

PUBLIC PETITIONS COMMITTEE

Tuesday 5 May 2009

Session 3

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PUBLIC PETITIONS COMMITTEE

8th 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 :

Andrew Bailey (Pars Supporters Trust)

Claire Baker (Mid Scotland and Fife) (Lab)

Sarah Boyack (Edinburgh Central) (Lab)

Christine Grahame (South of Scotland) (SNP)

Margo MacDonald (Lothians) (Ind)

Michael McMahon (Hamilton North and Bellshill) (Lab)

John Park (Mid Scotland and Fife) (Lab)

Deborah Paton (Pars Supporters Trust)

Stanley Player

Stephen Taylor (Pars Supporters Trust)

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

Franck David

Linda Smith

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 5 May 2009

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

New Petitions

Football Stadia (Safe Standing Areas) (PE1248)

The Convener (Mr Frank McAveety): Welcome to the eighth meeting in 2009 of the Scottish Parliament's Public Petitions Committee. I thank everyone for their attendance. We have received no apologies, but one member may be late because of another committee commitment.

I say to everyone in the room that all mobile phones and other electronic devices should be switched off.

Agenda item 1 is new petitions. We have five new petitions to consider. Members have copies of them and the supporting information in the papers that were issued for the meeting.

The first petition is PE1248, by Stephen Taylor, on behalf of Dunfermline Athletic Supporters Society Ltd. The petition calls on the Scottish Parliament to urge the Scottish Government to reintroduce safe standing areas at Scottish Premier League football stadia to give professional clubs the option of having seated or standing areas at their football grounds. I welcome to the meeting Stephen Taylor, Andrew Bailey and Deborah Paton. John Park MSP has also indicated an interest in the petition.

Stephen Taylor has two or three minutes to speak to the key points in the petition. He can then respond to questions from members of the committee. Andrew Bailey and Deborah Paton should feel free to speak when appropriate.

Stephen Taylor (Pars Supporters Trust): On behalf of the Pars Supporters Trust, I thank the committee for giving us an opportunity to speak to it. That opportunity has lifted our campaign's profile and given us a boost. I hope that it will give us a good platform as we proceed. I also thank the parliamentary support staff for their help in getting us this far and John Park for his support.

Why do we want safe standing areas to be reintroduced in top-class football grounds in Scotland? I think that it is generally accepted that we have seen a bit of a decline in support at football matches in Scotland in recent years. Even visits by the old firm to provincial clubs do not

necessarily guarantee ticket sell-outs now. Many factors are involved—the standing/sitting debate is only one factor to consider—but it is clear that we need to draw supporters back to the game.

Football has a major economic influence in Scotland. It supports many businesses and jobs throughout the country and is therefore extremely important.

The Scottish Football Association's licensing rules for member clubs impose minimum standards in all aspects of running a professional club. They include the minimum 6,000-seat rule and the no-standing rule for Scottish Premier League clubs. Many clubs have put themselves into severe financial difficulty to comply with the all-seated rule. They include our club, Kilmarnock Football Club and Inverness Caledonian Thistle. I think that Falkirk FC is introducing a new third stand as well. We saw the demise of Gretna FC last year. That was partly due to the ground rules, which meant that it had to share with Motherwell FC for a season. That certainly did not help its financial situation.

This time next year, clubs such as Queen of the South, Greenock Morton and Ross County could be in contention for promotion to the SPL, and they might have to spend hundreds of thousands of pounds to upgrade their grounds. That is silly in these difficult economic times. Many of the seats will never be needed, so what is the point of having them?

We believe that there has been a clear reduction in the general atmosphere at football matches. The tone tends to be lower and things tend to be a bit quiet when everybody sits. I think that even old firm fans would say that the atmosphere can be a bit flat in normal, run-of-the-mill games at Parkhead and Ibrox, although it is not in UEFA champions league matches or when the old firm meet at those grounds. We were at Dumfries on Saturday. Queen of the South has one of the largest traditional terracings in the country. It was well populated and safe.

Safety is a major concern in the campaign. We have been asked many questions about safety over the past three or four months. It is a bit of a coincidence—an unhappy coincidence in some respects—that our campaign has clashed with the 20th anniversary of the Hillsborough disaster. That has caused many questions about safety to be asked.

The Taylor report made it clear that the Hillsborough disaster was not an issue about sitting or standing. The problems at Hillsborough were to do with access to the ground and the fact that supporters were being moved into a caged area that had no escape routes. German football leagues have coped with a mix of standing and

sitting for many years. As ever, the Germans are perhaps technically ahead of us in the style and construction of terracing and seating.

We have reached the stage at which the policing and stewarding at football matches is very much on top of crowd control. Trouble and safety are not really issues in the standing/sitting debate. Standing is not inherently unsafe. What is the first thing that fans do at half-time in an all-seated stadium? They stand up. What do they do when their team scores a goal? Admittedly, it has not happened at Dunfermline all that much this year, but they stand up and jump around. It is not unsafe to stand up. Why is it that we are allowed to stand at a rock concert or a racecourse?

The football authorities have not always shown themselves to be on the side of the supporters, who tend to be a wee bit down the pecking order. We saw that recently, when some international matches were televised on obscure satellite channels. The fans do not always get the attention that they deserve from the authorities. The campaign has already been knocked back by the SFA and the SPL.

We are not looking for mandatory change or new legislation. Enough red tape surrounds football already. What we are really looking for is support from Parliament to give the football authorities in this country a nudge and to get them to consider reintroducing limited safe standing areas.

We are conscious that Henry McLeish will be heading up a new commission on Scottish football. It would be a great plus for us if we could get on to his agenda. It is great that we are achieving a profile here: we have John Park's support and I hope that we will also have that of committee members.

On the issue of where we go from here, to a certain extent we will have to pass that ball back to the committee. We believe that this is a campaign worthy of support and that it has wide support throughout the country, but it is a matter of choice. We do not want clubs to be forced to introduce seating. Individuals clubs should be able to discuss the matter with their supporters.

The Convener: Thank you, Stephen. I invite committee members to ask questions. At the end, if John Park wishes to contribute he can do so too.

Bill Butler (Glasgow Anniesland) (Lab): Good afternoon, colleagues. I have a number of questions. First, Stephen, you said that there is wide support from other clubs and supporters organisations. How do you know that, and how wide and profound is that support?

Stephen Taylor: The petition had almost 2,400 signatures from all parts of the country and

abroad. We are part of the Supporters Direct network. Most clubs in the country—Scotland and down south—have set up supporters trusts, which are members of Supporters Direct. We know that there has been tremendous support from other supporters organisations throughout the country. A major campaign in England, which I think is being organised by the Football Supporters Federation, is very much behind us as well.

Bill Butler: You talked about the German experience in the Bundesliga. Have there been any incidents that should give us pause for thought before we support the intent of your petition? In other words, given what you said about Germany being an example that we should follow, is it completely safe?

Deborah Paton (Pars Supporters Trust): I have found no notable recorded incidents of any form in Germany. Within the past two months, there have been recorded incidents in all-seater stadia in Africa, which goes against the idea that all-seater stadia are safe. The two major incidents in world football have been in all-seater stadia. We are not aware of anything in the German league to cause any concern.

Bill Butler: Stephen Taylor mentioned Hillsborough, and you explained why you do not think that that is a correct analogy to the intent of your petition. Am I right in thinking that what you are asking for would only involve part of a football ground? The Ibrox disaster—for those of us who are old enough to remember it—was to do with people standing up and there being too many people. I remember that, when I was a kid, there was a great atmosphere. There were about 110,000 people at the old Hampden Park when Denis Law scored the equaliser against West Germany in 1969—it was exciting, but a wee bit intimidating. Am I right about what you are asking for?

Stephen Taylor: Absolutely—we are not looking at going back to where we were. We are looking at probably quite limited standing areas, whether they would be a small corner or a section of an existing stand. Some of the major German stadia—including those of some of the top clubs in the Bundesliga—have some terracing that can take up to 20,000 supporters. I do not think that any grounds in this country would really stretch to that, other than perhaps the two old firm grounds. We are not suggesting that we go back that way. The facilities at football grounds have moved on tremendously in the past 30 to 40 years, and we certainly do not want to do anything that would be viewed as a backwards step.

Andrew Bailey (Pars Supporters Trust): One aspect that must be considered is the situation in the German Bundesliga. In a lot of cases, the fans are self-regulating and self-policing; it is actually

the fans who regulate the safety in the stadium—they take individual and collective responsibility for that.

Bill Butler: Does that always work?

Andrew Bailey: It appears to work in the majority of stadiums in the Bundesliga where the fans do that.

Bill Butler: That is not the question. The question is whether self-regulation—fans regulating themselves—always works.

Andrew Bailey: In the majority of instances that we have looked at, Borussia Dortmund is a keen example of where it actually works: the fans take responsibility for ensuring that the gangways and exits are clear.

Bill Butler: I accept that, but again I come back to my previous question: does it work in all cases? Can you guarantee that?

Deborah Paton: We cannot guarantee that, but we are not asking for self-stewarding—we would continue to work with the police and the stewarding forces to have a safe standing area covering approximately 10 or 20 per cent of the ground. We are not considering going back to terracing en masse.

Bill Butler: I thank Deborah Paton for answering my question to Andrew Bailey.

Robin Harper (Lothians) (Green): In my many years of experience in attending football matches—and rugby matches, for that matter—I have often regretted the passing of the standing areas, because the atmosphere is different. I am happy to accept that as a strong argument.

Most of my questions have already been answered, but I have one further question. You have quoted evidence only from Germany at the moment—do you have evidence from other football leagues in Europe? Do you intend to look at other leagues to back up your arguments?

Deborah Paton: It is an on-going process. We are looking throughout the world to find out where safe standing areas have been introduced. A lot of countries have not moved to all-seater stadia, so there are still a large number of terraces out there. The situation in Germany is the most obvious example, and we have quite a lot of information about that, but we are continuing to look around. I cannot give you any more information than that at this point—sorry.

Robin Harper: More research would be appreciated by those people who might be on your side.

Anne McLaughlin (Glasgow) (SNP): I was quite impressed when I read the petition—you have done your homework on the subject. It was

persuasive for me when you mentioned the possibility of Greenock Morton getting to the SPL.

The Convener: That is an ambitious commitment.

Bill Butler: It is a five-year plan, convener.

Anne McLaughlin: There are two other things that I found persuasive in your arguments. One was the analogy of a rock concert, which made me think. You are right: at rock concerts people can either be seated or standing, and concerts are often held in football stadia such as Hampden Park. I am interested in that argument and the fact that you are not talking about making standing areas mandatory.

What concerns me, however, is that you state that the Taylor report says that the Hillsborough disaster was not to do with whether there was seating or standing. In the part of the report that discussed how to achieve overall safety, Lord Taylor said:

“I am satisfied that seating does more to achieve these objectives than any other single measure”.

