussion for taking the time to come to the meeting. Some of them have come quite a distance to be here. We genuinely appreciate that.

We need to explore the issues that Ali Jarvis has just raised. Sometimes, the committee cannot easily resolve or even properly or fully address an issue that has been raised in a petition because the nature of the petition or the petitioner predetermines that, but we should endeavour to get underneath the subject material and find out how we can make the process much more acceptable and get outcomes that people understand as having dealt with the issue or made things better.

Ann Macintosh touched on the final point that I want to stress. The process is like anything else in life; personal testimonies are important. I keep telling my son and my daughter how good I am for them, but sometimes they need to tell me that. I do not think that I will get that from them now, although I might get it from them in 10 or 20 years' time. The point is that we need testimonies. We received very good, unsolicited testimonies when we visited Fraserburgh—it was not a matter of people producing things earlier for our benefit. People genuinely had issues and felt better

because of how they had been dealt with and how the committee had handled matters. That was helpful. However, the strong message was that people know that we are moving on.

I will finish on a point that George Reid rightly touched on. That we created a piece of history in 1999 is important, but we cannot keep looking back over our shoulders. The real challenge lies in what to say to the younger generation in particular. That generation does not know about and is not interested in the battles about the Parliament that many of us around the table fought with one another and beyond. We have to try to re-explain key moments such as the anniversary of the miners' strike, the changes in Governments and the role of Mrs Thatcher. No matter how many of us lived through those periods and big issues, they are like ancient history to 14 or 15-year-olds. How we deal with that generation is a big issue.

I would welcome views, as I am sure members of the committee would, from the participants in the discussion and any agencies with an interest in the petitions process on how to progress matters for the next 10, 15 or 20 years so that the committee can do something for future parliamentarians that they will think benefits their work. Whether there will be a Public Petitions Committee then or a public engagement committee or a citizens committee—that may be interesting terminology for some of us in light of our backgrounds—those views will be worth exploring.

We have a tight schedule. We would like to produce something prior to the summer recess, so the next couple of months are critical. Members are discussing the broad outline of a paper, but we need to explore a number of issues further.

Is Bill Butler indicating that he wants to express a view?

**Bill Butler:** Not at all, convener. As always, I am in complete agreement with you.

**The Convener:** Good. That will be in the *Official Report*. That is the first time in 25 years of partnership between Bill Butler and me that we have been in complete agreement.

I thank people for their participation in the discussion. We will now take a short comfort break before we deal with the other items on the agenda.

15:38

*Meeting suspended.*

15:45

*On resuming—*

## New Petitions

### HM Prison Kilmarnock Contract (Independent Review) (PE1241)

**The Convener:** The first new petition is PE1241 by William Buntain. It calls on the Scottish Parliament to urge the Government to conduct an impartial and independent review of its 25-year contract with Kilmarnock Prison Services Ltd on the design, construction, financing and managing of HM Prison Kilmarnock.

I understand that the petitioners might be present. Because of the long evidence session under item 1, we did not have a chance to have a question-and-answer session with the petitioners, but we invite parliamentarians who have expressed an interest in the petition to engage with the committee on it. I welcome to the meeting Margaret Mitchell and Willie Coffey, who is the constituency member for the prison. Does Margaret Mitchell wish to make an opening statement?

**Margaret Mitchell (Central Scotland) (Con):** Yes. I thank the committee for the opportunity to speak to the petition.

As members know, the contract for Kilmarnock prison, which Serco won, is of 25 years' duration and has operated for 10 years. In that time, aspects of the contract, such as key performance indicators, have proven to be clearly unreasonable. For example, the key performance indicators list 10 events that happen daily in prisons and over which prison officers have no control. If any prisoner self-harms, that attracts five penalty points. Each penalty point costs £400, so five penalty points equate to £2,000, which is taken from the prison's revenue.

Another indicator is entitled "Assault On Prisoner (proven) Serious Injury Assault"—an injury is deemed serious if it requires four stitches, which can be those wee plastic plasters. The Scottish Prison Service does not seem to apply common sense when monitoring such incidents or the whole contract. In a recent incident, two stitch plasters were applied but did not quite stick, so two more plasters were put on just to hold the initial plasters in place. Using four plasters automatically ratcheted the penalty up to 50 points, so the prison incurred a £20,000 penalty—that was revenue lost. Such incidents show that the key performance indicators contain unreasonable terms that could be examined.

A potential conflict of interest exists, because it is unclear where the penalties and fines that have accumulated in the past 10 years—which amount to about £1 million—have gone. If such money goes to the Scottish Prison Service, it is clear that the SPS has a conflict of interest in monitoring performance against the key performance indicators. I am not sure whether the money from penalties goes to the Scottish Prison Service; I hope that the committee will investigate that. Another issue is that the SPS monitors the contract day to day while it competes with Serco and other private contractors for prison service contracts.

Other issues give prison staff at Kilmarnock serious grievances. They do not feel that they have a level playing field with SPS prison officers when it comes to how they are treated. Prison officers at Kilmarnock are subject to a much higher training requirement. That applies at all levels—phase 1, phase 2 and phase 3. Phase 3 is the riot training, which is extremely arduous. Whereas for SPS prison officers who are 50 years or over the arduous phase 3 training is voluntary, at Kilmarnock it is mandatory. The Prison Service Union has tried to get a dispensation for staff of that age at Kilmarnock, but none has been granted.

