

PUBLIC PETITIONS COMMITTEE

Tuesday 8 September 2009

Session 3

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PUBLIC PETITIONS COMMITTEE

12th 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 :

Jackie Baillie (Dumbarton) (Lab)

Linda Burke (PAMIS)

Joyce Burns (PAMIS)

Willie Coffey (Kilmarnock and Loudoun) (SNP)

Bob Doris (Glasgow) (SNP)

Christine Grahame (South of Scotland) (SNP)

Ian Hood (Learning Disability Alliance Scotland)

Paul Martin (Glasgow Springburn) (Lab)

Margaret Mitchell (Central Scotland) (Con)

Dr Richard Simpson (Mid Scotland and Fife) (Lab)

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

Franck David

Linda Smith

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 8 September 2009

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

New Petitions

The Convener (Mr Frank McAveety): Good afternoon, everyone. I welcome members and members of the public to the 12th meeting in 2009 of the Scottish Parliament Public Petitions Committee. I hope that everyone had an enjoyable and relaxing recess. I was asked to say that, but I am not convinced that everyone did. We will find that out from stories about the work that has been done.

I also welcome two officials from the National Assembly for Wales outreach team, who are here to see the petitions process in Scotland. I hope that what they see will benefit Assembly members' deliberations.

Jamie McGrigor is substituting for Nanette Milne, who is attending a Standards, Procedures and Public Appointments Committee briefing. She may replace him at some stage. If anyone spots the difference, please tell us.

I request that all mobile phones and other electronic devices be switched off.

We have a full agenda, which includes consideration of a number of new petitions and petitions that we wished to follow through. The first agenda item is consideration of new petitions.

Changing Places Toilets (PE1270)

The Convener: PE1270, by Linda Burke, on behalf of the Profound and Multiple Impairment Service and the Learning Disability Alliance Scotland, calls on the Scottish Parliament to urge the Scottish Government to request that local authorities use British standard 8300:2009 to ensure that at least one public toilet built to the changing places standard is provided in the centre of every town with a population greater than 15,000 and in every new larger and publicly accessible building and complex.

I welcome Linda Burke to the meeting. She is joined by Joyce Burns from PAMIS and Ian Hood from the Learning Disability Alliance Scotland. Linda has three minutes to comment on the petition.

Linda Burke (PAMIS): I thank the committee for giving me the opportunity to speak to it about the need for more changing places toilets in Scotland.

I will begin with some background information about my circumstances.

My husband and I look after our 30-year-old daughter, Jenny, at home. I work full time; my husband is retired, but is involved in all aspects of caring for Jenny, as I am. I have been a parent member of PAMIS, which focuses on people with multiple or complex disabilities, for around 15 years.

The term "complex disabilities" is used for a range of conditions. People with complex disabilities can have severe neurological and sensory damage, often accompanied by physical disabilities. Jenny had a brain haemorrhage shortly after she was born; as a result, she has severe learning difficulties and very little speech, and she uses a wheelchair to get about. She will always need to rely on other people for her personal care and to help her to live a full and complete life. All that sounds a bit negative, but Jenny is an extremely engaging and sociable person. She has a great sense of humour, and she loves music, shopping and just being out and about.

Jenny attended a special school until she was about 19; she now attends an adult resource centre five days a week. Facilities vary from centre to centre, but staff take personal care requirements for clients very seriously. However, because changing facilities are centre based, any activities that she does out with the centre are time limited to a couple of hours.

When Jenny was young, all of us used to be able to go out to the beach for the whole day, visit relatives or go on holidays. However, now that she is an adult, we can no longer lift her without the right equipment. The lack of suitable changing facilities in the community has had a huge impact on her life; in fact, it has had a huge impact on everything that we can do as a family.

Most people I know think that standard disabled toilets—I prefer to call them accessible toilets—are suitable for anyone with a disability, but that is simply not the case. Accessible toilets are totally unsuitable for people such as Jenny. For example, Jenny cannot transfer herself independently from her wheelchair. Our choices are limited to staying at home, only going out for a few hours—and not going too far away from home—or only going out for the day to places where there is a changing places loo.

PAMIS and a range of other organisations have been campaigning for changing places toilets for more than 15 years. The toilets are not complicated, high tech or difficult to design. The basic requirements are: plenty of clean, safe space with room for two carers, a height-adjustable bench, a tracking hoist, a centrally

placed toilet and a non-slip floor. I do not think that that is a lot to ask for, and it would make the difference between people being stuck at home and their being able to get out and about and do the things that most people take for granted.

Changing places toilets are not only for people with complex disabilities such as Jenny; they are for anyone who cannot self-transfer to a toilet. Standard accessible loos simply do not have enough space to allow a carer or carers to work safely.

On 3 September the new British standard 8300:2009 was adopted for changing places toilets, and it was launched here in the Scottish Parliament with a number of MSPs attending. BS 8300:2009 sets out the design standards for changing places toilets in public buildings and venues, and it has been drawn up with the help of architects, planners and carers. Most important, the new British standard recognises the rights of severely disabled people to be able to use the loo like everyone else.

Providing public toilets is a local authority responsibility, and every authority in Scotland currently provides toilets with standard disabled access. However, very few of them provide changing places toilets. Some local authorities have taken the issue on board. For example, Dumfries and Galloway has three changing places toilets, with three more planned.