That implies that he was citing the fact that the stadium was not all seated as a cause of the disaster. Do you dispute that he is saying that? Am I interpreting it wrongly? If I am not interpreting it wrongly, I will be interested to hear your comments on that statement.

14:15

Stephen Taylor: I take your point. We all accept that sitting down tends to lower the temperature and subdue the atmosphere in grounds; for a start, you do not get the same movement. However, I maintain that the basic problems that arose at Hillsborough—as with the Ibrox disaster, which was mentioned earlier—were more to do with entering the ground. Once you get people into the safe standing or sitting area, there are usually no problems. Of course, there are other major factors such as policing and stewarding, the design of stairways and so on. As I say, though, I accept that seating is a contributory factor, which is why we are not saying that we should go back to the massive terracing that we had in the past. We are simply saying that there should be fairly limited, well-controlled and well-maintained areas.

By the way, Dunfermline are playing Greenock Morton tonight. They could be in trouble.

Anne McLaughlin: You have got no chance.

Stephen Taylor: Speaking of which, I point out that at Greenock Morton's ground the terracing opposite the main stand has seating with standing behind it. That is quite unusual; I do not think that any other ground in Scotland has that.

The Convener: That is for Greenock Morton's escape committee.

Nanette Milne (North East Scotland) (Con): Have you discussed your plans with the police? If so, what response did you receive?

Stephen Taylor: We have not spoken directly to the police, but we have taken the matter up with Dunfermline's stadium manager, who is the main liaison with the match day commander. We realise that we are going to have to talk to the police at some stage; after all, we can do all this work and get everyone on side, but if the police say no that will be the end of it.

Nanette Milne: That is what was going through my head.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): You have made some good and interesting points but, when I watch a football match on the television, I cannot tell whether the spectators are sitting or standing. In fact, they sometimes have a great big flag on top of them and I simply do not think that any of them can see the match. What are the benefits of standing as opposed to sitting? Surely if the spectators do not have a clear view, it does not matter whether they are standing or sitting.

If you replaced a seating area for 500 people with a standing-only area, would that increase or reduce a ground's capacity?

Stephen Taylor: That might be a relevant issue to discuss with the police or, indeed, the SFA's licensing committee. Such a move could reduce a ground's capacity, because we are not looking for a return to the days when everyone was hemmed in shoulder to shoulder, but I cannot say for certain.

Deborah Paton: Some top-class games will always have a capacity crowd, but I think that, in the 12 years that East End Park has been an all-seater stadium, it has been filled to capacity only twice. There are always lots of empty seats. As a result, even if capacity were reduced, we would not expect it to have a significant financial effect on the club.

The Convener: I suppose that this applies to other clubs such as Greenock Morton and Partick Thistle that hope to get into the Premier League, but if Dunfermline were promoted how many fans would you like or expect to see in a standing area? I imagine that the average attendance at one of your home matches is 4,500 to 5,000.

Given that the petition is on behalf of the Pars Supporters Trust, why have fans been compelled to express themselves on this issue? Is it because of concerns about the SPL's punitive conditions for entry into the league, which have made it difficult for clubs to survive economically? Indeed, a

number of clubs have had to make difficult decisions that have had various consequences.

Deborah Paton: There are three key issues to address. First, I have to say that we would love to have gates of 4,500 at our football matches. The figure is probably closer to about 3,000.

The Convener: But if you were in the Premier League—

Deborah Paton: In that case, the answer is yes; we would hope to get 4,500 to 5,000 at Premier League matches. It would be great to get 10 to 20 per cent of home fans in the standing area; certainly a pilot that involved 10 per cent would be a good way to go.

As we have already made clear, we feel compelled to bring this petition to the Parliament because of the financial implications that the issue has for clubs. Our club has already been through this process, and our stadium is now all-seater. Of course, reversing that would have financial implications that would have to be dealt with, and the truth is that, at the moment, our club would be unable to cover the costs.

As Stephen Taylor has pointed out, fans are the customers of Scottish football, but they have no choice at games. That is causing ructions between different fans, because those who choose to stand in inappropriate places block the view of the people who want to sit down. We want to give all fans the opportunity to enjoy the football experience in their chosen environment.

I cannot remember what the third issue was.

Stephen Taylor: We are probably talking about having 500 in the standing area. We do not want to go back to the old days when several thousand people might have been standing in one area. Quite a lot of supporters have got used to sitting, and we do not expect all of them to get back on their feet again.

Deborah Paton: That reminds me of my third point, which is about atmosphere. A couple of months ago, when we played in the quarter-final at Pittodrie, all the Dunfermline fans were standing and the atmosphere that was generated was—rightly or wrongly—totally different from anything that we have experienced recently. Of course it was wrong for them to be standing, but there was a better atmosphere. As a result, we feel that it would be better to give fans the choice of going into a safe standing area.

John Park (Mid Scotland and Fife) (Lab): I have to say that I prefer to sit at matches, particularly when I bring my children along. However, if you are in the north stand at Hampden at a Scotland match, you have no option but to stand, because the vast majority of the people are on their feet. In fact, I would argue that at Scotland

matches the whole ground stands, apart from the fans in the main stand. That gives you some idea of the challenges that face police and stewards and the issues that can arise between supporters.

Perhaps I should give the committee some background about the Pars Supporters Trust. It does a lot of work in the club—for example, it generates a lot of income for youth development, represents supporters' views and so on—and I am pleased to support not only its petition but its work in general.

Members have helpfully highlighted certain issues that the trust will have to reflect on. For example, Anne McLaughlin made a pertinent point about Justice Taylor's 1989 report about Hillsborough and the fact that at that point the only solution for improving safety in grounds was to introduce seating. However, the culture of supporting football has changed a lot over the past 20 years: for example, more families attend matches than ever before. The grounds, and particularly access to them, have improved and the police, the stewards and the authorities have more of an understanding about crowd control.

The trust is looking for a number of things, and I know that their proposals have wider support from football fans. However, the authorities need to take a closer look at the issue. It would be useful if it could be covered in the upcoming review of Scottish football and, indeed, if it could be examined by some of the other parliamentary committees.

John Wilson (Central Scotland) (SNP): As John Park made clear, it is interesting to compare what happens at football games nowadays, with families and children going along, with the joys and pleasures that I experienced at Saturday afternoon games 30 or 40 years ago and my expectations of what was going to happen either behind or in front of me.

I want to draw out comparisons with the Bundesliga, where the witnesses said the fans police themselves. I suppose that one question is whether there is confidence that the fans would do that in a standing-only terrace in Scotland. The fact is that not every fan is like that—as John Park said, at a Scotland game you could end up standing for the whole 90 minutes because the fans in front of you were standing. That detracts from the pleasure of people who bring their families and young children along to enjoy the game. If someone who is 6ft 6in is standing in front of a child, who is seated or is standing in order to look over that person, their view of the game is completely different. I remember that on the terraces parents had to lift their children on to their shoulders to enable them to watch the game. We need to ensure that the pleasure of watching the game is retained, and we should not assume

that self-policing on certain terraces is the panacea that will allow us to move forward.

A number of changes have taken place in football grounds, including in the use of alcohol. The facilities that are available in some grounds now are a lot better than those that were available 30 or 40 years ago, but there needs to be self-policing among fans. If we have standing areas in grounds, how will we regulate them? Will football clubs and police authorities have to put more people in situ? The Ibrox disaster, which has been mentioned, was caused not by people standing on the terraces but by people trying to get back up stairway 13 because a last-minute goal had been scored; there was a crush on the stairway, not on the terraces. We must regulate to ensure that we do not have another such disaster.

One criticism at Hillsborough was that the police and stewards let more and more fans in, so that people had to escape the crush that was taking place. Can we guarantee that that situation will not arise again on standing terraces, especially at some of the smaller league grounds, if 20,000 fans are outside trying to push their way in and the police or stewards decide to open the gates to allow more in?

Deborah Paton: You have raised two key issues—thank you for making those points. You mentioned the change that has taken place in the past few years, in that more families now go to football matches. When I went to the football 30 years ago, I went with my dad. His choice was to take us to the main stand, so that we were not on the terracing. The crux of the petition is to give people choice, which is no longer available—fans currently have no choice but to sit.

I do not want to take the discussion too far into the issue of self-regulation. The petition is not about that—it is about working with the authorities to ensure that there is a small, safe standing area in which we can create some atmosphere in a sport that is struggling in this country.

Stephen Taylor: You have given us a perfect example of why we need dedicated standing areas, so that people do not stand where they should not and block the view of families and others. Our campaign started partly because youngsters were standing up and other people could not see.

The Convener: A fair number of questions have been asked, and the answers have been thorough. You know that this is a sensitive issue, as we have just had the 20-year anniversary of a terrible tragedy that occurred elsewhere in the United Kingdom; we have also had our own tragedies in Scotland in the past 30 or 40 years.

I am trying to get a sense of the dimensions of what is proposed. You identified a couple of issues

that are subject to on-going review by the SFA; we can discuss whether we want to refer the petition to that review. There are other issues relating to the legislative framework and the SPL's criteria for the condition of grounds and the nature of pitches. I invite members to indicate how they think we should proceed. We can then pull together and act on the suggestions that are made.

14:30

Bill Butler: It has been an interesting session that has cleared up matters for me and, I hope, for other members. I think that we should write to the Scottish Government. I know that it has said that it has no plans to review the current policy on all-seater stadia but, when we write to the Government, we could perhaps ask whether there are any circumstances in which it might hold such a review. We could ask it what representations it has received on the issue from football clubs, supporters organisations, the police and other interested parties.

Health and safety is important, so we should perhaps write to the Health and Safety Executive for its views on whether standing areas should be reintroduced, albeit on a restricted basis. Is there any evidence of a causal link between standing and accidents at football stadia? It would be helpful to know about that.

Nanette Milne: I would like to follow up my question to Mr Taylor by asking the police what they think. That would probably mean writing to the Scottish Police Federation and the Association of Chief Police Officers in Scotland to seek their views.

Robin Harper: We should ask them to acknowledge that an increasing problem is being caused by people standing in seating areas.

The Convener: We should refer the petition to the McLeish review, which will perhaps have some discussions on the matter. It might be asking too much of the review to find solutions to all the issues that face Scottish football, however.

I am intrigued by the question that has been raised. Watching coverage of the Bundesliga, I am struck by the numbers of people and the atmosphere. There are still big attendances at games in Germany, where access to football matches is still relatively inexpensive compared with Scottish or British football. I would be interested if the Scottish Parliament information centre could provide us with an overview of the issues from around the world, including Germany—an advanced European nation with similar infrastructure characteristics to ours. It is a good example to consider.

There could also be a discussion with the SPL and the Scottish Football League about whether there is any flexibility on interpretation regarding the nature of football grounds, given that the requirements have caused clubs difficulty in the recent past and bearing in mind the economic climate that clubs face and its effect on attendances. There will continue to be pressure on clubs.