During the past few years, there have been significant disciplinary problems. In 2004, a prison officer at HMP Kilmarnock, David Lorimer, was investigated and disciplined internally by Serco, but following the process the SPS initially refused to return his warrant badge. The SPS is responsible for issuing warrant badges, which certify prison officers and allow them to work in prisons. Quite simply, if a prison officer does not have that badge, they cannot work in the SPS. It was a little bit disingenuous of the SPS to say in its submission that, ultimately, employment matters were up to the employer at Kilmarnock prison, given that if a prison officer does not have a warrant badge and is not certified by the SPS, they cannot work in the SPS or in Kilmarnock prison.

The final issue that I want to bring to the committee's attention is the duty of care, in relation to which there have been various incidents over the years, two of which I will highlight. In one case, there was a serious incident and a prison officer was assaulted. It was found that there was a design defect with the gates and that a grille needed to be installed. It took the SPS 18 months to approve the installation, during which time prison officers and, arguably, prisoners were vulnerable and at risk.

My second example relates to PAVA spray, which is a kind of pepper spray that is used to deal with incidents in prison. PAVA spray is widely

available to prison officers in the SPS, but it is not available to the officers at Kilmarnock. We are all concerned about safety in the workplace and have a statutory duty of care to provide a safe workplace for prison officers. Notwithstanding the reasons that have been given for not issuing officers at Kilmarnock with PAVA spray, the issue should be looked at with a view to rectifying the situation.

I have given the committee a whirlwind tour of some of the main grievances. I hope that members will agree that there are sufficient grounds for deciding that the contract needs to be looked at because serious fairness, safety and financial penalties issues have been raised. If the committee were to deem that an independent review should take place, a lot more information that I have not had sufficient time to go into would make interesting material for that review.

**The Convener:** Would Willie Coffey like to add to what Margaret Mitchell said?

**Willie Coffey (Kilmarnock and Loudoun) (SNP):** I would love to—thank you very much for the opportunity to do so.

First, I commend Stevie Farrell and Willie Buntain, the representatives of the staff at Bowhouse prison in Kilmarnock, for presenting their case to the Scottish Parliament. I have worked with them over the past few years to deal with a number of issues, most of which Margaret Mitchell has raised. When a contract has been in place for 10 years, as I understand is the case at Kilmarnock, it is inevitable that things will have moved on. We have an obligation to look at the contract afresh, to see whether improvements can be made.

I have absolutely no doubt that the intention of Stevie Farrell and Willie Buntain is to improve conditions in Kilmarnock prison on behalf of their members and the staff, to provide a good service for the Scottish prison estate. It is commendable that they have chosen to present the case to the committee, but my understanding is that the current minister's door has always been open and that he would listen to requests from the employer to vary the terms of the contract. That has always been possible—and it is the direction that the committee could take. A simple business agreement has been put in place at Kilmarnock prison to establish the operating conditions, so one party can seek to renegotiate. The simple approach is to ask for a review. As I understand the matter, the Government is willing to listen to that.

My understanding is that PAVA spray is a licensed firearm and that it is illegal to deploy it in the private sector—and that the power to change that remains with Westminster. The spray is not

deployed far and wide and has never been deployed in the SPS. My understanding is that it was used in a pilot scheme in Northern Ireland but that it has not been used anywhere in the SPS to deal with incidents in the prison estate.

Margaret Mitchell has raised several issues on behalf of the team at Kilmarnock that require attention and can appropriately and properly be reviewed to the greater benefit of everybody involved. I sincerely hope that the committee takes the opportunity to press that case.

**Bill Butler:** Having heard Margaret Mitchell and Willie Coffey, I believe that the committee should forward the petition. Margaret Mitchell detailed the issue of penalties and fines. At face value, it seems inconsistent that the SPS should monitor the performance of the contract in relation to those penalties. She also said that there seems to be no level playing field between prison officers at Kilmarnock and those in the SPS. Margaret Mitchell and Willie Coffey mentioned PAVA, or pepper spray. I do not know whether that issue is reserved to Westminster.

Initially, we should write to the Scottish Government asking formally whether it will conduct an independent review of HMP Kilmarnock's contract in the terms that the petitioners request and, if so, when—and if not, why. We should also ask for the Scottish Government's response to the issues that are raised in part 5 of the petition. That would be helpful. We should also consider writing to Audit Scotland to ask whether it supports an independent review of the contract and whether the contract represents value for money. That is the way of proceeding that I suggest to colleagues.

**Robin Harper:** Several other questions need to be asked. I presume that Serco won the contract competitively. Does Margaret Mitchell know whether other companies tried to win the contract? Was Serco the sole bidder?

**Margaret Mitchell:** I do not know, but I assume that there was at least one other bidder.

**Robin Harper:** I would like to find out how a company could enter into a contract in the full knowledge that the conditions that were being imposed were very different from the conditions in the rest of the prison service. That seems a bit of an oddity.