Provision is far from universal, however. Nationwide, only 10 local authorities have changing places toilets. According to a recent survey by the Learning Disability Alliance Scotland, one local authority said that such toilets were only for "extreme types". Given that, according to estimates in a University of Dundee study, 25,000 people with disabilities in Scotland would benefit from such facilities, that seems a very odd thing for a group of decision makers to say.

I am happy to report that the Scottish Parliament has a fully accessible loo, but I would like members to note that the facility came about only as a result of lobbying by PAMIS.

We lodged our petition because we want your help: help in encouraging all local authorities to live up to their responsibilities under equality legislation; help in making changing places toilets available throughout the whole of Scotland; help for thousands of people throughout Scotland who are stuck at home unable to access their community because of a lack of suitable facilities such as those that most people take for granted; and help for Jenny, who would like to be able to spend a whole day at the seaside instead of just having an ice cream at the local cafe and then having to go home again.

The Convener: Thank you very much.

I should have introduced Jackie Baillie, who has had an interest in this subject over a number of years—in fact, since the start of her tenure in the Parliament, and probably before that. I invite her to add a few comments before we ask questions.

Jackie Baillie (Dumbarton) (Lab): I would be delighted to do so, and I thank you for the opportunity, convener. Linda Burke has described far more eloquently than I can her daughter's circumstances and the reasons why the availability of such facilities is absolutely essential.

This is a question of access for all. I am delighted that the Parliament has an award-winning—I believe—changing places toilet, but that is a rarity, and we need to ensure that people have access to such facilities throughout Scotland. Far be it from me to focus the committee's discussion, but if we agree that the new BS 8300:2009 provides us with the right way to proceed, we should start with Linda's plea to the Parliament to help her make its achievement a reality.

Rather than telling local authorities what to do—that is not the nature of the relationship that we have with them—I wonder whether anything might be achieved through the single outcome agreements that would allow the Parliament and local authorities to measure progress. That would allow local authorities not just to keep control of the process but to have a level of external encouragement and inspection. It would also allow them to reflect on their local circumstances.

I am delighted that Dumfries and Galloway is heading for six changing places toilets, but how many should a city such as Glasgow have? Given that the Government is fond of providing guidance, could we ask it to provide guidance to local authorities and to local access forums about what they can do locally? If the committee could see its way to providing such support, we could all make the achievement of BS 8300:2009 a practical reality, with a changing places toilet in every part of Scotland.

Jamie McGrigor (Highlands and Islands) (Con): The petition calls for a changing places toilet to be provided

"within the centre of each town with a population greater than 15,000".

I represent the Highlands and Islands, which does not have many towns with a population of more than 15,000. There are some, but not many. Is that threshold adequate? Should it be lower in some areas? Otherwise, big regions might not have any cover at all.

Ian Hood (Learning Disability Alliance Scotland): I think that that is right. We struggled a

bit to choose a figure. We chose 15,000 because that figure is used in some of the census definitions of city areas or large urban areas. As you say, areas such as the Highlands and the Borders will have a difficulty with that. However, Dumfries and Galloway, which is a similar area, is working around that difficulty. As Jackie Baillie said, it has already created three changing places toilets in Dumfries and it is looking to provide other toilets in other parts of the region. The petition sets out an ambition, but local authorities need to decide what suits their area. That would be far better than having a simple prescription.

The Convener: That is helpful.

Anne McLaughlin (Glasgow) (SNP): It is useful that you have come here today to draw this issue to our attention. So many people do not realise that accessible toilets—I do not like calling them disabled toilets, either—are not suitable for everybody who has a disability. I am aware of that, because I worked with Sense Scotland for a couple of years, but the majority of people are not and they probably think that we are doing all right in that respect.

However, Linda Burke coming here today to talk about her daughter Jenny makes us stop and think. We understand that she cannot just go out for the day in the way that everybody else can. We have to do what we can to support what Linda is asking for. She is not asking for anything to be compulsory; she is asking the Parliament to urge the Government to request that local authorities look into using BS 8300:2009.

Did you say that your daughter was 13 or 30, Linda?

Linda Burke: Jenny is 30.

Anne McLaughlin: When you said, “after her 19th birthday”, I thought that she must be 30, but I had already decided that she must be 13, because you could not possibly have a 30-year-old daughter.

The Convener: Stereotypically, is it not my job to flatter blondes?

Robin Harper (Lothians) (Green): I am not saying that there should not be a lower limit of 15,000—perhaps it could be 10,000—but it could be helpful to mention areas of cities where there is high footfall. You could define an area through which 60,000 or 40,000 people a day pass as an area with high footfall. Such areas are areas where people with disabilities are likely to want to go, or to be taken. Do you agree that some mention of footfall could be useful?

14:15

Joyce Burns (PAMIS): I am an occupational therapist who works with PAMIS. We have done some work on that point, which I think answers the previous point about how to capture the best place to put changing places toilets. That is why we propose that they should be located in main hubs such as large public buildings and venues that have a high footfall. People with disabilities want to go to such places in the same way as everybody else does. We are supposed to be opening up the community for everybody. It is helpful to look at the matter in those terms rather than thinking, as people sometimes do, that facilities are provided but nobody uses them.