Anne McLaughlin: I suggest that, when we write to the Health and Safety Executive, and possibly when we write to the Government, we ask why the rules are different for rock concerts, particularly given that they are often held in football stadia.

The Convener: Okay.

John Wilson: I am not sure whether Supporters Direct or the Football Supporters Federation have been mentioned. It would be useful to get the views of the fans, too, and to see whether there is a general demand for the reintroduction of standing areas. In particular, I would like to draw out the views of the fans who support the petition on family attendance at games. We must bear it in mind that we are trying to widen out football to bring in the younger generation, not only to view and support the game but to participate. It would be useful to find out whether any difficulties are foreseen with younger children. There used to be parent-and-child terraces in many grounds—but that is going back a few years ago now.

The Convener: I think that we have gone through all the issues, so I will explain what happens next.

We will explore the issues further, and the petitioners will be kept fully up to date on what happens. The petition will return to the committee once we have received the responses. Although you do not have the opportunity to speak directly to the petition again, given that you have had this involvement today, the MSPs who express an interest in a petition often come back to the committee to follow through on the issues. You will also be invited to the committee when the petition is considered again, although, as I have said, you cannot participate directly at that stage.

I hope that we can explore some of the issues further. I thank the petitioners for their time. They have raised an issue that people wish to be explored further, and I hope that we can assist with some of that discourse.

Holiday and Party Flats (Regulation) (PE1249)

The Convener: PE1249, by Stanley Player, calls on the Scottish Parliament to urge the Government to introduce a statutory duty on

landlords who offer properties for short-term, holiday and party-flat lets to register the properties as such; and to comply with all necessary houses in multiple occupation, noise, safety and environmental regulations. I welcome to the meeting Stanley Player. Sarah Boyack MSP has been raising the issues, and we have a letter from Shirley-Anne Somerville MSP about the impact of party-flat lets in the Lothians. I am aware, however, that such flats are a feature in cities throughout the country. I invite Stanley to speak to his petition.

Stanley Player: There seems to be confusion between the terms “holiday lets” and “party flats”. The term “holiday let” sums up a nice little place in the country, or even a festival flat, where visitors stay while they take in the city, go out and see shows and have a nice time. There seems to be a suggestion that we are somehow trying to stop the Edinburgh festival existing. I was born in and live in Edinburgh. I was there at the start of the festival, which is wonderful. Nothing is going to stop the festival; a couple of little laws will not stop it going ahead. We need some sort of link between the public and the party flats.

Party flats cause a lot of noise, misery and fear—fear of parties starting up at all times of the morning. We are woken up by parties at 1, 2, 3 or 4 o'clock in the morning. There is no one we can call. We can call social services, but they do not seem to react to such situations. If I phone the noise team and say that there are 15 people up in the top flat creating a rammy, they say that it is a police matter—I might have already waited an hour to get through. Meanwhile, the police arrive and ask what we are doing about the situation. I tell them what the situation is and what I am doing to try to stop it. They tell me that I am doing all the right things and then they walk away and leave me. There is nothing to stop these situations.

The situation is not unique to Edinburgh. It is not unique to our street; it happens in the centre, the old town, the new town, the suburbs and Leith. Everybody is having problems with party flats. I have here an article that explains that Glasgow has exactly the same problems that we have with noise and people being sick and urinating in the stair. If you live in a stair and someone rings the bell at 2 o'clock in the morning, it gets you up and you have to answer the door. That is when the problems start.

I have just received a letter, which I am sure that committee members have received, too, about Sapphire Point in Lochend Road. There are 52 flats in the development, of which 42 were bought by one person. They have now become party flats. That means that the remaining 10 residents have to put up with all those parties going on. That must be absolute hell on earth to live with.

It is hell for us, too. Busloads of people arrive and they all go up to a small flat that has wall-to-wall beds. The problems are absolutely horrendous. People come in and go out at all times, with doors banging. We cannot get our sleep because we are disturbed.

The situation is deplorable and we cannot seem to do anything about it. Whatever authorities we call do not seem to take any notice. I am looking for some sort of legislation to rectify the situation.

The Convener: I invite Sarah Boyack to comment, from the point of view of a constituency member who receives complaints about the issue from constituents.

Sarah Boyack (Edinburgh Central) (Lab): I first heard of the concept of a party flat just over a year ago. As Stan Player said, Edinburgh has a long history of promoting tourism, so the point is not that we have not previously had tourists staying in the city—we have lots of accommodation that we want tourists to come and stay in. However, a party let is not a short-term let, as the property is let for only a weekend. As Stan Player said, 10 to 25 people can come to a normal tenement flat of the sort that there are in Glasgow and other big Scottish cities. Although those flats accommodated quite a few people in their early days, they did not accommodate as many people as there are in party flats. The people who come for the weekend want to have a good time and enjoy themselves. The issue is not that they hold parties in the flats, but that there is a lot of noise when they arrive, when they get ready to go out and when they come back, sometimes in the middle of the night or the early hours of the morning.

In the past year, I have become much more aware of the issue. In some areas in the city centre, landlords are targeting the market. On the internet, one finds that stag and hen weekends are targeted. It is not good for the name of the city, and there is a particular problem for residents in reasonably busy residential streets, who might have HMO properties near them. The party flats are beginning to tip the balance and the situation has become untenable.

I am also concerned about safety. One reason why the HMO legislation was introduced was that we had fatalities. I worry about the mix of overcrowding, alcohol and people who are here for a good weekend. There is nobody to oversee the situation. The flats are not bed and breakfasts, so nobody is there to check whether people are okay or to ensure that they look after the property. There is a lot of money in these lets, so the issue has become an economic one. We need regulatory checks and somebody to take an interest in the issue. An unintended consequence of the HMO legislation has been to put into

people's minds the idea that they can rent out flats in this way—it has become an attractive and lucrative industry. Many party flats in the city are advertised on the internet.

I am worried about the health and safety aspects for the people who rent the accommodation. I am also worried about other tenants and owners in the stairs where the party flats are. Something needs to be done. It is difficult to involve the police, because they do not regard the activity as illegal. As members know, it is necessary to get somebody to deal with a noise problem at the time, because otherwise the people who are making the noise will be long gone or will have gone quiet. We might assume that the Antisocial Behaviour etc (Scotland) Act 2004 would be a good source of action, but the way in which it is crafted means that it simply enables the Scottish Government to introduce regulations to include party flats or holiday lets—it does not include those at present, so we have ended up with a loophole.

The practice is a new and unregulated economic activity. As the member for Edinburgh city centre, I absolutely do not suggest that we should destroy the tourism industry in Edinburgh, but the problem of party flats must be considered. Neither the antisocial behaviour legislation nor the HMO legislation is easily applicable because, when that legislation was written, the use of accommodation in this way was not envisaged. The loophole must be examined, and I hope that the committee is interested in doing so.

Marlyn Glen (North East Scotland) (Lab): Committee members will have sympathy with the points that have been made, particularly those on noise nuisance, safety and antisocial behaviour. However, in our briefing, there are comments about responsibility for repairs. Will you comment on that, too?

14:45

Stanley Player: These people do not seem to exist. We have tried to have a conversation with them but, when we arranged a meeting with them, they did not turn up. Three other residents and I went to the police station, where the owner of the party flat had agreed to meet us, the police and someone from social services. However, the owner did not turn up. That is extreme arrogance and is the type of thing that people have to put up with when dealing with the owners of these flats.

On the issue of repairs, you can imagine what happens when you have 20, 30 or 40 people in these flats, all using the facilities, toilets and showers at the same time. A lady at the bottom of number 31 was nearly drowned in sewage because 25 girls were in the party flat and the

shower seemed to clog up—the flat even ran out of water. The flats were not built to deal with that sort of situation.

Marlyn Glen: I know that people in tenements often have difficulty getting other residents to maintain the communal areas, such as the stairwells. Is that a particular problem for you?

Stanley Player: We are fortunate enough to have our own private garden at the back, but all we get is cigarettes coming out of that flat—they are not stubbed out; they come down lit. What happens in the flat when they are smoking? Do they drop cigarettes down the back of chairs and so on? The idea that there might be a fire terrifies us.

Most of the party flats are on the top floors of tenements, which means that you get 20 or 30 people going up and down the stairs at all times of day. Where is the sense in that? There is no legislation to say that the flats cannot be used in that way. That is our problem.

The Convener: When did the problem start to kick in? Did you previously have a fairly stable environment in the tenement and notice a substantial shift in the past year or so, following the purchase of certain properties? That is a problem across all our cities. People no longer know who lives in their neighbourhood or residential area, and they can feel quite insecure when they find that they do not recognise the faces of people who live around them.

Stanley Player: The problem has been going on for a long time, but it seems to be gaining momentum. I have had letters handed in to me about the situation in the city. The woman who wrote to me from Lochend Road is having terrible problems. She has a young family and has to deal with appalling noise and disruption.

As you say, it is not only Edinburgh that is experiencing this problem. The same thing is happening in Glasgow and even England.

The situation is intolerable and something must be done about it. If we go on like this, the problems will escalate and become more serious. The people in the flats are unattended, and I do not know whether the flats are covered by fire regulations and so on. We telephoned the fire brigade to ask about that and, although we got a response, no one ever arrived to inspect the situation.

The problem must be brought under control. The fire brigade, the police and the social services must be brought into the situation, or there will be a serious accident.

Anne McLaughlin: I sympathise with you and support your call for the Government to consider ways of tackling the problem. When I lived in a

tenement flat, I had an antisocial neighbour. Every six weeks or so, he would play his music all night long—I would not have minded if I enjoyed the music, but I did not. At the time, I realised how hard it is if people cannot shut the door behind them and just relax in their own home. The situation was utterly stressful. I knew the man very well, but I found it extremely difficult to go to his door. If that is how I felt, I can imagine that you find it almost impossible to face a group of up to 25 strangers. When I went to his door, he would not answer it, and the music would go off eventually. He would avoid the neighbours for a week, and the following week he would look pretty sheepish when he saw us. That was because he knew us, but you are dealing with people who are going to disappear in a day or two, so they do not need to try to maintain good, neighbourly relations with you. That makes things much more difficult for you. Further, people who are on holiday or are away for a night or a weekend with their friends are much more likely to behave badly than if they are in their own home. People tend to go a bit wild on holiday—they will stay up later and drink more.

Another issue is that some of the people who are causing the problems that you are talking about might not realise that they are doing so. I had friends who had a party in an apartment in Edinburgh that they had rented for the weekend. However, one of the neighbours came to the door at four in the morning and said, “Could you just stop, please? We have work to do tomorrow.” My friends were horrified because they thought that all the flats were holiday flats; they did not know that there were residents who lived there all the time.

The fact that you are dealing with people who do not have any requirement to build up a relationship with you as a neighbour makes things difficult. It is difficult enough to maintain a tenement when everyone in the flats lives there all the time, but your situation is much worse. I support your call for the Government to consider how to tackle the problem, because that is no way to live in your own home.

Stanley Player: You are quite right. We have a great problem trying to get something done about the flats.