**Margaret Mitchell:** We are considering the contract 10 years down the line. It may well be that conditions that seemed reasonable on paper at the time have in practice proved to be unreasonable—there is no other word for it.

**Robin Harper:** Things have changed in the Scottish Prison Service but those changes have

not been reflected in the contract, which has been overtaken by events?

16:00

**Margaret Mitchell:** That is the case in some instances.

**Robin Harper:** Kilmarnock has stood still while the rest of the world has moved on?

**Margaret Mitchell:** I offer another example of how things have moved on. There is a penalty—I cannot remember how many penalty points are incurred—for finding a mobile phone. Phones were much bigger 10 years ago; now, they are like tiny cards that can be hidden easily.

**Robin Harper:** I am content that there is an urgent need for a review. Is there any concrete and independent evidence that key performance indicators are not used in a way that would minimise penalty points, for example serious injury to staff being downgraded to minor or no injury? The point about Audit Scotland has been covered. I do not know whether we need to cover any other questions, but there are many to which we need answers.

**John Wilson:** We need to understand the terms and conditions for officers who serve in Kilmarnock prison, who are employed by Serco, because they are not the same as those that operate in the SPS. The committee may have to write to the Scottish Prison Officers Association to ask its views on whether the terms and conditions that apply in Kilmarnock prison are unfair on the prison officers who serve there.

I suggest that we write to Serco for its views on existing contractual arrangements. Although the petition has been presented by staff, it would be useful to hear Serco's perspective on whether it agrees fully with those staff members or whether it can clarify on-going contractual negotiations that take place between Scottish Government officials and Serco in relation to the delivery of services at Kilmarnock prison.

**Nanette Milne:** Does Margaret Mitchell know whether the different training requirements are imposed by Serco or by the SPS?

**Margaret Mitchell:** They were laid down in the original contract and are now way beyond any of the standards that are applied in the rest of the Scottish Prison Service. Following on from what John Wilson said, one question is whether Kilmarnock prison officers are deemed to be Crown servants. That is unclear, despite the fact that they have an extra level of training that far exceeds that in any other equivalent establishment in the prison service. For example, they provided mutual aid when there was a major incident in Edinburgh prison in 2004. I do not think that we

can have it both ways—Kilmarnock officers are either on a level playing field with SPS staff or they are not.

**Nanette Milne:** That point should be clarified if we are writing to the Scottish Government about the petition.

**Nigel Don:** It is probably unreasonable to ask the Government to hold an independent review—I do not know whether it is sensible to expect a Government to have an independent review of its own contract—but we can ask it whether it will review what it is doing.

The people whom we can expect to be independent are at Audit Scotland. I know that the Government will not tell Audit Scotland what to do—we cannot do that—but we should ask Audit Scotland whether it will look at the situation. It is a classic case of where it can bring an independent and professional view.

**Bill Butler:** I do not disagree with Nigel Don. We could phrase our request, "Will the Scottish Government set an independent review in train?" In that way, we could get over the problem that he raised.

**The Convener:** The petition specifically asks for an independent review, so we have a dilemma—although, in a sense, it is a matter of interpretation. The point is that we want to ask the Scottish Prison Service, the Scottish Government, Serco and the Scottish Prison Officers Association a series of big questions. We want to pull all that together before we decide what to do next.

**Bill Butler:** The petition calls on the Parliament to urge the Government to

"conduct an impartial and independent review".

You do not have to do that yourself; you can simply set it in train.

**Margaret Mitchell:** I thank committee members for their comments, which have been very fair. If it is found that there are unreasonable aspects to the contract, perhaps the Unfair Contract Terms Act 1979 would kick in, which would address the problems to which Nigel Don referred. I thank the committee for giving the petition a fair hearing.

**Willie Coffey:** The onus should lie squarely with the contract holder—the employer. If it wishes to renegotiate the terms of the contract, it is entirely appropriate for it to make representations to the Government to seek to negotiate, rather than the other way around. It would be up to the employer. The staff have done a great service to their members by raising these issues in the hope that they can be highlighted, but the onus is on the employer to make the move to seek to renegotiate. I think that there is an open door there.

**The Convener:** I thank the petitioners for lodging the petition and I thank the elected representatives for the area for their contribution. I hope that you have heard from our discussion a willingness to explore in detail some of the fundamental issues. I hope that we can arrive at a conclusion that is satisfactory for everyone involved in the process. We will explore these issues. The petition will come back to the committee and Willie Coffey and Margaret Mitchell will have an opportunity to interrogate the issue and participate in the discussion. Thank you for your time.

### **Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (PE1244)**

**The Convener:** PE1244, by Donna Mathieson, on behalf of Aberlady primary school parent council, calls on the Scottish Parliament to urge the Government to revise the regulations and guidance under the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 to allow schools to provide full-fat milk where the child and the parents have indicated that that is their wish. We have the papers on the petition in front of us. Do members have any comments?

**Bill Butler:** We could usefully write to the Scottish Government to ask whether it will consider revising the regulations and accompanying guidance under the 2007 act; if so, when that will happen and, if not, why not. We could also ask for its response to the eight specific points that the petitioner has made. There seems to be contradictory evidence as to what full-fat milk is. The petition quotes Dr Rafe Bundy as saying:

"Full fat milk is actually a low fat food."