We sometimes have the problem that providers put in changing places toilets but say that nobody uses them. I would make two points in response. First, people have to know that they are there. Secondly, people want to go and use the facilities that exist around them, such as shopping centres, tourist attractions and travel centres. Those are all heavily used anyway, and if facilities are provided, they will be further used by the population of people whom we are discussing.

I think that Linda Burke mentioned that 25,000 people would benefit, but the figure that was identified in the research is actually 250,000 people. It is not just people with profound multiple learning disabilities but people with a wide range of disabilities who benefit from the provision of changing places toilets. That puts the matter into perspective.

Marlyn Glen (North East Scotland) (Lab): When the Equal Opportunities Committee took evidence from the Equality and Human Rights Commission this morning, we heard about the equality measurement framework that the commission has developed. It seems to me that the provision of changing places toilets could be an important indicator in measuring the performance of local authorities and other providers of public places. Have you thought about that and talked to local authorities? Could we help with that, perhaps by examining the equality impact assessments that are being considered in relation to local authority single outcome agreements?

Joyce Burns: That approach is helpful and I think it is the route that we have to go down. I am looking at Ian Hood because I know that that area is covered in some of the paperwork that he has worked on. Some local authorities have looked at equality impact assessments but others have perhaps not understood their value yet. Guidance that helped EqIAs to become standard practice would be a helpful outcome.

Ian Hood: Equality impact assessments are still relatively new. A number of local authorities that have looked at them in relation to their public toilet provision have done so principally in relation to their existing accessible toilets; they did not know about or understand the possibilities of changing places toilets. That is why we were so encouraged by BS 8300:2009 and Jackie Baillie's idea of letting access panels and others know about the guidance note. They need that information so that, when there is local input, they can say, "How would this fit? How could we provide these facilities?" Local authorities regularly review toilet provision and they are aware of the need for better facilities, but they need to continue to review their provision. Once they all have the information, we are confident that Dumfries and Galloway, North Lanarkshire and South Lanarkshire will not be the only local authorities to set standards and that many others will follow.

John Wilson (Central Scotland) (SNP): Convener, I am conscious that we are putting the onus on local authorities, but I am also aware that many disabled people use out-of-town retail centres, which are not owned by local authorities but are developed by other agencies. At present, such centres are not obliged to implement the changing places standard. Do the witnesses have any comment on how we can influence the major retail outlets? Disabled people are consumers as well, and they have the right to attend, to shop and to participate in retail activities. As we heard earlier, if someone can only go out for an ice cream and then has to go back home, that restricts their ability to participate fully in normal activities, including retail activities.

Ian Hood: The first changing places toilet in Britain was provided in a shopping centre in Milton Keynes as part of a commercial decision, and the shopping centre at Braehead at the corner of Glasgow and Renfrewshire is building a changing places toilet because it makes good commercial sense to do so. The more we establish that the provision of such facilities is something by which we measure equalities, as Marlyn Glen said, the better.

I will let Linda comment, but we hope that local authorities and shopping centres will provide changing places toilets as one way to show that they value all their customers—that what they do is not simply about money signs and that they value all the people as part of the community.

Linda Burke: It is easy to see why retail places were the first to spot that they were on to a good thing by installing a changing places toilet; after all, retail parks are used not only by people with disabilities but by whole swathes of people who accompany them, so it makes good financial sense. Like Ian Hood, I do not necessarily want to

shame local authorities into installing these toilets, but, as Ian says, if such a move sends the message that all citizens in an area are valued, the other local authorities that have not put in a changing places toilet might start to think that they look a bit bad.

Nigel Don (North East Scotland) (SNP): Having listened to the earlier discussion about the importance of this issue, which I readily understand, I hope you will forgive me for raising a very mundane matter. Do you have any clue about how much extra a changing places toilet costs over and above the cost of a normal accessible toilet? There must be some extra cost for the lift and so on, but there does not seem to be a huge amount in it.

Joyce Burns: The additional costs are generally associated with the hoist and the hydraulic height-adjustable changing bench. The overall cost of a changing places toilet is £8,000 to £12,000, but that obviously includes the cost of putting in the walls, drainage, plumbing and so on that is incurred in installing a standard accessible toilet. I am afraid that I do not have the difference in cost between the two, because it depends on the type of hoist, the changing bench and the other facilities that are installed.

Nigel Don: But if the figure were, say, £5,000, that would not be a large figure as far as building work was concerned. I suppose that my point is that the issue is more the desire to do this rather than any concerns about the marginal cost.

Joyce Burns: Yes. As an occupational therapist, I have been involved in the conversion of many buildings and I have found that if this particular British standard were built into the design from the start, the overall cost would be minimal. Of course, costs increase if the standard is incorporated later on. However, we are trying to encourage moves to make the standard part of building standards, because if it is considered early enough at the design stage, the costs are not onerous.

The Convener: From members' questions, I get the impression that they want to support the petition and explore issues such as parity and how to ensure that not only the public sector but commercial and publicly owned service providers have some kind of vision and direction. As a result, I think that we will want to take forward consideration of the petition. There is, as you know, a caveat: the Public Petitions Committee's process takes some time. However, I think that members very much support the suggestion that we explore the options.