There is a website called *hen Edinburgh*. Is that how we want Edinburgh to be known? We have nothing against these people coming to the city for hen nights, stag nights or anything like that. However, we have hotels that they can stay in. We have a 200-bed hotel at the bottom of our garden, and we have never had any problems with that. Hen and stag parties use that hotel all the time. Why do they also have to be able to use flats in tenement buildings?

If I rented a party flat, I would go there expecting to party. However, as you have suggested, I might

not realise that there would be people around me who were not on holiday.

You cannot talk to the people who rent the flats because some of them are that drunk that they would not know what they were saying anyway. Some of them have great difficulty finding the keyhole, so they ring every bell in the stair.

That is the sort of situation that we have to cope with. There are times when the party flat is empty, and you are still tense, because you are expecting something to happen. You ask, “Where are they? What’s happened?” You look out of the window to see what is happening. That is the type of tension that these flats create. My children are grown up, but someone with a young family must feel that they are living through a nightmare. We are frightened to ask people around to our house in case a party starts upstairs and we end up with drunks outside our door.

Again, I say that we do not blame the visitors, as they are only doing what they expect to be able to do in a party flat.

The Convener: We should now discuss the ways in which we can respond to the petition.

Bill Butler: Mr Player, would I be right in saying that, at times, you and your neighbours feel yourselves to be prisoners in your own homes?

Stanley Player: Yes. As I say, you cannot go and confront them. One of our neighbours did that, and the police came the next day to see him—not about the party flat but about him confronting the neighbours. There is no way out.

We cannot define a party flat as being the same as a holiday let. They are two different things. They are complete opposites. There is no way that party flats should be able to operate without rules and regulations. It might be easier to take action if a clear distinction was made between the two sorts of accommodation.

I stress again that we are not against people having a good time in Edinburgh. Why people who are against our position keep bringing the festival into it is beyond my comprehension. They seem to think that the festival will come to an end if there are no party flats, but that is not the case. Indeed, hotels will be put out of business if people keep opening up party flats, because they are a cheap option—as I have said, you can pack 10 or 20 people in a room.

We do not know what is going to happen next. If there is a fire, drunk people are not going to get out the door; they will just sit there and breathe in the fumes.

The Convener: Margo MacDonald is with us to discuss a later petition, but perhaps she has

something to contribute to this debate—I know that she has lived the life of a Rechabite.

Margo MacDonald (Lothians) (Ind): Thank you, convener.

Mr Player, the type of behaviour that you describe is not acceptable in any circumstances, whether people are in a party flat or not—I say that not because I am a sinner who has repented, but because it is a piece of nonsense to think otherwise. People should not expect to come to Edinburgh and behave in a way that would be unacceptable in their own place.

Since we cannot prevent private owners from letting their property in the short term, perhaps we could have notices in every room reminding folk that there are laws against drunkenness, offensive behaviour, fouling the streets and making other people feel that they do not have the freedom to walk them. There should be wee notices all over the place telling people that if they do not behave properly they will be lifted.

Stanley Player: We cannot get people to act in these situations. What would they do with 25 girls in a flat? They could not put them out on the street, and they could not put them in jail because they would fill up the police stations. What can you do?

The Convener: It is like a lot of things. You will have talked to your pals over the years, so you will know that, for example, the big visit for Glaswegians used to be Blackpool, but they would never consider behaving back home in Glasgow in the way they thought they could get away with behaving in Blackpool. People live colourful lives.

The issue is about the framework that operates around where you live and whether agencies are able to deal with these situations. A recent phenomenon has emerged, with people in different cities purchasing properties knowing that in recent years those cities have emerged as weekend destinations. That has happened as part of the tourism framework—and quite rightly. Those people recognised that there is a market, and they know that they are ahead of whatever legislation is in place; they know there is a gap between the antisocial behaviour legislation and the HMO legislation.

As a result of your petition, we will try to explore whether there are ways—through guidance and interpreting the legislation—that we can do more to try to empower residents so that they have more peace of mind where they live and are not inconvenienced. That is where we want to get to with the petition. I am looking to members of the committee to suggest helpful ways in which we can move the petition forward so that we can try to address the issue that Mr Player and others have raised with us.

Robin Harper: It would certainly be useful to ask a selection of police forces what figures they have. It would also be useful to know whether they record figures for party lets separately. In other words, when they are called out by people in a stair, do the police make a distinction between a disturbance in the stair and a disturbance in a party flat? If they are not doing that already, they should start to do so. That is an important point.

I would ask the police whether they record these incidents separately or as part of a general picture. Any force that records the figures in such a way as to be of assistance to us should be asked to go back over them for the past three years. I am pretty certain that the police might support the petition.

Bill Butler: I am sure everyone around the table has a great deal of sympathy for Mr Player. It is not an Edinburgh phenomenon: it has spread to Glasgow and perhaps it is a Scotland-wide phenomenon. I have an *Evening Times* headline here that says: “Forced Out of Homes by Party Animals”. I have only one quibble with the headline: why bring poor animals into a situation that involves people misbehaving in such an abominable way?

There has to be a close examination of the regulations and whether they can be made more resilient so that they can act on behalf of people who find themselves in the circumstances in which Mr Player and his neighbours—and the residents of Balvicar Street in Queen’s Park—have found themselves recently.

I suggest that we write to the Scottish Government and ask a number of questions: what is the timescale for the review of the licensing of short-term lets, as part of discussions about implementing new rules on HMOs; what assurances will the Government give that the specific issues of short-term holiday and party lets will be fully addressed; and what immediate measures will it take to alleviate the suffering—I put it as strongly as that—that people have to endure because of these so-called party lets.

15:00

John Wilson: The loophole in the current legislation, to which Sarah Boyack referred, must be closed immediately, or as soon as the Government can do so. Mr Player’s example of rooms with 15 beds in them, wall to wall, in a party flat shows how people are flouting the legislation that the Government introduced to prevent unscrupulous landlords from filling up rooms with as many beds as possible. In residential areas, where other residents are trying to live a normal life, that is a dramatic flouting of the legislation.

We need to find a way to close the loophole in the legislation as quickly as possible.

It is also incumbent on us to write to local authorities. Mr Player talked about phoning up the council and trying to get it to intervene on his behalf, as a council taxpayer and a resident, to resolve the situation and stop it happening. There is an onus on local authorities to ensure that people can lead peaceful lives in their own houses without being disturbed by party lets. We should write to local authorities—particularly the City of Edinburgh Council, given the cases in Edinburgh that we have heard about today—to find out how many calls they receive annually from residents who are complaining about the use of party flats.

We should also try to find out whether the City of Edinburgh Council knows how many party flats there are in Edinburgh. There should be a register of HMOs. Does the council know how many flats in Edinburgh are being used as party flats? Does it know about the impact that they are having? If there are 15 or 20 people in a flat that is designed to hold six people at the most, the facilities in the flat will be overstretched and will cause problems for the other residents in the area.

It might be useful for us to ask local authorities whether they have such figures. If they do not, we should ask why they are not monitoring the situation. There is also the issue of why antisocial behaviour orders have not been taken out against the owners of the flats, making them responsible for the behaviour of the people who use the flats.

The Convener: That is a series of constructive suggestions from committee members. We will get a range of views from the police and local authorities on the powers that are available at the moment and the interpretation of the legislation. If we pull all that together, we will have a coherent response to the issues that the petitioner has raised with us this afternoon.

Bill Butler: I have one final suggestion, which arises from what John Wilson said. Can we ask the Government why it has not considered modifying part 7 of the Antisocial Behaviour etc (Scotland) Act 2004 to remove holiday lets, or party flats, as they are popularly called, from the list of exemptions? I think that there is a way, through regulation, to make the 2004 act much more resilient.

The Convener: Okay. Does Sarah Boyack have any final comments to make before we conclude our consideration of the petition?

Sarah Boyack: I thank the committee members for all their questions and their interest. Party flats are a relatively recent phenomenon and an economic opportunity for people who own property.

I have experience of taking people through the process that is set out in the 2004 act. People tend to keep a diary. As members know, it takes months before anything can happen, as proof is required that it is not just someone complaining. Another difficulty with monitoring party flats and short-term holiday lets is that they are not registered in the same way as other properties, and the landlord's details cannot be found as easily. That can be quite intimidating for people. Marlyn Glen asked about common repairs. It gets a lot harder to resolve the situation when the person who is responsible for the property that has created the problem cannot be found.

It would be really useful to address all those issues. I think that, when the legislation was drafted, people did not imagine that flats would be used in the way that has been described this afternoon. That is why the issue needs to be examined reasonably urgently. A relatively small number of properties is involved at the moment, but I worry that the problem will be much bigger in the future if action is not taken.

The Convener: I hope that the discussion has been helpful, Mr Player. We will pull together the responses and notify you in due course when the committee is to discuss the petition next, after it has received the responses. We will continue to raise the matter and we hope to explore some of the issues on your behalf. The committee's questioning indicates our genuine sympathy with the plight that you and other residents face. We hope to find better solutions that overcome some of the difficulties that you have experienced in past years.

Stanley Player: Thank you. I hope that the committee finds solutions, because the situation cannot continue.

The Convener: Thank you for your time.

Sheltered Housing (Self-funded Tenants) (PE1245)

The Convener: PE1245, from John Wood, calls on the Parliament to urge the Government to consider how it will ensure the continued independence of self-funded tenants of sheltered housing whose funds and savings are being eroded by increased costs, for example through the supporting people programme.

We have information on the petition. Do members have suggestions on how to deal with it?

Nigel Don (North East Scotland) (SNP): We need to separate the issues that might be raised. From reading the information that is in front of me, I am not entirely clear about precisely where we are. Mr Wood says that he thinks that he is being charged twice. That seems unlikely, but I will not

disagree with his words. It is more likely that he is being misinformed about charges from different parties, but we need to clarify that.

I am aware from my constituents of another issue, which is that some people find themselves—almost without choice—in sheltered accommodation, where they have to pay from their own means, if they have them, for warden services that they do not need. They might need such services some day, but they know that they certainly do not need them now. The local authority sometimes puts people in such accommodation in a hurry, when no other option exists. Perhaps Mr Wood is not referring to that issue, but that should be teased out in the process.

We can ask the Government what its policy is and what measures are in place to ensure that people who have means do not use their savings unnecessarily to pay for services that they do not need.

Nanette Milne: Age Concern Scotland would have a view on the problem, of which I have been aware for years. We should write to ask Age Concern for its comments on people who are charged for housing support services and on the assessment of people who pay for services.

Bill Butler: It might be an idea to write to ask the Convention of Scottish Local Authorities or at least a selection of local authorities whether the measures that are in place to ensure the continued independence of self-funded tenants whose funds and savings are being eroded are satisfactory and whether any review of the funding arrangements for housing support services is required. That information would help.

Nigel Don: I suggest that we contact Aberdeenshire Council, as the petition comes from its area, and—given the context—Dundee City Council.