I do not have expertise on that, but I am sure that somebody in the Scottish Government will be able to say which of the experts is correct.

There is a serious issue about tackling obesity and whether it is necessary to have semi-skimmed milk and so on. We will see. We should ask the questions.

**Nigel Don:** I do not disagree for a moment with what Bill Butler said, but perhaps we have to try to encourage the Government to give some reasons for its advice as well as just stating what its advice is. Now is not the time to go into nutrition—I have done research on some of this. I have very little doubt that the advice is good and that it is given for good reasons. However, if those reasons are not known to anybody other than professional nutritionists, the Government has failed to communicate properly.

As well as the questions that Bill Butler suggested, we need to ask the Government to justify its guidance in such a way that we, as laymen, can understand it and can communicate it

to the petitioner and to the many other people who will be asking similar questions.

**Nanette Milne:** Can we also ask NHS Health Scotland for its view on the matter? It has a major role in child health.

**The Convener:** Members suggest that we should seek further clarification on the guidance that stems from the 2007 act, on the whole issue of parental choice in that process and on the existing evidence base. We can perhaps explore those issues with the various agencies that we know have responsibility for such matters. We will keep the petition open until we get further information.

## Current Petitions

### Oil Depots (Public Health) (PE936)

16:10

**The Convener:** Item 3 is consideration of current petitions. The first petition in our possession is PE936, in the name of Simon Brogan, which calls on the Parliament to urge the Government to review the public health implications of siting oil depots in residential areas, in light of the Buncefield oil depot explosion in December 2005. The petition has been in front of the committee on at least two previous occasions. I invite members' views on how to deal with the petition today, given the information that we have now been provided with.

**Bill Butler:** We should perhaps consider closing the petition. The Government has provided clarification, which I think is satisfactory, of the standards of control that are applied at the relevant sites. It has confirmed that lessons from the incident and the subsequent investigation and reports are being considered under the relevant emergency and civil contingency arrangements. That includes land use planning, public health policies and regulatory programmes from the Health and Safety Executive and the Scottish Environment Protection Agency. Given all that and the fact that the incident took place in 2005, I do not think that there is any more that the committee can usefully do.

**Nigel Don:** Again, I do not disagree with Bill Butler, as I think that we have probably gone as far as we can with the petition.

Mr Brogan makes a very good point, and I have a great deal of sympathy with his position. I put my hand up as a former chemical engineer; as I understand it, the lesson of Buncefield is that the profession must recognise that minor incidents, which are normally expected to be single incidents, can turn into major incidents—I am referring to cases of multiple individual incidents. That expectation or assumption proved to be wrong at Buncefield. We had always assumed that one tank out of many might go on fire, but that any such fire would not spread beyond the bund to other tanks. That proved not to be the case at Buncefield.

What I think has come out of the Buncefield incident, if I have read the information correctly—although I have not gone into it in huge detail—is a recognition that it is possible for fires to spread in that way. The major point is that fire services and other rescue services therefore need to be geared up and to plan in such a way that they can deal with very big incidents, even if such incidents are

extremely unlikely. They must know how to get lots of appliances, men and foam to a place—occasionally.

Mr Brogan is worried that he still has some tanks of flammable liquid pretty much in his back yard. I get the impression that he is not confident that the local services would be able to deal with an emergency in the very unlikely event that one should arise.

I go back to my position on nutrition advice, which we just discussed: citizens will have confidence only if they have access to the right information. Reading through our papers, I get the impression that some of the information that Mr Brogan has been trying to get hold of has not been made available to him. That might be for very good reasons, but every time a citizen is denied information, they naturally tend to think, like we do, that there is something behind that, which they are not being told about, for bad reasons rather than good reasons. I have a great deal of sympathy with the petitioner.

The major work on the issue has probably been done, so we should close the petition. However, perhaps we could make a plea, on behalf of the petitioner, to the local fire and rescue service for it to engage with him and ensure that he understands the precautions that have been taken and the plans that are in place for his genuine local issue—it is not a problem, but it is an issue to him. Beyond that, perhaps we could have a quiet word in the ear of every other fire and rescue service and say, "Are you prepared to engage with any citizen who finds a potential hazard close by? If you are not, we respectfully suggest that you should be, and that you should have a mechanism for answering those questions. You should have good answers, and we suspect that you do, but you should be prepared to communicate them." I worry every time that information is not available.

16:15

**The Convener:** Okay. Nigel Don has made a positive contribution on the petition, which I think we should take on board in considering our response. The formal recommendation is to close the petition but to take on board Nigel Don's comments. Do members accept that recommendation?

**Members indicated agreement.**

### Plants (Complaints) (PE984)

**The Convener:** PE984, by Dr Colin Watson, on behalf of Scothedge, calls on the Parliament to introduce legislation to provide local authorities with the power to deal with complaints about vigorous growing trees, hedges, vines or other plants. Again, the petition has been in front of us



before. I understand that the Minister for Community Safety met the petitioner in early April. We seek further information on that meeting from the Government. Given our timescale today, I suggest that we consider the petition at a future committee meeting, when we have information about the detail of the petitioner's discussion with the minister. Do members have anything to add?