We have taken note of the various suggestions made by the petitioners and Jackie Baillie. It would be helpful if, in light of those remarks, members

discussed the specific steps that we should take next.

Bill Butler (Glasgow Anniesland) (Lab): We should certainly ask the Government about the points that Jackie Baillie raised on single outcome agreements and Government guidance to local access forums. My information is that the Government was involved in developing British standard 8300:2009, so perhaps we could start by asking it about its expectations with regard to implementation, particularly in relation to the construction of buildings that it funds directly.

The Convener: Okay. As Ian Hood and Linda Burke suggested, the Scottish Retail Consortium might be the major body to explore this issue with. Perhaps we should communicate with the consortium and find out whether it can put the issue on its development agenda.

We should also follow up Bill Butler's point about exploring public access issues with other public bodies. Historic Scotland sites are a perfect example of places that people want to visit but feel that they cannot because the facilities are limited—if there are any at all.

Robin Harper: It strikes me that, along with recommending that the Government consider requiring there to be such toilets in towns of at least 15,000 people or whatever figure it considers to be appropriate, we should ask it to consider scoping what help could be afforded by using footfall guidance. Local authorities could be encouraged to use such guidance under equalities legislation in giving planning guidance to large supermarkets when they put in a bid for buildings. The footfall guidance would introduce the possibility of the supermarkets being politely but firmly requested separately, under equalities legislation, to install toilets of this nature.

Marlyn Glen: It would be worth writing to a selection of local authorities as well as the Scottish Government, under their equalities duty, about their plans to provide changing places toilets. It might also be worth writing to the Equality and Human Rights Commission for its comments on whether the new measurement framework takes that kind of thing into consideration.

The Convener: Okay. I understand that local authorities have legal requirements to make their buildings accessible, but we need to broaden it out beyond local authorities. We should touch on the points that have been raised. We have a clear agenda to take matters forward. If the witnesses have any further information that they want to provide to us on the points that have been raised, that would be useful. If, once you have reflected on the debate, you feel that three or four other points might be worth exploring, we would be happy to take them on board as well.

Thank you for your time. I hope that it was not too arduous a task for you this afternoon. I hope that we will make progress on an issue on which, as you can sense from the agreement among all members, we feel that we should do better in Scotland. I hope that we can make that progress over the next period.

Faith-based Schools (PE1262)

The Convener: PE1262, which was submitted by Luca Scarabello, calls on the Parliament to urge the Government to ban all faith-based schools from teaching only in relation to their particular faith and to make all schools teach non-denominational subjects. Are there any comments or questions from committee members?

Nigel Don: I have a problem in that I do not understand the petition. Within the national curriculum, every school has to teach across a range of faiths, and preferably all reasonable faiths, although that is difficult to define. Teaching about faith needs to recognise that there is a spectrum. That being the case, the Government has already banned a school from teaching only one faith, therefore I do not understand the petition. That is very simple—or have I lost the plot? What is the point of the petition?

The Convener: That is an open question. The petition makes an assumption about the reality of educational provision in Scotland and raises the concern that, within the curriculum, traditional denominational schools should have to conduct discussion with other faiths and none.

14:30

Bill Butler: I do not think that my esteemed colleague Nigel Don has lost the plot—I have the same difficulty with the phrasing of the petition. We could write to the Scottish Government, Learning and Teaching Scotland, the Scottish Catholic Education Commission, the Church of Scotland, the Muslim Council of Scotland, the Scottish Council of Jewish Communities and the Scottish Parent Teacher Council to ask them two questions. First, how many faith-based schools teach only about their particular faith? Secondly, what are the safeguards to ensure that faith-based schools do not oppose or diminish other faiths? We will get fairly clear answers to those questions that may render the petition not invalid, but literally pointless. Of course, we may get answers that mean that there is some point to it.

Robin Harper: It might be a good idea for us to ask the Government exactly what is meant by the statement in the guidance on religious education in Roman Catholic schools that it

“takes place in the context of the wider Catholic faith community, in partnership with home and parish”,

and that teachers will focus on the Catholic faith but will

“also teach respect for persons of different religious convictions”,

which includes learning about other Christian traditions, world religions and

“where appropriate ... stances for living which are independent of religious belief.”

The phrase “where appropriate” sounds like a caveat. Who decides? We need to ask the Government whether it understands what the phrase means, to get clarity about who decides when it is appropriate for children to learn about

“stances for living which are independent of religious belief.”

Have I made myself clear? That phrase really sounds like a caveat that means that such learning does not happen at all if someone decides that it is not appropriate.

John Wilson: I support both Bill Butler and Robin Harper. We need to extend the list of organisations that we want to question. The list of religious groups that Bill Butler read out misses out a number of faith-based groups that are based in Scotland. It might be worth while for us to write to the Scottish Inter Faith Council to catch the other faith groups that are not included in Bill Butler's list, so that we can get a broad-spectrum view of what is happening on the teaching of faith within education structures and raise the issue, which Robin Harper highlighted, of what is not being taught in some education establishments in Scotland.