The Convener: Those suggestions were helpful. I agree with Nigel Don, who is right to identify the fact that information about the petitioner's circumstances is separate from the debate about the principle. It might help to draw the petition to the relevant local authority's attention and to ask for its experience of the issue. We approve the recommendations on the petition.

Smoke-free Mental Health Services (Consultation) (PE1246)

The Convener: PE1246, from Belinda Cunnison, on behalf of Freedom to Choose (Scotland), calls on the Parliament to urge the Scottish Government to review "Achieving smoke-free mental health services in Scotland: a consultation", which, the petitioner states, contains

factual inaccuracies, thus making the process fatally flawed. We have paperwork on the petition. Do members wish to ask any questions or make any observations?

Bill Butler: We could ask the Scottish Government whether, in its opinion, the statistics and information that it used were accurate, because the petitioner seems to have profound doubts about that. We could also write to ASH Scotland and the Freedom Organisation for the Right to Enjoy Smoking Tobacco for their views. That would give us the whole picture—or, certainly, two particular viewpoints that it would be worth trying to get.

Marlyn Glen: I am interested in the petition because the consultation questionnaire did not seem to take into account the point that some mental health patients perhaps ought to be allowed to smoke in the establishments where they live. People reportedly use smoking to decrease stress and anxiety, and perhaps that should have been included in the consultation.

It might be interesting to write to a mental health organisation such as Scottish Association for Mental Health to ask its opinion on whether it is advisable to ban smoking altogether in psychiatric hospitals and units.

Nanette Milne: I agree. It strikes me that the questions in the consultation are quite loaded, given the circumstances surrounding mental health. If I remember rightly, those circumstances were taken into consideration when we passed the Smoking, Health and Social Care (Scotland) Act 2005. Therefore, we should question the consultation and the petitioner is right to draw it to our attention.

Anne McLaughlin: I agree with Marlyn Glen in that many people with long-term mental health problems who are not ill enough to be sectioned but for whom it would be advisable to go into long-term residential care might refuse to do that if they felt that they could not smoke. However, unless I have got it wrong, the petition calls for the consultation to be reviewed rather than for us to respond to the consultation. It does not express a view on whether people with mental health problems should be permitted to smoke; it focuses on the consultation.

The Convener: It is about the process.

Anne McLaughlin: My point is that we should not do as Marlyn Glen suggested. We should write to ask mental health organisations whether they think that the consultation was accurate rather than whether they think that people should be allowed to smoke.

Robin Harper: To disaggregate the discussion, there are two points. The first is whether people

with mental health problems should have the freedom to smoke, and the other is the challenge to the figures. It is worth observing that the fact that there was a significant reduction in heart attacks—whether 6 per cent, 17 per cent or some other figure—is not challenged.

The Convener: Are we okay to follow through the points that members have raised?

Members *indicated agreement.*

Scottish Courts (McKenzie Friends) (PE1247)

The Convener: Our final new petition is PE1247, from Stewart Mackenzie, which calls on the Parliament to urge the Scottish Government to introduce a McKenzie friend facility in Scottish courts as a matter of urgency.

Margo MacDonald has expressed an interest in the petition. I invite her to comment on it.

Margo MacDonald: I have been interested in lay representation in the Scottish courts for a while. My interest arises out of the failure of Scots law to enact a provision that has been running successfully in England for about 20 years now. That provision allows professional representation rather than legal representation in highly complex technical cases such as fraud cases or cases in which it is necessary to have knowledge of the construction industry. Companies may apply to be registered to provide such representation. Only two or three have registered, but the system works because not many cases of such complexity go through the English courts every year. There would be even fewer such cases in Scotland, but we have failed to enact that legislation, and I have yet to be given a satisfactory explanation why.

15:15

I now find that in civil court cases, for example involving the rescheduling of small debts, people can find it impossible to get legal representation. They might be unable to afford legal representation in a more complex action so they need to represent themselves in court. For the past 39 years, what is known as the McKenzie friend system has been operational in England. That allows persons who are defending themselves to be supported, aided and backed up by expert information or even simple help. For example, having spread out my papers on the table, if I start really to shake, it might be handy for me to have a McKenzie friend to fix my papers. That is the situation in which unqualified persons can find themselves in court. That is the sort of function that a McKenzie friend might fulfil.

As well as being backed by *Which?* magazine and the Consumers Association, the petition

appears to be backed by the European convention on human rights, which is heavy-duty support. The European Court of Human Rights has defined the principle of equality of arms as meaning that

“a party must be able to put forward his arguments in conditions such that he is not put at a considerable disadvantage vis-à-vis the other side”.

If someone is unrepresented in a court, they are at a disadvantage to start off with. That disadvantage is made considerable if they are denied the practical support that I have mentioned.

In essence, Mr Mackenzie’s petition asks that the Scottish courts incorporate the principle and facility of a McKenzie friend as soon as possible. Lord Gill seems to support the idea, so I think that the petition is a serious runner for receiving the committee’s support.

The Convener: Do members have any comments?

Robin Harper: I would be happy to act as a McKenzie friend to Margo MacDonald at any time.

Margo MacDonald: Thank you.

The Convener: You are an old charmer, Robin. A silver fox.

Robin Harper: The idea seems so obviously good and full of common sense that we must pursue it. We should ask the Scottish Government directly whether it will introduce a McKenzie friend facility in Scottish courts and, if not, why not. We can ask whether the matter will be included in the Scottish Law Commission’s eighth programme of law reform.

We could also ask a number of other institutions—including the Law Society of Scotland, the Faculty of Advocates, the Lord President of the Court of Session, the Scottish Court Service, Citizen Advice Scotland, Money Advice Scotland and the Scottish Consumer Council—whether they support the introduction of a McKenzie friend facility and, if not, why not.

Nigel Don: It is worth noting that the McKenzie friend was not introduced by the British Government but was simply allowed by the courts. The matter was tested in the Court of Appeal, which said that the McKenzie friend should be allowed. If members are looking for helpful material, I can point them to a wonderfully comprehensive review—it is dated about 2006—by Robin Spon-Smith, which I found on the internet. He shows how the law has developed in England and Wales and suggests how it could develop in Scotland. We can write to the Government and the Lord President, but it is plainly open to the courts to introduce a McKenzie friend system. They do not need to be told. We probably just need to encourage them to do that. If

Lord Gill's review will encourage the introduction of such a facility, we will probably find that nothing else is needed other than perhaps a nod from the Lord President.

Margo MacDonald: May I respond to that?

The Convener: I will let other members comment before allowing Margo MacDonald to respond.

Bill Butler: I know that, in small claims hearings and certain other sheriff court procedures, parties can speak on behalf of the folk involved. However, if I may play devil's advocate, is there evidence that the McKenzie friend facility works as a support and is not simply superfluous?

Margo MacDonald: There is such evidence from England.

The Convener: You can also respond to the point that you intended to speak on previously, Margo, before I gently cut you off.

Margo MacDonald: To respond to Nigel Don's point, the reason for doing something now is that there has been such a time lag in implementing the provision that has been running successfully in England for expert lay representation in court rather than professional legal representation. It would appear that there is some form in this regard in the Scottish system.

On whether the McKenzie friend facility works, I point out that it has been running successfully in England for 39 years.

Bill Butler: I am not against asking the questions that Robin Harper suggested, but I just wonder about the evidential basis.

Margo MacDonald: Thankfully, it is not up to me to provide the evidential basis in written form. If you want it, I will ensure that Mr Mackenzie knows that the committee would like to see it. However, I think that it is self-evident that using McKenzie friends works, because they are used in England with no complaint.

Nigel Don: I point out to Bill Butler and others that McKenzie friends do not represent and put the case for others; rather, the person representing themselves puts their case and the McKenzie friend simply sits alongside and, as Margo MacDonald said, keeps the papers in order, nods, suggests and gives advice, help and encouragement. This is not to do with advocacy, which is a separate issue that the committee recently debated.

The Convener: We have a series of suggestions to explore. For example, with reference to Nigel Don's comment on the framework of the courts, the clerk has suggested that we could write to the Lord Chancellor's department in England to explore its experience

of, and observations on, the McKenzie friend facility, which might help the dialogue on the issue that Bill Butler understandably raised. Robin Harper's suggestions are helpful, too. Do you have any final comments, Margo?

Margo MacDonald: No, except to say that I think that committee members can see the common sense in the McKenzie friend approach. I sense, too, that the committee wants to know that the facility is not superfluous to requirements, but I think that that can be demonstrated.

The Convener: Okay. I thank Margo MacDonald for her presence for this item. We will have a comfort break for a couple of minutes and a quick cup of tea before we move on to current petitions.

15:23

Meeting suspended.

15:29

On resuming—

Current Petitions

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

Disabled Parking Bays (Improper Use) (PE1007)

Disabled Parking (PE1149)

The Convener: Item 2 is consideration of current petitions. PE909, PE1007 and PE1149 have been grouped together because they relate to the same subject matter.

PE909, from James MacLeod, on behalf of Inverclyde Council on Disability, is on the provision of dropped kerbs and the improper use of disabled parking bays; PE1007, from Catherine Walker, on behalf of Greater Knightswood Elderly Forum, is also on the improper use of disabled parking bays; and PE1149, from Kenny Shand, on behalf of Disability Help Scotland, is on disabled parking bays, too.

Committee members have had thorough discussions on these petitions in the past. We also know that the Disabled Persons' Parking Places (Scotland) Bill recently went through the parliamentary process to become the Disabled Persons' Parking Places (Scotland) Act 2009. The act will require local authorities to enforce a designation of parking bays for disabled persons, and to impose a fine of up to £60 on people who abuse the spaces.

To speed up the process for designating new bays, representations are being made to the UK Department for Transport asking it to amend current legislation in order to allow disabled spaces to be marked without a full individual traffic regulation order. The provision of dropped kerbs is not covered by the bill, but the continuing consultation on designing streets addresses the issue.

John Wilson: Although I agree that we can close PE909 and PE1007, I do not think that PE1149 has been addressed by the 2009 act. The petitioner asked that a disabled parking bay outside an individual's house should be specifically designated for that individual.

I was on the Local Government and Communities Committee as the Disabled Persons' Parking Places (Scotland) Bill went through its stages and I know that, although an individual can request that a disabled parking bay be sited

outside their residence, the bay will not be for the exclusive use of that individual. Any blue badge holder could legitimately park in that disabled parking bay.

PE909 and PE1007 can be closed because the bill has been passed by the Parliament, but we need to keep PE1149 open until we receive clarification from the Government on whether it intends to allow a residential disabled parking bay to be designated as belonging to the individual who makes the application, rather than allowing anyone with a blue badge to use the bay without being in breach of the legislation.

The Convener: Are members comfortable with the suggestion that we close two of the petitions but leave the third one open until we have explored possible options for people who are seeking the designation of a parking bay?