**John Wilson:** We can ask what the proposed outcomes were from that meeting. We can get a note of the discussion, but it would be useful to get information on the minister's proposals for progressing the issue.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** The petition has been with us for five or six years.

**The Convener:** The hedges are twice the size they were when we started.

**Robin Harper:** Indeed. If we still do not have proper responses from the local authority, surely we should think of asking another set of questions.

**John Farquhar Munro:** We should give the issue a push, anyway.

**The Convener:** Yes. We will bring the petition back to consider—I hope—further information. We will then determine the next stage. The petition should be kept open for that process. Is that okay? Robin Harper looks sceptical. Has it just been a long day?

**Robin Harper:** We know that a fair amount of common good land has already disappeared under development—there is evidence for that. That process could be continuing without people even knowing that it is happening.

**The Convener:** I think that that issue concerns another petition.

**Robin Harper:** Oh, this one is on high hedges—I am sorry.

**The Convener:** I was getting confused there.

**Robin Harper:** I am a couple of petitions ahead.

**The Convener:** Now we know what you think about the other petition, we will not need your contribution when we discuss it.

We will keep the Scothedge petition open until we get further information, then we will determine what to do. I am sorry about the slight uncertainty there.

### **Scheduled and Listed Buildings (Management) (PE1013)**

**The Convener:** PE1013, by Niall Campbell, calls on the Scottish Parliament to urge the Government to review the arrangements for managing scheduled and listed buildings, such as

Rowallan old castle, to ensure that, where suitable and sensitive plans have been made for restoring such buildings by an owner in a way that will allow public access, such developments are encouraged to proceed. Again, the matter has been in front of the committee before. To be fair, I think that the committee has had strong views on the process to which the petition refers. I know that many folk have expressed concerns about how Historic Scotland has interpreted regeneration opportunities and so on.

**Robin Harper:** Given the huge number of documents that have been presented to us on the issue—there are at least five—and that Historic Scotland has undertaken a review that seeks to improve the day-to-day policies on the historic environment, I suggest that we close the petition on the ground that established processes exist.

**The Convener:** Do members accept that recommendation?

*Members indicated agreement.*

### **Common Good Sites (Protection) (PE1050)**

**The Convener:** PE1050, which was lodged by Councillor Ann Watters on behalf of Kirkcaldy Civic Society, calls on the Scottish Parliament to urge the Scottish Executive to introduce legislation to provide better protection for common good sites—I draw Robin Harper's attention to the subject of this petition—such as Ravenscraig park in Kirkcaldy, and to ensure that such assets are retained for their original purpose for future generations.

**Robin Harper:** Perhaps I should just direct members' attention to my earlier comment on this matter, which will appear in the *Official Report*.

I think that we should keep the petition live until we have received the reports.

**John Wilson:** It would also be useful if we asked the Government what has happened with regard to the register of common good land, which was supposed to be completed by 31 March 2009. We should try to find out whether that has been completed and whether every local authority in Scotland has complied with the request for the information that is necessary for the register. It would also be interesting to know what action—if any—the Government has taken against any local authority that has not completed that audit and reported accordingly.

**The Convener:** Do we agree to keep the petition open and explore the issues that John Wilson identified?

*Members indicated agreement.*

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

**The Convener:** PE1069, by Clive McGrory, calls on the Parliament to urge the Government to encourage employers to provide home working opportunities for people with disabilities that prevent them from accessing the workplace. Do members have any views on how to deal with the petition, given the responses that we have received?

**Bill Butler:** We should close the petition on the ground that the petitioner is satisfied that we have done all that we can do.

Incidentally, I will not read out the last paragraph of Mr McGrory's letter, as members have read it already, but I note that he praises the work of the committee. As self-praise is no praise, I will say no more than that.

**Robin Harper:** We could ask the Government whether it would be possible to arrange for its officials and officials from the Department for Work and Pensions to meet the petitioner to discuss the progress that that department has made towards addressing the issues around facilitating home-based work for disabled people who are not currently employed.

I do not quite understand the petitioner's reluctance to take the matter just one step further. If he would like to meet Scottish Government officials and officials from the DWP, we could write to him to suggest that that might be possible and write to the Scottish Government to request that such a meeting take place, and leave it there. It seems a shame not to push the petition that little bit further.

**The Convener:** The petitioner expresses rather strong feelings about the DWP in his letter to us.

Robin Harper's suggestion seems reasonable. What do other members think?

**Nigel Don:** I have huge sympathy for the petitioner. Although this is another petition that has come from only one person, there are many people who are largely housebound and who could do something useful, but they are in a catch-22 situation. It only takes one person to highlight the issue, though.

The fact that the petitioner feels that we have gone as far as we can go does not mean that we have. I think that the Government has simply put this matter in the too-hard file—if I were a Government minister, I might think that a sensible thing to do with it.

Earlier, we heard some radical thinking about how we should run the Public Petitions Committee and engage with the community, and it strikes me that, in light of the requirement on our citizens to

be employed and engaged in something productive, we might need to apply some radical thinking about our approach to those who have mobility problems but definitely have something to contribute.

The fact that one person is happy for the petition to be closed and the fact that the petition has been placed in the too-difficult file do not add up to a situation in which we should stop. This is certainly a real question that probably requires some radical answers, and it might well be that at the moment Governments simply do not want to know. However, I do not want to close the petition without registering the point.