Robin Harper read out the guidelines, which are fairly vague with regard to what a faith-based school or a non-denominational school can teach in relation to religion or belief. It might be useful for us to broaden our inquiries. I suggest that we also write to the Educational Institute of Scotland, the Scottish Secondary Teachers' Association and the National Association of Schoolmasters Union of Women Teachers. It would be useful to draw out whether their experience is that school teachers are instructed to teach only particular aspects of faith or belief. I know that there has been a long-running debate in certain local authorities and educational establishments about who can be religious education teachers. It might be worth while for us to ask the unions about their experience of teaching non-denominational aspects of religion or belief.

Marlyn Glen: We are likely to get pretty robust and predictable replies to such letters, as the issue is tested all the time. Reading between the lines of the petition, I wonder whether the petitioner felt under pressure from the school that they attended to be part of that school's faith base. I have some

sympathy with that. We could ask whether there are any mechanisms to detect whether children feel stressed as a result of the pressure exerted by a school to be part of a religion.

The Convener: We will explore some of those issues and try to identify to whom it would be best to write. We will respond to the petitioner in due course and give the petition further consideration.

National Suggestion Box Network (PE1264)

The Convener: PE1264, by Alan Hind, calls on the Parliament to urge the Government to set up a network of national suggestion boxes to allow members of the public to submit their comments, ideas and suggestions directly to it. I will resist the temptation to comment. The petition makes a fair call for discussion, so I invite members' comments.

Bill Butler: Members will know that various suggestions have been made about how to increase greater voter interest and participation in the democratic process. I suppose that that is partly what our committee is about.

It does not matter what I think, but I do not think that suggestion boxes would do much to encourage folk to come forward. However, I might be wrong. It might be worth while writing to the Scottish Government to ask what it thinks about the suggestion in the petition and whether, if it agrees with it, it will roll it out. That would be an interesting question to ask. I must be honest and say that I do not think that the proposal adds much to the public or the political debate, but I might be wrong.

Robin Harper: I agree with Bill Butler. I think that asking an extremely narrow question about suggestion boxes would not get us very far. Just as we are investigating different ways of communicating with the public, the Government could be asked what creative ideas it has for furthering public involvement in policy development.

John Wilson: The responses that we get in the ballot boxes at every election give an indication of some of the suggestions that we might get from the public. Bill Butler is right when he says that the work of the Public Petitions Committee is part of the process of public engagement. The fact that only one person needs to submit a petition to it means that we as a Parliament are open to suggestions and ideas from the public. We should bear that in mind and pat ourselves on the back for the role that the committee plays. Through its decision to set up the committee, the Parliament allows people to make suggestions.

Individual constituents have the right to write to their MSPs with suggestions and ideas that they can take forward. A wide range of engagement activities are available to the public. Setting up suggestion boxes throughout Scotland could prove to be an expensive idea that brings no real benefit. We have a number of ways of engaging with the public and seeking their views and ideas on how Scotland should develop, including the correspondence pages in many of our national daily newspapers.

Jamie McGrigor: I rather agree with the last speaker—we already have letterboxes that can be used for sending letters to MSPs or other people to make suggestions. There are other ways of doing that, such as e-mail. In addition, many of our institutions have books with pages that are open for people to make suggestions on.

If we had a national suggestion box we would require an enormous staff to filter all the suggestions. So many people would be writing about so many subjects that we would need a process to sort the suggestions into piles, with a different expert looking at each one. We are already open enough to suggestion in this country.

Marlyn Glen: I agree that the suggestion is probably not a goer, but we do have an on-going problem with low voter turnout. We as representatives have an obligation to try to increase political engagement, so it would be a good idea to find out what work is being done to increase engagement and address low voter turnout. It might be a good idea to write in those terms to the Electoral Commission as well as the Government and the Scottish Parliamentary Corporate Body.

Anne McLaughlin: I am not entirely convinced by the solution that is being offered, but I congratulate the petitioner on trying to do something to engage more people in the political process. We all know—because we get it all the time—how disengaged many people feel. My concern about the petition is, as Jamie McGrigor asked: where would the suggestions go? It is not clear what would happen to them. Would they be delivered to the Government and then disappear? Would they all have to be responded to?

I know that the petitioner said that the Public Petitions Committee is not a solution to the problem, but it is a partial solution. In looking at how we can increase the number of petitions, perhaps we should have national Public Petitions Committee boxes in other parts of Scotland. Perhaps that would be another way for people to feed in their petitions. We have had many discussions about the fact that many people cannot get online and do not have easy access to the internet. I see that the clerk wants to scream at the thought of what I have suggested. However,

there is a problem, so we need to look at how to engage more people, although this committee does well in that. I am not sure what the result would be and whether what has been suggested would be much different to MSPs receiving letters and this committee receiving petitions.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I do not think that national suggestion boxes are a credible way of collecting information. As Jamie McGrigor pointed out, collating the suggestions in the boxes would be difficult. The simple solution is to encourage local authorities to implement a petitions system such as the one that we have here in the Parliament, whereby local people can contact their local authority and go through a process that is similar to ours. I am sure that communities would appreciate the opportunity to deal directly with their own local authority.

The Convener: We should identify the issues that the petition has thrown up. We should ask the various agencies, such as the Scottish Government, the Parliament and the Electoral Commission, about how they engage and whether having suggestion boxes would make a material difference to such consultation.