Nigel Don: I am sorry for not answering your question directly, but another issue that was raised in the discussion of the petitions was dropped pavements. The speed at which dropped pavements can be put in place is a matter for local councils and it is not something that we can enforce. However, dropped pavements can, in effect, be eliminated by motorists who park in front of them. I am not sure how we can address that issue, but it remains outstanding.

The Convener: I am just looking through my papers to see which of the petitions raised that issue. John Wilson has suggested that we close two of the petitions but keep the third one open. If the one that we keep open also refers to dropped kerbs, we can explore both the issues that members have raised. Are we happy to do that?

Members indicated agreement.

Sleep Apnoea (PE953)

The Convener: PE953, from Ms Jean Gall, on behalf of the Scottish Association for Sleep Apnoea, calls on the Scottish Parliament to urge the Scottish Government to increase awareness of obstructive sleep apnoea; to promote the proper diagnosis and treatment of the condition; and to provide sufficient resources—including adequately funded sleep centres—to tackle the health problems that are associated with it. Christine Grahame has expressed an interest in the petition.

Christine Grahame (South of Scotland) (SNP): I first became involved with this issue in 2004 because Jean Gall was a constituent of mine. I have a copy of a letter that she sent to you, in which she explains that her husband suffered from sleep apnoea—he was either a dentist or a doctor, which is a bit of a thought—and he fell asleep at the wheel of their car while she was sitting next to him.

I would like the committee to investigate what research has been done into road traffic accidents involving people who suffer from sleeping disorders; I do not think that we have considered that issue. I do not want to be confessional, but I know that I have fallen asleep at the wheel of a car on the motorway for minutes, to find that that I was very close to a lorry that had previously been some distance away from me; it was the judder of my hands falling off the wheel that woke me up. I do not know whether that has happened to other members. If some of you have not got that far, I am sure that many of you have felt sleepy behind the wheel and thought, "If only I could close my eyes for a moment"—it is one of the awful thoughts that goes through your head. I hasten to add that I now take breaks as soon as I feel like that, because the experience that I have described was so scary.

Long-distance lorry drivers are often at risk of sleep disorders, including sleep apnoea, because of their sedentary lifestyle and eating habits. Sometimes the speculative explanation for a lorry jack-knifing across a road is that the driver has fallen asleep at the wheel. There are instances of near misses—like the one that I have described—that are related to sleepiness.

If, as a country, we consider not just the cost in lives but the financial cost of such accidents, we ought to take the issue more seriously; it is about more than telling people that they need a good night's sleep. Some people are incapable of staying awake at work. When I visited the Edinburgh Sleep Centre at the Edinburgh royal infirmary, which is an interesting place, I was shocked to be told that one of its clients was an air traffic controller; I mentioned that at a previous meeting of the committee. We are dealing with a serious issue. It is not about granny or granddad dozing off with their knitting and cocoa in front of the telly, but about people in responsible jobs such as air traffic controllers, train drivers, bus drivers and lorry drivers—even the dentist with his drill—falling asleep on the job and causing disasters. They do not know that they are suffering from sleep disorder unless they are tested.

The petition has been running for a long time, but that does not mean that the committee should close it. I would like members to pursue the issue, to find out what is being done on it elsewhere—perhaps in the National Assembly for Wales or at Westminster—to establish what research exists, especially in relation to road traffic accidents, and to move matters forward, so that we have speedy testing of people who are at risk.

The Convener: There will not be much disagreement from committee members on the issue. We may want to keep the petition open,

because there are still one or two areas for us to explore.

Nanette Milne: I have come close once to the experience that Christine Grahame described, which is frightening. I have a constituent who suffers from sleep apnoea, which is a real condition, so I accept Christine Grahame's recommendation. I know that there is a Scottish intercollegiate guidelines network—SIGN—guideline on obstructive sleep apnoea; we should find out whether there is an on-going plan to update that. A managed clinical network is also being developed to look after people with the condition. We could get in touch with the British Lung Foundation, which has an interest in that. Perhaps a meeting could be arranged between the petitioner and the foundation as it develops the network.

Anne McLaughlin: My father had sleep apnoea—I remember taking him to the sleep clinic at Gartnavel hospital. Christine Grahame talked about the potential for serious car accidents. As I recall, sufferers from sleep apnoea are not prohibited from driving—it is not one of the conditions that general practitioners must report to the Driver and Vehicle Licensing Agency. I may be wrong, so do not quote me on the issue, but I think that it was perfectly acceptable for my father to continue driving. If most people are given the opportunity to do that, they will. That concerns me.

Christine Grahame: The fact is that the condition is highly curable. Everybody is different, but there is a sleep ap machine that monitors the throat closing. When the throat closes, the oxygen stops running and the brain tells the person to wake up, so they are constantly waking up throughout the night for little fragments of time and then falling asleep again. They are unaware that they have stopped breathing, but their brain tells them to wake up and then they go back to sleep again. They know about it only if they have a partner who sees what is happening to them during the night. However, the condition can be treated by using the machine.

To the best of my knowledge, the condition is not reportable, but that is the problem—it goes undiagnosed. If it is diagnosed, it is treatable quite cheaply, which can make family life less miserable and can make the roads safer. The money that it would cost to invest in tackling the condition would be paid back a hundredfold in the prevention of accidents, broken marriages and goodness knows what. It is not a silly condition; it is very destructive.

The Convener: Okay. It is recommended that we keep the petition open, explore the issues with SIGN and look at the way in which such issues are handled in other Assemblies and Parliaments. Is that agreed?

Members indicated agreement.

Christine Grahame: Could you also find out whether research has been commissioned into the impact of sleep apnoea and other sleeping disorders on road traffic accidents? It is hard to get such statistics, but you might be able to get them.

The Convener: Okay. Thanks for your contribution, Christine.

Plants (Complaints) (PE984)

The Convener: PE984, from Dr Colin Watson, on behalf of Scothedge, is on complaints relating to vigorous growing trees, hedges, vines and other plants. The petition has been discussed in the committee before. I understand that the Minister for Community Safety has met the petitioner to move forward on a series of issues that are raised in the petition and that the petitioner regards that as a positive development. In the light of that, I recommend that we close the petition. We may wish to record our appreciation of the fact that the petitioner has pursued the matter over a substantial period. We hope that there can be a proper resolution of the concerns that he has raised through discussion with the minister and the appropriate agencies. Is that agreed?

Members indicated agreement.

Electricity Transmission Lines (Underground Cabling) (PE1087)

The Convener: PE1087, from Nancy Gardner, calls on the Scottish Parliament to consider and debate using underground and, where appropriate, undersea cabling for new electricity transmission lines such as those proposed between Beaully and Denny. The petition has been discussed by the committee before and there is on-going work in the Parliament in terms of the public inquiry. How does the committee wish to deal with the petition?

Nanette Milne: I do not think that we can deal with it until we get the report on the inquiry. The letter that we received from the Government was almost apologetic because the issue could not be raised before 24 June 2008. That is getting on for a year ago, yet there has still been no report. Is it worth writing to the Government to ask when the report will be published?

The Convener: Yes. I am happy to take that on board. It would be useful to get a response on that. We will keep the petition open, taking on board what Nanette Milne has said and pursuing those issues. Is that agreed?

Members indicated agreement.

Christine Grahame: I am sorry to interrupt, convener, but I want to correct something on the

record. I have just been told by a gentleman from the Scottish Association for Sleep Apnoea that sleep apnoea is reportable to the DVLA if a GP diagnoses it. It is also reportable to insurers, obviously. I just wanted to ensure that I did not get that wrong.

The Convener: No problem. I wish that the *Official Report* was as quick, Christine. Normally, I get in there and it is too late—see, the official reporters are blushing because they know. It is a case of “Sorry, but we did not get your call in time.”

Fire Service Boards (PE1147)

The Convener: PE1147, by Mrs Annmargaret Watson, on behalf of the Fire Reforms Action Group, calls on the Scottish Parliament to urge the Scottish Government to review the current legislation to ensure that each local authority is represented on the fire service joint board. The matter has been discussed before in the committee. Angela Constance MSP raised the matter in relation to her local authority area. Unfortunately, she is unable to attend the meeting this afternoon.

Do members have any suggestions on how best to deal with the petition?

Nigel Don: Given the fact that we know that there has been a meeting but we have not seen a minute of that meeting, I suggest that we defer the matter until we have better information.

The Convener: Okay. Shall we seek a copy of the minute if it is publicly available?

Members indicated agreement.

Closed-circuit Television Provision (PE1152)

15:45

The Convener: PE1152, by Robert Kyle, calls on the Parliament to urge the Government to allocate funding for the provision of permanent closed-circuit television facilities in communities that are subjected to significant levels of crime. The petitioner has been before the committee. I am not sure that we can take the petition much further, but I am in members' hands on whether we should close it. There are community safety partnerships and street watch arrangements that are determined by local authorities in partnership with other public agencies, private sector organisations and housing associations. I am not convinced that we can easily pursue the issue much further, but if members feel strongly otherwise, I am happy to keep the petition open.

John Farquhar Munro: It should be left to local authorities to come up with the best solution for the circumstances in their area.

The Convener: I recommend closing the petition. Is that recommendation acceptable to members?

Members indicated agreement.

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

The Convener: PE1174, by Juliana Walkow, on behalf of Holy Cross high school pupils, calls on the Scottish Parliament to urge the Government to consider providing free public transport for all under-16s who have no income. The petition is similar to others that we have received. We agreed that we would suspend consideration of those petitions while we await the outcome of the Government's review of concessionary fares. Do members agree to suspend consideration of the petition and to address it when the recommendations of that review are produced?

Members indicated agreement.

A92 Upgrade (PE1175)

The Convener: PE1175, by Dr Robert Grant, calls on the Scottish Parliament to urge the Scottish Government immediately to improve and upgrade the A92 trunk road, particularly between Prestonhall roundabout and Balfarg junction, to reduce the number of hazards and accidents and to bring about improved benefits to the local and wider economy. We have had the petitioners in front of the committee. I see that Claire Baker has just arrived—I presume that this is the petition that she has come to talk about.

Claire Baker (Mid Scotland and Fife) (Lab): The committee has received oral evidence on the petition. The Glenrothes Area Futures Group extends its thanks to the committee for the time that it has taken in considering the petition. Following the lodging of the petition, communication between the Glenrothes Area Futures Group and officials from Fife Council and Transport Scotland about the A92 has increased and improved.

I have a couple of points about the correspondence that the committee has received. The letter from Transport Scotland refers to the improvements to the Cadham and Balfarg junctions and states that it will write to the Glenrothes Area Futures Group. I do not think that the committee knows what decision was made on those junctions. It would be helpful to the committee to have more information on that.

I have read the *Official Report* of the committee's previous discussions about the

petition. So far, no one has suggested writing directly to the Minister for Transport, Infrastructure and Climate Change about the issue. Part of local people's frustration is that, although they have dialogue with Transport Scotland and officials, they are lacking a bit of political direction or a political view on the issue. It would be helpful if the Government could suggest where the group can go next with its petition and campaign.