**The Convener:** I imagine that the rest of the committee feels broadly the same. Do members agree to close the petition but to explore the option of raising the matter with the DWP? Or do members want to keep the petition open?

**John Wilson:** I was going to suggest what you have just suggested, convener. We should close the petition but urge the DWP and the Government to write to the petitioner on the issues that he has raised. That might not satisfy him, given what he says in his letter, but the fact is that we have taken this debate and discussion as far as we can. Nevertheless, it is perhaps incumbent on us to suggest to the DWP and the Government that they write to Mr McGrory, seeking his views.

**The Convener:** Well done, John. You have put the matter more succinctly than I was able to.

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

**The Convener:** PE1107, in the name of Robin Falconer on behalf of Highland Youth Voice, relates to public transport fares for all under-18s in full-time education and calls on the Scottish Parliament to urge the Government to make provision for young people who have no income to travel free or to pay only half of the adult fare. The petition has been before the committee previously, and I believe that ministers will deliberate on the issue that it raises in the very near future—in the next month, in fact. Do members have any comments?

**John Wilson:** I suggest that we keep the petition open until the Government completes its deliberations, ask it to respond on the outcome and decide then whether we want to take the petition forward. I am loth to close the petition when we do not know the result of the consultations that have taken place.

**John Farquhar Munro:** I agree with John Wilson that we should keep the petition open until we have received a more formal response.

**The Convener:** Okay. We will keep the petition open and bring it back to the committee when we have an indication of the Government's direction of travel on this matter. I just thought that I would get that joke in—it is one of the delights of convenership.

### Transport Strategies (PE1115)

**The Convener:** PE1115, by Caroline Moore on behalf of the campaign to open Blackford railway station, calls on the Parliament to urge the Government to ensure that national and regional transport strategies consider and focus on public transport solutions such as the reopening of Blackford railway station. Again, the petition has been before the committee on previous occasions. Do members have any comments?

**Bill Butler:** We should keep the petition open, as a Scottish transport appraisal guidance appraisal is forthcoming from Transport Scotland. Once we have received that appraisal, we can schedule further consideration of the petition.

**The Convener:** That seems like a sensible course of action. Are we happy to accept that recommendation?

**Members** *indicated agreement.*

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

**The Convener:** PE1124, by Louise Robertson on behalf of the League Against Cruel Sports, Advocates for Animals, the International Otter Survival Fund and Hessilhead Wildlife Rescue Trust, calls on the Scottish Parliament to urge the Government to amend the Nature Conservation (Scotland) Act 2004 to ban the manufacture, sale, possession and use of all snares. Again, the petition has been in front of the committee previously. Do members have any comments on how we should handle it?

**Bill Butler:** We should keep the petition open. I do not know how colleagues are minded but, like the petitioner, I am not satisfied with what we have got so far. We need to write to the Scottish Government, seeking specific responses to a number of specific points. How, for example, did the Government seek to obtain the views of all the relevant animal welfare organisations on the proposed regulations, which will, we are told, be laid before the summer recess? Is it satisfied that its policy represents the views and positions of wildlife organisations and other bodies such as Scottish Natural Heritage? Finally, what public support has there been for the Government's policy on the use of snares? I believe that there has been very little; indeed, I think that the public are overwhelmingly opposed to snares.

There is real concern that mere regulation is not enough. I tend to be a bit prejudiced on the issue—I think that the petitioner is correct that mere regulation is not enough and that there should be a ban. Setting that aside, there are specific questions to be asked and the committee should ask them.

16:30

**John Farquhar Munro:** I agree with Bill Butler that the proposed regulations are not at all clear. If snares continue to be used, we will be promoting a cruel sport. I have seen snares cause terrible carnage. Animals have been snared and have died an agonising death simply because the snares were unattended for so long. I agree whole-heartedly with Bill Butler that we should keep the petition open and try to get far more information than we have at present.

**Robin Harper:** We need to consider whether the consultation processes that the Government uses are sufficient—there is evidence that they were not in this case. We should also consider alerting the Rural Affairs and Environment Committee to the existence of the petition and let the committee know that the petition may be referred to it, once the expected regulations have been laid.

**Nanette Milne:** I have no problem with the petition being kept open or being referred to the Rural Affairs and Environment Committee, as Robin Harper suggests. However, I have received an e-mail—I do not know whether it has been sent to all other members—from the Scottish estates business group, which comprises organisations such as the National Farmers Union Scotland, the Scottish Countryside Alliance and the Scottish Rural Property and Business Association that are involved in the control of targeted species. The group points out that a great deal is currently being done to develop a training course, with accreditation, in the correct use of snares and to develop snares that will not cause the sort of problems that John Farquhar Munro mentioned. It is important that we take note of that on-going work.

I fully understand the public's reaction to snares and do not like to see any cruelty to animals. However, the people who are at the coalface are doing their best to minimise any suffering in a procedure that they see as necessary to the proper running of their estates.