I recognise what members are saying about the complications of organising suggestion boxes, deciding how frequently to deal with the suggestions and how to pull all that together. However, as Anne McLaughlin said, there is a yearning for some sort of reciprocity in the decision-making process. We all have experience of telling people, “You can do this, this and this,” but a lot of people do not know about those things. Our awareness level is perhaps different to that of members of the public, so we need to see whether we can bridge that gap.

We should identify the areas to explore. We recognise that the petition raises issues that are difficult to resolve. We will come back with suggestions on that. Are members happy to continue the petition while asking the key decision-making bodies how they would wish to engage with citizens directly?

Members indicated agreement.

School Closures (Children with Additional Support Needs) (PE1266)

14:45

The Convener: PE1266, PE1267 and PE1268 deal with distinct issues, but they also form a group. PE1266 is on how the assessment of any change in school provision by local authorities in Scotland impacts on children who have additional

support needs. PE1267 is a broader petition on processes when there are proposals about the future or closure of schools or nurseries. PE1268 is on the condition of buildings that are part of closure programmes or which receive students. The petitions are therefore on distinct issues, but members will probably want to speak about matters more broadly. I want members to speak to the petitions individually, but I recognise that they are tied into a much wider discussion. We will deal with them one at a time.

Paul Martin, who is a constituency member for areas that have been affected by recent rounds of closure and rationalisation, and Bob Doris have expressed interest in the petitions.

Anne McLaughlin: I wonder whether I should declare an interest. I was involved with the anti-school closure campaign from which the three petitions arose. I should mention that so that I do not do something wrong.

The Convener: Okay.

I am thinking about the geographical areas from which members come. Two or three members have had to engage in what is a difficult process in different ways and at different levels. Decisions that one local authority made had an impact on my parliamentary area, but the debate will be much wider. I am sure that colleagues would say the same.

Bill Butler: I acknowledge that. I supported the anti-school closure campaign and have stated my opposition to school closures on the record. I again state that opposition. However, I do not think that that opposition prevents Anne McLaughlin and me from talking.

The Convener: It would take more than that.

Bill Butler: It would take you, convener.

The Convener: Exactly.

PE1266, by William Stevenson, calls on the Scottish Parliament to urge the Scottish Government to establish how the procedures and guidelines that local authorities use to close schools properly reflect and recognise the needs of children with additional support needs. Would Paul Martin and Bob Doris prefer us to go through the three petitions in detail and then have a more general discussion?

Bob Doris (Glasgow) (SNP): The petitioners who lodged PE1267 have asked me to say a few words about that petition. Perhaps we could therefore consider it specifically at some point, as I would like to say a few words about it in particular.

The Convener: Okay.

As I said, PE1266 is on how the needs of children with additional support needs are

reflected. Members have papers on the petition. Are there any comments?

Robin Harper: I am happy to confess to supporting anti-school closure campaigns in Edinburgh.

It is important that we write to the Government to say that we would like it to provide evidence that the criteria and methodology that are used for school closure consultations take full account of the needs of children with additional support needs. We would like evidence that educational benefits, after-school clubs, building suitability, capacity and occupancy levels, transport arrangements and the wider community impact are fully taken into account. We should make the Government accountable for recommending that councils use all those criteria when they are considering closing schools.

Bill Butler: I take Robin Harper's point entirely. He correctly opposed the Glasgow scheme, too.

The Convener: Hands across the M8. Well done, Robin.

Bill Butler: Yes, indeed.

It would be useful to put the issue that Robin Harper just outlined not only to the Government but to the EIS, the Scottish Parent Teacher Council and a selection of local authorities. We should also ask the Government and the aforementioned organisations whether adequate arrangements are in place to ensure a smooth transition to another school for children with additional support needs. The transition is traumatic enough, but it is especially so for children with additional support needs.

Anne McLaughlin: To back up Bill Butler's comments, the issue is not just whether arrangements are in place; we should ask the Government whether it is satisfied that each local authority is implementing the guidelines and that the system is working, with particular reference to children with additional support needs. I moved school eight times as a child. We are all aware that having to move school is traumatic for children, but it is even more so for children with additional support needs. We must consider the impact on their education, never mind on their emotional wellbeing. We should ask the Government whether it is satisfied that local authorities take adequate notice of the guidelines and follow them correctly. I would also like to know what the Scottish Government can do to compel local authorities that do not follow the guidelines and correct procedures.

John Wilson: As well as the organisations that have been referred to, it might be useful to write to a couple of the national disability organisations to find out their views on the issue and to ask

whether those views are taken on board when a local authority decides to close a special needs school. The EIS and the Scottish Parent Teacher Council will have legitimate views, but we should also hear from the parents and organisations that provide support to children to help them lead as normal a life as possible. Education has an important impact on that. Decisions to close special needs schools have the potential to undermine the good work that national organisations do.

Nigel Don: I emphasise Anne McLaughlin's point that we should ask the Government what its fallback powers are. These days, we tend to hear that issues are down to the local authorities, and that is where the concordat leaves us. However, I suspect that the Government has residual powers to enforce some things. It might be useful if that was clarified.