Nanette Milne: Has Transport Scotland met the Glenrothes Area Futures Group?

Claire Baker: Yes—there has been a meeting. Lindsay Roy MP and I were there; Tricia Marwick and Ted Brocklebank were invited but could not make it. We had a cross-party meeting with Transport Scotland officials, during which they came to see the junctions in operation. There is good discussion between the organisations.

Nanette Milne: You have discussed route improvements with Transport Scotland.

Claire Baker: There was a lengthy discussion, particularly about the junctions. As the letter from Transport Scotland states, the issue is not covered in the strategic transport projects review, so there might be limitations on how far the group can go in arguing for dualling. However, it would be helpful to have the minister's view.

The Convener: It is suggested that we might want to keep the petition open to explore some further information. It is a difficult one, given the minister's announcements on the strategic transport projects review. All of us want to raise issues about different parts of the country that we care about but cannot get priority for at the moment. I am happy to explore the issue—there is no harm in doing that.

Marlyn Glen: Particularly when we have not seen the final draft of the report. It is a good idea to wait for that.

The Convener: We will keep the petition open, but we recognise that dialogue needs to take place between Transport Scotland and Fife Council in order to push the issue up the agenda and ensure broader support for the improvements sought by the petitioner.

Members indicated agreement.

Permitted Development Rights (Port Authorities) (PE1202)

The Convener: PE1202, from Joyce MacDonald, calls on the Scottish Parliament to urge the Government to remove the general permitted development rights of port authorities. We have considered the petition previously and have had a chance to explore the issues. The Government has indicated that, as part of the

review process, it will take on the issues raised in the petition. Broadly speaking, the legislation seems to be working well. I would prefer to close the petition, but I seek the endorsement of committee members.

Nigel Don: I am inclined to agree. This is a classic case of a petition that is in general terms but which relates to a specific issue of understandable concern to the petitioner. We cannot get involved in the individual case, knowing that the Government is considering the issue as a whole, which is all that we could expect as a sensible response to the petition. On that basis, we should close the petition.

John Wilson: I disagree. I ask that the petition be kept open until we see the Government's response on its intentions in relation to permitted development rights and port authorities. There may be general agreement from the port authorities that the current legislation is working well, but the petitioner has raised an issue that is relevant to all port authorities in Scotland. The committee needs to be clear that objections to developments in those authorities should be dealt with appropriately. I would like the Government to lay out in black and white how it intends to deal with the issues raised by the petitioner. We should not brush the petition aside and allow port authorities to continue doing what they are doing. The petitioner has given evidence of her concerns about how, in many respects, port authorities ignore reasonable objections that have been made by residents and others in an area.

The Convener: Who is in favour of keeping the petition open? There are two different views.

Nigel Don: I am happy to keep it open for the moment.

The Convener: I thank Nigel Don for that generous concession. Harmony is restored.

Bone Marrow Services (PE1204)

The Convener: PE1204, from Jessie Colson, on behalf of the Richard Colson Severe Aplastic Anemia Fund, calls on the Parliament to urge the Government to recognise and promote the life-saving impacts that bone marrow testing and donation can have on people with life-threatening illnesses, and to provide adequate funding to the Scottish National Blood Transfusion Service to support bone marrow services and encourage more donors.

The petition has been discussed previously. Richard Colson's father is with us today, as is the constituency member who has supported the petition, Michael McMahon. I invite Michael to say a few words.

Michael McMahon (Hamilton North and Bellshill) (Lab): Thank you for giving me the opportunity to return to the committee to discuss the petition—in happier times, I am pleased to report. The previous time I was here, there was the prospect that Richard Colson may have found a match, which is what his family had hoped would happen as part of the campaign. I am glad to be able to say that he got that match—he had his transplant on Thursday, and so far the signs are positive.

The family want more people to enjoy the same opportunity. They have worked closely with, and value the work of, organisations such as the Anthony Nolan Trust and ScotBlood. That has never been in question. What is required—and this is what the petition is about—is an expansion in the number of bone marrow and cord blood donations, for which there is such great demand. Only 6 or 7 per cent of the Scottish population give blood. That means that there is an untapped resource of about 90 per cent of the population. The family's campaign has been aimed at increasing the availability of blood transfusions and allowing donations to be tested to find out about compatibility, which would help people such as Richard.

I am here to thank everyone for the support that they have given the petition so far, for asking the relevant questions and for highlighting the issues that face the many families who, like the Colsons, are affected by illnesses that require such treatment. I ask the committee to continue its consideration of the petition, with a view to finding out how the service, which is resource intensive, can be made available to more people. A commitment needs to be made. Education is fine. The service is delivering what it can to the maximum with the resources that are available to it. We need to find imaginative ways of expanding what is available so that more people can benefit in the way that the Colson family have.

The Convener: The committee hopes that Richard is doing well and that the transplant is a big success. It would be traumatic for any family to face what the Colson family have faced and at the same time to run a campaign for Richard and other families that are in the same circumstances. We wish them well.

Members have some suggestions on how to deal with the petition.

Nigel Don: I have a serious question for Michael McMahon: what do you want us to do now? I get the impression that, to put it simply, we should ask the Scottish Government to get everyone who has an interest in the issue in a room and to obtain a piece of paper that outlines the best way forward. Do you agree, or have I misrepresented you?

Michael McMahon: That is absolutely right. Everyone is doing the best that they can with what they have at their disposal, but everyone agrees that the pie—the resources that are available—must be made bigger so that more can be done. How much more could be done if GPs were involved? How much more could be done if the people who take blood samples encouraged those from whom they took them to consider having them tested to find out about compatibility? There are options available if, as you say, we can get more people talking to one another about how to make best use of work that, in many cases, is already being done; it is a question of going beyond the minimum. Blood samples and bone marrow donations are being taken, but that is as far as it goes. The idea behind the campaign is to widen the availability of information about compatibility with people who need donations.

Marlyn Glen: Has the Scottish National Blood Transfusion Service updated its webpage to provide information on the issue?

The Convener: As of now, there has been no change in the information that is available. We can pursue that, given the commitment that was made to provide specific information by the end of April.

We want to keep the petition open so that we can pursue those issues. Nigel Don has made an extremely constructive suggestion about pulling the key agencies together to resolve some of the outstanding issues. As always in the health service, the challenge will be around the resources that are available. The petition is about ensuring that we work better to identify additional resources or to utilise existing resources more intelligently so that money for the work that we are talking about can be released.

We wish the family—and Richard, in particular—well. All our thoughts and prayers are with him.

Public Transport (Equal Access) (PE1206)

16:00

The Convener: PE1206, by Catriona Black, on behalf of the mums need to use Lothian Buses too campaign, is on the accessibility of public transport. The petition, which has been in front of us before, raises the issue of the accessibility of buses in Lothian for parents with buggies.

I understand that there have been developments with Lothian Buses to address the issue and that it has proposed creating additional buggy space on buses. On that ground, perhaps we can close the petition. Progress has been made on meeting more effectively the needs of people who use public transport.

John Wilson: The committee should be congratulated on progressing the petition and getting Lothian Buses to consider the design of buses and to introduce the required education campaign. Initially, there seemed to be a great deal of resistance from Lothian Buses to treating the issue with the seriousness that it deserves. The committee should congratulate itself on dealing with the matter and getting a good result.

Robert the Bruce's Castle Gardens (PE1209)

The Convener: PE1209, by A J Morton, calls on the Scottish Parliament to urge the Scottish Government to take all necessary action to protect Robert the Bruce's castle gardens in Ayrshire. Do members have comments to make on the petition?

John Wilson: I thank the committee for previously allowing consideration of the petition to be continued. In light of the information that we now have and the responses from the organisations, it is clear that all that we can now do is close it. I think that the various organisations and the petitioners will continue to disagree and that the committee has done all that it can do until they can resolve the issue between themselves.

The Convener: Do members agree that the petition should be closed?

Members indicated agreement.

Bus Services (Rural Areas) (PE1215)

The Convener: PE1215, by Janie Orr, calls on the Scottish Parliament to urge the Scottish Government to improve the frequency of, access to and routes of buses in rural areas, in order to increase mobility and improve local communities' access to social, entertainment and education outlets. Do members have any comments to make on the petition?

Marlyn Glen: I find the petition quite troubling. The final sentence of the Scottish Government's letter says:

"the Scottish Government has no power to intervene."

The petitioner is asking us to do something that seems to be particularly reasonable, and the committee has asked specific questions, which have not been answered. I suggest that we write back to the Government to seek responses again to the specific points that were raised in the previous letter.

The Convener: Are members happy to accept that recommendation and to explore those issues?

Members indicated agreement.

Enterprise Education (PE1216)

The Convener: PE1216, by T J Clancey, calls on the Scottish Parliament to urge the Scottish Government to consider the need for new legislation to improve funding to promote and support enterprise education in schools. The petition has been in front of us before.

We have received information that indicates what is being done to try to promote enterprise education in schools and with young school students. Enterprise education will be taken forward through the determined to succeed strategy and the curriculum for excellence. On the grounds that there are ways of dealing with such issues in the existing framework and that the committee can do little more with the petition, I recommend its closure. Do members agree that it should be closed?

Members indicated agreement.

Nanette Milne: I agree. However, it is good that the provision of enterprise education has increased to 100 per cent of schools. That is satisfactory.

Licensing Reform (PE1217)

The Convener: PE1217, from Christopher Walker, calls on the Scottish Parliament to urge the Scottish Government to revise its proposals to introduce new licensing regulations under the Criminal Justice and Licensing (Scotland) Bill, in order to protect local tourism and businesses in rural areas from unnecessary regulation and charges. The petitioner has been in front of the committee. Do members have any views on how we should deal with the petition?

Nigel Don: I recall the Justice Committee approving the statutory instrument that set up the fees structure. The point is well made that banding on the basis of net area—the size of premises—might be oversimplistic. It might be useful to consider accommodating the fact that some reasonably large shops actually have a very low turnover, particularly those in more remote areas.

Perhaps we should write to the Government to ask whether it is prepared to consider ameliorating its banding system, particularly in relation to very small businesses. I do not think that anything will happen until the usual review is carried out, but when the Government reviews the matter, it might consider doing that as an alternative part of the fee structure.

Nanette Milne: That is a good idea. Many small businesses are suffering significantly in the current economic climate anyway. The new regulations are yet another potential nail in their coffin.

The Convener: Are there any particular aspects of the matter that we should highlight if we write to the Government? We should perhaps take on board issues around the equitability—if that is the word—of fees across Scotland. As is often the case with national frameworks, local authorities will adopt different charging regimes, which might have a disproportionate impact on small businesses. Perhaps the fairness of any charging policy could be monitored and assessed. Taking on board the points that have been made, we will keep the petition open until we get responses.