**The Convener:** There are several issues that we want to pursue; the responses that we receive will determine our subsequent course of action. I am sure that all members have received the e-mail to which Nanette Milne refers; I received it the other day. The petitioner and organisations

supportive of the petition have also submitted further material. There are firm views both for and against snares; we have had a chance to hear some of those. We will seek further information on the issues that members have raised and keep the petition open while we await responses.

### **Personal Expenses Allowance (PE1125)**

**The Convener:** PE1125, from David Manion, on behalf of Age Concern Scotland, is another petition that we have considered previously. The petition urges the Scottish Government to review the current rate of personal expenses allowance to reflect the cost of living and to allow care home residents to have independence, dignity and a good quality of life. I understand that Age Concern Scotland is aware that there is a Government review of personal expenses allowance and that some of the issues that the petition raises will be considered as part of that. The petitioner is happy for the petition to be advanced in that context.

**Nigel Don:** I assume that we should close the petition on the ground that it has achieved what the petitioner wanted. We should reflect for a few seconds on the fact that the issue of personal expenses allowance might not have been addressed had the petition not been submitted and referred on. It is a small thing, but we have probably been part of the process.

**The Convener:** Apropos our earlier discussion with the panel on the issue of testimonies and whether people feel that they have followed through a process, we can perhaps take on board Ali Jarvis's very good suggestion with regard to the journey of a petition, and whether individuals find it to be a good experience with reasonable outcomes.

### **Advocacy Services (PE1126)**

**The Convener:** PE1126, by Lesley Learmonth on behalf of Enable Scotland, urges the Government to consider and debate the need to amend legislation to ensure that individuals with learning disabilities have an enforceable right to the services of an independent advocate, and that such services are adequately funded.

The petition has come before the committee previously, and the petitioners have spoken to us about their experience in accessing appropriate and effective services, in terms of meeting the needs of the individual. Are there any views on what we wish to do with it?

**Nanette Milne:** I am reading the letter from the petitioner; they seem to think that we have gone as far as we can with the petition. It is clear that the Government is reviewing the Mental Health (Care and Treatment) (Scotland) Act 2003 and has taken the necessary action.

The Government has indicated that it would be happy to meet the petitioners to discuss the issues that arise from the review of the 2003 act. We should follow that through in closing the petition and suggest a meeting.

**The Convener:** That is a sensible suggestion. Are members okay with that?

**Members** *indicated agreement.*

**The Convener:** We will take that recommendation on board.

### **Scottish Agricultural Wages Board (PE1139)**

**The Convener:** PE1139, by John Quigley, calls on the Scottish Parliament to urge the Government to retain the Scottish Agricultural Wages Board as a separate body and to expand its remit to cover all workers in the agricultural sector, including those in private and ornamental gardens and all types of fish farming. Are there any comments?

**Bill Butler:** We should continue with the petition, and write to the Scottish Government to ask whether it wishes to provide an update once a decision has been taken with regard to the on-going review, and to say or to clarify how it has taken into account the issues that the petition raises.

It has been nearly seven months since the consultation and the review of the wages board ended, but no decision has been announced. It is a bit beyond time for us to hear the Government's view, which is important for the petitioner and for those who support the idea of the board. My view is that it is a very good organisation, but we need to know what the Government's view is.

**John Wilson:** I support Bill Butler in what is almost a demand for a response from the Scottish Government on the issue. As he indicated, it is seven months since the review was closed, and the opinions and consultation have been gathered. It would be useful to write to the Government to ask when it expects to report on the outcome of the consultation and when it is likely that any decisions will be processed by the Government in relation to that view.

It is vital that workers in the agricultural industry find out what the future of the board will be, and it is equally important for other workers to find out when they will be covered by the wages board. I fear that the Scottish Agricultural Wages Board could be disbanded in line with the argument that has been made elsewhere that the Low Pay Commission is carrying out sufficient work to cover workers with regard to terms and conditions and the national minimum wage.

It is clear that the historical role of the Scottish Agricultural Wages Board and the work that has been done in relation to it over the past 50 or 60 years has served agricultural workers well. Other groups of workers in related industries could equally be covered under the wages board agreement.

**Nanette Milne:** We should keep the petition open, but I agree with John Wilson that perhaps we should put pressure on the minister to reach a conclusion.

I can understand why it is taking a long time to make a decision, because this is a controversial issue. There are strongly held opinions on both sides. Perhaps we should nudge the minister along towards making a decision.

**The Convener:** On the ground that we want to keep the petition open, I want to declare an interest in that I am a member of Unite trade union, which it is clear is the author. That covers other members who are also members of the same trade union.

### Community Prisons (PE1150)

**The Convener:** PE1150, from David Wemyss, on behalf of Aberdeen prison visiting committee, calls on the Scottish Parliament to urge the Scottish Government to consider whether large prisons that are remote from prisoners' families offer the best way of rehabilitating offenders or whether, as an alternative, localised community prisons should be supported much more strongly to maintain genuinely easy access to family links and other community virtues.

This matter has been raised by members and we had a chance to consider the petition and take information from individuals on affected areas. How do we wish to deal with the petition?

**Nigel Don:** We had a good debate on the subject, which threw some light on the matter and was very interesting. I suspect that we have reached the end of this part of the journey and I suggest that we close the petition in so far as it relates specifically to Aberdeen. We have had the answer from the cabinet secretary about Peterhead and Aberdeen and that will not change. The petition probably needs to be closed on the ground that there is nothing more that we can do with it.