Jamie McGrigor: My party certainly thinks that the closure of any school should take place only as an absolute last resort, because schools are important focal points of communities.

In relation to PE1266, which is from William Stevenson and which relates to children with special needs, I suppose that we would not have received the petition unless detrimental changes had occurred. I would like to look into the circumstances that brought about the petition.

Bill Butler: It might be an idea to ask the Scottish Government what the Schools (Consultation) (Scotland) Bill, which is before the Parliament, will do to help address the concerns that the petitioner raises. That is reasonable.

Anne McLaughlin: That is exactly the point that I was going to make. The parent who lodged the petition felt that they were not listened to at all during a closure process. It would be interesting to find out whether the bill will address some of their concerns. It would be good for us to demonstrate that to the petitioner.

The Convener: I am conscious that we must consider the other two petitions as well. We have two members present who are not on the committee and who wish to express their views. Perhaps we can focus on petitions 2 and 3 in our contributions. We are clear about how we want to explore the first petition. We have identified areas of concern and areas on which we want further clarification.

John Wilson: I assume that by "petition 3" you are talking about PE1268.

The Convener: We are on PE1266 at the moment.

John Wilson: Yes, but you said "petitions 2 and 3". Do you want to take those petitions together? Is PE1268 the third petition that you are referring

to? I think that that is a stand-alone petition, which—

The Convener: I accept that. I was responding to the earlier suggestion from Bob Doris—he wants to make a contribution on the second of the three petitions. I am trying my best to treat the petitions independently, while recognising that they have all been submitted because of views on the rationalisation and closure process in one local authority area. For it to be legitimate for our committee to deal with, the matter needs to be seen as falling under the national framework.

Bill Butler: I hope that it will be okay with you if members stray from one area to another. However, when we come to the actual decision on what the committee will do, it would be helpful to keep the petitions separate and discrete.

The Convener: Bear with me, please, and give me some patience and thoughtfulness.

School and Nursery Closures (Public Inquiry) (PE1267)

The Convener: PE1267, by Richie Venton, on behalf of the Glasgow save our schools campaign, calls on the Parliament to urge the Government to conduct a public investigation into the impact of the proposed closure of schools and nurseries by local authorities on education policies, class sizes, children's health and safety, social inclusion and jobs; and into the question whether the process of consulting parents and wider communities on education provision complies with local authorities' statutory duties and democratic principles. Committee members have expressed views in the past, either to the petitioners directly or in parliamentary motions, in which case their views are a matter of public record.

Paul Martin (Glasgow Springburn) (Lab): The petitioner's request raises real difficulties about the outcome of the public consultation. It would not be unfair for us to request some form of inquiry into the impact that school closures have had. The remit of any investigation and the criteria under which it would be carried out would be a matter for further discussion, but the principle aim would be the identification of the challenges that the schools closure programme has presented to local communities. We should not forget the impact that the programme might have had on pupils. An investigation would be a worthwhile exercise.

The committee would need to have further discussions on how any inquiry would progress and how we would ensure that lessons were learned from the outcome, whatever it was. As the convener knows, school closure programmes have taken place recently, as well as in the distant past. No doubt they will revisit us at some point in the future, no matter the political make-up of the

various authorities. The petitioner has set out some important points about how lessons may be learned, and we should at least identify what processes might be followed to ensure that that happens.

Bob Doris: I have been asked by the petitioners to make some comments. I am thankful for the opportunity to address the committee on PE1267. I will speak about some of the detail, but first I put on record the fact that the petitioners and many parents at the schools that have now been closed are disappointed that the committee was unable to find time to allow them to make representations in person. They are well aware how busy the Public Petitions Committee is. Today's consideration of and evidence taking on the petition regarding disabled toilets are of course important. However, throughout the schools closure consultation, parents at the affected schools have felt powerless and isolated from the process that has been conducted by Glasgow City Council—a process that resulted in almost 8,000 submissions to the consultation, with 96 per cent of people opposing the closure of the 11 schools and nine nurseries that eventually closed.

Petitioners look at the Public Petitions Committee as a way of empowering communities. Indeed, I know that the committee excels at that, and I pay tribute to it for its work. The fact that the schools campaigners were able to petition Parliament in the first place is empowering in itself.

15:00

I feel strongly that parents and others in the community demonstrated passionate, enthusiastic, tireless and knowledgeable campaigning. For many, it was a real learning experience and the type of hands-on active citizenship that we should all encourage. The petition empowers those parents and campaigners further, and they, rather than me or any other politician here today, are best placed to bring it to life through speaking face to face with Scotland's Public Petitions Committee.

I ask that during your deliberations, you consider holding the petition over and attempt to find a space in your incredibly busy work programme for the petitioners to attend the committee. I know that they would very much like that and would feel empowered by it.

The petitioners are not trying to overturn a decision that has been made democratically by the local authority. The schools are closed, and parents are attempting to make the best arrangements for their children at their new schools. They have no choice but to get on with their lives. However, they have, during the entire campaign, used every method at their disposal, and the Public Petitions Committee—and any

subsequent action by Government and, potentially, by another committee—may be their last opportunity to feel that they have done all that they can to stand up for their communities.