Clostridium Difficile (Public Inquiry) (PE1225)

The Convener: PE1225, by Michelle Stewart, calls on the Scottish Parliament to urge the Government to instruct, with immediate effect, an independent public inquiry under the Inquiries Act 2005 into the outbreak of *Clostridium difficile* at the Vale of Leven hospital. Jackie Baillie was hoping to be here this afternoon, in light of the recent announcement by the Cabinet Secretary for Health and Wellbeing on an inquiry, but she is still convening another parliamentary committee at the moment.

There are issues in the petition that have been addressed by the cabinet secretary, but the last couple of lines of the petition have perhaps not fully been addressed, and that is something that we might discuss now. Do members have any views on how we should deal with the petition?

For information, Jackie Baillie has drawn my attention to the specific reference in the petition that asks

“that the inquiry involves, and publicly funds, all relevant individuals, groups and organisations affected by the outbreak to determine the inquiry’s terms of reference and identify the issues to be examined.”

It is a question of the inquiry’s terms of reference and the support that could be given to allow people to get involved.

John Wilson: I propose that we close the petition but ask the Cabinet Secretary for Health and Wellbeing to take on board the issues that were raised in the petition and seek a meeting with the petitioners and others to consider the inquiry’s terms of reference and the engagement with the petition.

Robin Harper: It might be appropriate to write to Michelle Stewart to congratulate her on the work that she put into the petition.

Nigel Don: Forgive me for this—it might seem to be tit for tat—but I would like to turn the tables on John Wilson, exactly as he did on me.

The Convener: Boys, boys—don’t fight.

Nigel Don: Harmony does prevail, of course—it takes two notes to get a harmony.

The Convener: Except for Philip Glass.

Nigel Don: There is a case here, on the same basis that we discussed previously, for waiting to see how the Cabinet Secretary for Health and Wellbeing—I take it that it will be her—sets up the inquiry. We should check that the appropriate people are funded. It would be nice to know the terms under which that is done before we close the petition, although, clearly, it is for the Government to work that out.

John Wilson: I will resist the temptation to respond to that. Nigel Don can deal with the Cabinet Secretary for Health and Wellbeing regarding his proposal.

The Convener: I would recommend you, rather than me, Nigel.

I sense that there are two suggestions. We agree that the petition raises fundamental issues about the role of families in the inquiry, and we do not want to lose sight of that. The distinction to be made is whether we wish to close the petition today or keep it open.

I suggest that we keep the petition open and draw the attention of the cabinet secretary to the latter two parts of the petition. We should say that we welcome the fact that the cabinet secretary has initiated the inquiry and that we also acknowledge that Michelle Stewart has pursued the matter with great dignity, given the family circumstances that she found herself in. Do we agree to do that?

Members indicated agreement.

Biological Data (PE1229)

The Convener: PE1229, by Craig Macadam, calls on the Parliament to urge the Government to establish integrated local and national structures for collecting, analysing and sharing biological data to inform decision-making processes to benefit biodiversity. Do members have any suggestions about how we should deal with this petition? We still lack information about certain areas, and it might be helpful to explore some of them.

Robin Harper: Given that it took such a long time for the biodiversity action plans to be produced in the first place, it would be wise to keep this petition open in order to keep up the pressure on the gathering and recording of biological data.

Nanette Milne: Could we ask whether there is a possibility of the Government's science group inviting the petitioners and interested organisations to discuss the issues? The area is quite complex.

The Convener: I would not say that I am a specialist in this area. That suggestion is helpful.

John Wilson: There needs to be a way of testing the biodiversity information that is contained in the environmental statements that are produced by developers and of finding out how widely available that information is.

The Convener: We will take on board those comments and keep the petition open while we explore the issues that members have raised.

Public Service Contracts (National Framework) (PE1231)

The Convener: PE1231, by Simon Macfarlane, on behalf of a range of trade unions and voluntary sector organisations, concerns funding for the voluntary sector. The last time that we debated the petition, we discussed whether another parliamentary committee should consider it, given the level of detail that it contains and the impact that the issue has on other sectors. I understand that the Local Government and Communities Committee is willing to take on that responsibility, but I am happy to consider any course of action that committee members suggest.

Nigel Don: Convener, I would like to ask a question of you and the clerks. It is not clear to me that all of the services that are mentioned in the petition are commissioned by local government. If they are, I will be happy to refer it to the Local Government and Communities Committee, but if some of the services are commissioned by health boards or other public organisations, I will be concerned about referring the petition to that committee, as things will slip between the cracks.

The Convener: Mr committee convener guru?

Fergus Cochrane (Clerk): Members previously discussed the fact that the petition falls into the remit of other committees, such as the Health and Sport Committee and the Education, Lifelong Learning and Culture Committee. However, a petition can be referred to only one committee, and it would be for that committee to decide how to handle the matter. Previously, members indicated that it would be useful to suggest to the committee to which the petition was referred that it might want to seek the views of other committees in its consideration of the petition.

Nigel Don: I think that my position was misunderstood last time. The issues that the petition deals with are too important to be allowed to get lost in the cracks. I do not want that to happen, and if that means that we have to hold on to the petition, so be it. The letter from the Government indicates that a lot of things are going on, which is encouraging. Given that we are moving into even more difficult economic times,

when it might be easy for the voluntary sector to be squeezed, I am concerned that we should deal with the petition in a way that ensures that it is taken seriously. My initial thought is that that means that we should hold on to it.

16:15

Robin Harper: Do we have any idea what the quickest and most efficient way forward is, given the workloads of the committees to which we could send the petition? If consideration of the petition could be deferred for a long time, it might be better to take the route that Nigel Don suggests and to continue our consideration of the petition, given the present funding situation for voluntary services.

The Convener: Let us explore the issues, which are complicated because they fall under a variety of remits.

John Wilson: I am a member of the Local Government and Communities Committee, which will have a private session tomorrow on procurement issues, in the light of the "Panorama" documentary that was shown four weeks ago about care of the elderly in their own homes.

The petitioners raised issues about the provision of care, the contracting out of services and the e-bidding process. Yesterday, a press release from the Local Government and Communities Committee said that it would examine such issues, so that committee is considering procurement issues in relation to the public and voluntary sectors.

The Convener: Do other members want to express a general opinion before we find a solution? We do not often have the committee saying that it wants to do something itself. I understand the wish to hold on to the petition, but I do not know whether we have the wherewithal to do this important petition justice through the role that we as the Public Petitions Committee can play. We have taken responsibility for some other petitions, because of their nature, but this petition is very complicated because of the numbers and agencies that are involved.

Off the top of my head, I recognise that at least three—if not four—committees would have an interest in the petition. Social work and education form the biggest part of our budget, and health services are another big part. The Finance Committee would like to express a view, as would the Local Government and Communities Committee, because of the impact on the local government settlement and the role that councils play in the grant mechanisms for the voluntary sector.

I do not have a simple answer, and I do not know whether we can get a simple answer—perhaps the subject is too complicated. The petition is important, and we heard a strong presentation on it. We have different views on how to deal with such issues, because of our party politics, but a lot of folk just want to know how we can improve the situation. I am keen to focus on that.

Anne McLaughlin: You say that the petition could relate to the remits of many committees. Did Fergus Cochrane say that we can refer the petition only to one committee?

Fergus Cochrane: Yes.

Anne McLaughlin: In that case, it would be better for us to hold on to the petition. We are best placed to deal with it. The Finance Committee can deal with one part and the Local Government and Communities Committee can deal with another part. The petition is quite big and complex, but we have a wider remit, so we should hang on to it.

The Convener: In a sense, that throws up—I am sorry; I will shut up for now and let others speak.

Nanette Milne: I have another view. Given what John Wilson said about the discussion that the Local Government and Communities Committee is about to have, we know that at least one member of that committee knows of the petition and its importance, so should we just refer the petition to that committee? I am sure that, as a member of that committee, he can present our views if he so desires.

Robin Harper: Could we approach the conveners of two or three committees to see whether a route for the petition can be mapped through different committees? That has precedents from other pieces of—

The Convener: I am sorry to interrupt you, Robin, but I think that our clerks have talked to other clerks and, through them, the conveners of other committees. We should hear from Fergus Cochrane before you elaborate further on your point.

Fergus Cochrane: After the last time that the committee discussed the petition, I contacted clerks to the Local Government and Communities Committee, the Finance Committee, the Health and Sport Committee and, possibly, the Education, Lifelong Learning and Culture Committee to alert them to the discussion that members had had about how the petition might be dealt with after our subsequent meeting. The petition is, therefore, on their radar.

As I said earlier, there is an option to refer the petition to the Local Government and Communities Committee with a recommendation

that, although the handling of the petition is up to it, it might be useful if it were to seek the views of the Finance Committee and other committees as appropriate.

The Convener: That strikes me as reasonable. There is a technical issue about the fact that we can refer a petition to only one committee. In the long term, the Parliament might want to reconsider that, given that some issues fall in between the remits of committees.

I am conscious of our expertise in certain areas, and I am not convinced that our expertise is in the area in question. I think that we can bring a lot to the issue, but I do not know whether we have the time and wherewithal to deal with it properly. I think that having a lead committee dealing with it, with reference to other committees, might be the best way of addressing the issues. That is just my hunch.

Marlyn Glen: I agree that that is the right course of action, given the importance of the issues and the fact that the Local Government and Communities Committee could deal with the petition more fully than we could. Since that committee has said that it is prepared to receive the petition, that would seem to be the way to go, particularly if it can refer at least parts of it to the Finance Committee and other committees.

The Convener: Are we happy with that course of action? If we agree to do that, we can suggest that the clerk bring back to us information about the progress of the petition.

Robin Harper: I believe that there is a perception that it would be helpful if the petition could eventually go to the Finance Committee.

The Convener: I am not really worried about that; I just do not think that we have the expertise to deal with the petition. I mean no disrespect to anyone in the room, as I think that we all bring personal expertise to matters, but the roles that we play in this committee are different from the interrogative role that members of the Local Government and Communities Committee and the Finance Committee will be able to play.

We could ask Fergus Cochrane to raise with the clerks of the Local Government and Communities Committee the issue that Robin Harper is concerned about. Could you explore that, Fergus?

Fergus Cochrane: Yes.

The Convener: I think that we have come reasonably close to the wisdom of Solomon, eventually.

The petition raises fundamental issues that affect all of us. Given that we face difficult budget settlements in the period ahead, the situation could get even harder for the voluntary sector, as

it is usually squeezed when difficult decisions have to be made.

New Petitions (Notification)

16:23

The Convener: Are there any comments on the new petitions, or do we agree simply to note them?

Nanette Milne: Is the first petition on the list competent? I find it hard to imagine how we are going to explore things that happened before 1948.

The Convener: Our guru of competence will respond.

Fergus Cochrane: The petitioner has approached the Scottish Government on the issue and had a response that said that there are no plans to establish such a scheme. Christine Grahame has been involved in the matter that the petition deals with as well. We are quite comfortable with the admissibility issue.

The Convener: Do we agree to note the new petitions?

Members *indicated agreement.*

Meeting closed at 16:24.

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