**Nanette Milne:** Has there been follow-up to the evidence that we took in Fraserburgh?

**The Convener:** No.

**Nanette Milne:** We had a very good airing of all the arguments. I think that the petitioners are right and that Peterhead is not the right place to have a so-called "community-facing prison", but it is not

the role of this committee to make that decision. The minister made it very clear in evidence to us that he is aware of all the arguments and I suspect that he will not change his mind. I am not sure that we can do anything further, although I wish that we could.

**Robin Harper:** I draw the committee's attention to my past membership of the Howard League for Penal Reform.

The problem is that the responses from the Government do not answer the question that was posed in the petition, which is whether localised community prisons should be supported much more strongly to maintain genuinely easy access to family links and other community virtues. The Government's answers give information on what is happening but no indication as to whether there will be any change in the future. Certainly, as has been pointed out, there will be no change in the north-east.

There is a sense in which it would be justified to continue the petition because the petition has not been answered by the Government or by what is happening. However, we know that the answer will be that the Government has no long-term intention of considering whether there is any future for a policy of introducing community prisons. If we close the petition, I would like us to write to the Government and ask it to state yea or nay on whether it will consider the introduction of community prisons at some time in the future as a more enlightened policy.

16:45

**Bill Butler:** I sympathise with the petitioner and with what Nanette Milne and Robin Harper have said. I feel that it would be useful to keep the petition open, even though it is almost certain that the Government will not change its mind. However, we could write again and ask the Government—as Robin Harper suggests—to state clearly its position on community-facing prisons. The Government has not yet done that. The petitioner and those who have supported the petition are at least entitled to a clear statement of Government policy on the issue. The Government has already stated what it is going ahead with, but we should keep the petition open on the basis that we need—for the record and for the sake of the petitioner—the Government to state that it will not, in the foreseeable future, go ahead with community-facing prisons. We are entitled, on behalf of the petitioner, to ask for a statement of Government policy. I do not think that I have to move a motion to that effect—I hope not—but we should keep the petition open.

**Nanette Milne:** I have already said what I feel about the petition, so I will simply withdraw my

suggestion of closing it and go along with what has been said.

**The Convener:** I understand that some members feel that we have reached the end of the road and have gone as far as we can with the petition, and that other members feel that we could still chap a door. We are probably at the chapping-a-door stage.

From memory—although I am terrible at remembering things nowadays—I think that when the minister was here he spoke about the envelope of resources within which he had to work. However, potential future resources will affect future decisions in spending rounds, and different priorities will always emerge. It might therefore be worth keeping the petition open so that we can explore one or two of the points that members have raised. We should ask whether community-facing prisons are a future option that the minister might consider. We could do that without asking him to limit his room for manoeuvre, because during spending rounds there is always a game of poker among ministers, involving careful calculations.

On balance, I would suggest that we keep the petition open at the moment. However, there will come a time when we have to make a final decision on the extent to which the committee can influence the decisions and the direction of travel of the Government.

**Robin Harper:** I thank Bill Butler for taking my modest proposal that little bit further.

**The Convener:** Jonathan Swift would have been proud.

**John Wilson:** I agree with Bill Butler about asking for the Government's position on community-facing prisons to be put on the record. I hope that it would be fairly straightforward for the Government to respond to such a request because, as you say, the minister has already given evidence to the committee. Once we have received a response, we can consider closing the petition.

**The Convener:** I thank members for their patience. We will keep the petition open and explore the issues.

### **Forensic Services (PE1226)**

**The Convener:** The final petition today is from Chris Morran. It calls on the Parliament to urge the Government to ensure that the Scottish Police Services Authority board consultation process on the provision of forensic services is open, fair and transparent, and to ensure that all relevant parties are fully engaged in the process.

Brian Adam is here and I will invite him to comment. However, we have heard from the petitioner that he feels that the process has concluded.

**Brian Adam (Aberdeen North) (SNP):** The committee's clerks would have advised Mr Morran that the wording of the petition should refer to national issues, but the issue that undoubtedly precipitated the petition was the position of the forensic laboratory and the fingerprint bureau up in Aberdeen. I am delighted—and, having seen e-mails that staff in Aberdeen and their representatives have written, I know that they are delighted—that the SPSA appears to have had a significant change of heart and is now adopting a national strategy. I hope that it can meet high international standards of quality assurance and have a comprehensive national strategy for the delivery of its services, but that it can also ensure that those services continue to be delivered locally.

I appreciate the role that the committee has played in the reaching of such a reasonable and successful conclusion to this petition.

**The Convener:** On that positive testimonial, we will close the petition.

**Nanette Milne:** Taking on board the suggestions made by Brian Adam.

**The Convener:** Yes.

## **New Petitions (Notification)**

16:50

**The Convener:** Item 4 is the notification of new petitions that have been submitted to the committee. Are members content to note the new petitions?

**Members** *indicated agreement.*

**The Convener:** Again, I thank members for their patience; this afternoon's shift has been fairly long. Our next meeting will be held here on 5 May.

*Meeting closed at 16:50.*





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