I ask that the committee empowers those parents by placing on hold any decision on action points arising from the discussion of the petition until the petitioners have the opportunity to attend a committee meeting. I think that I have outlined fairly well the strength of feeling and the reasons why ordinary parents, including the petitioners, feel that they should attend to discuss the petition. Of course, that is for the committee to decide.

I turn to the detail of the petition. I note that it calls on the Scottish Government to conduct a public investigation. As a member of the Scottish Parliament, I am relaxed about that, and I am sure that I would support any action or investigation that the committee required the Scottish Government to carry out. However, I note that the Education, Lifelong Learning and Culture Committee, given its general remit and its consideration of the Schools (Consultation) (Scotland) Bill, may be better placed than the Government to conduct an investigation.

I suspect that councils in general do not consult very well on changes to council services, whether those are schools or other services. They do not—irrespective of which local authority we are talking about—do well at listening to the electorate. There is perhaps a role for the Local Government and Communities Committee to examine how local authorities engage with communities before they rationalise any service.

The petitioners have asked me to highlight a couple of matters. One is the issue of class sizes, which I acknowledge is a political hot potato. However, I merely state as a fact that the national Government has a particular class size policy to which local authorities respond, and that if a local authority conducts a schools rationalisation or closure programme, it will impact on local class sizes and on national policies. The committee should certainly think about that.

The average class size at all the schools—not the nurseries—that were involved in the programme was roughly 21.88, if my basic arithmetic serves me well. Under the proposals, that would potentially rise to 24.9, which is a notional increase of three extra children per class. I make that as an observation rather than as a political comment, and it is flagged up in the petition.

Furthermore—with your indulgence, convener—the council proposed that children from one closed school would go to another, but that is not always how families conduct themselves. They vote with their feet, depending on the most appropriate

school for their children. It was proposed, for example, that children from St Gregory's in Glasgow would go to St Mary's. The hard figures are not in yet, but I understand that three or four families eventually sent their children to St Mary's—another school with a very small roll—while other families took their children to St Charles's instead. That is only one example.

I know I am taking up a lot of the committee's time, convener, but I will tell you why the matter is important.

Social inclusion is another aspect that I have been asked to look at. For some deprived communities, the only time that families ever venture near the area is when they take their children into the housing scheme to go to school. If the school is taken out, the community becomes further isolated and starts to become simply bricks and mortar without the community ethos to which schools are central.

I could talk at much more length—although I will not do so, convener—but I hope that I have conveyed some of the petitioners' concerns. To return to my very first comment, I make these points as a politician, but the Public Petitions Committee exists not for politicians but for communities to have their say. I hope that any decision by the committee will allow one of the petitioners or a schools campaigner to give their opinion on the issue.

The Convener: For the record, the committee decides who presents petitions to it. We receive petitions, we deliberate on who can make a presentation to the committee and we try to identify when that can be done within our resources. However, I think that the key message that we would have received from the petitioners has been articulated this afternoon already—you made quite a useful contribution.

I want to open up the debate for questions and observations on PE1267. I am conscious that there is a third petition—PE1268—which relates to the condition of schools that have been designated to receive kids from schools that have closed.

Bill Butler: For the record, I point out that I signed two motions—S3M-3917 and S3M-3976—in the name of Patricia Ferguson, who is the constituency MSP for Maryhill. Those motions said things that I still believe to be true: the Parliament

"applauds the Save Our Schools campaign ... considers the arguments against closure to be compelling and well made"

and believes that

"the decision taken ... to close these schools is mistaken and fails to take adequate account of the social impact".

I signed those motions then because I believed those points to be correct and true, and I restate them today because I still believe them to be correct and true.

On that basis, I agree with Paul Martin that we should agree to the principle that the schools closure programme and its wider impact should be investigated. That should be done not by us but by the Scottish Government, so we should write to the Government to ask it to do that.

Bob Doris pointed out the wider impacts that school and nursery closures arguably have on class sizes, the quality of education, children's health and safety, social inclusion and employment. If the Scottish Government is willing to undertake an investigation, we should ask it to include all the various concerns that the petitioners have raised. Convener, that is my suggestion.

Anne McLaughlin: To start off with, I congratulate the petitioners and parents in Glasgow who are still involved in the campaign. As Bob Doris said, the decision has already been made, so for most of them the petition is not about overturning decisions that have been made but about looking to future decisions, which will probably—hopefully—not affect the schools that their children now attend but might affect other children's schools. What the parents are doing is incredibly important, and I congratulate them on continuing, after everything that they have been through, to push the issue.

The least that we can afford the petitioners is to continue with the petition. Whether that means writing to the Government or to the Education, Lifelong Learning and Culture Committee—or the Local Government and Communities Committee, as Bob Doris mentioned—I think that there must be an investigation. That need not be an investigation into one local authority; we need an investigation into the wider impact of wholesale school closures.

After Bob Doris spoke, the convener said that the Public Petitions Committee will decide on whether the parents can come and give evidence. I certainly support the proposal that they should come. The campaigners feel completely demoralised by and disengaged from the political process, so the fact that they are continuing to campaign is testament to their tenacity if not to their belief in that process. The more that we do to hear what they have to say, the better.

We should also consider whether the issue is just about school closures or whether there is a wider issue with consultations in general. However, I definitely support an examination at least of the impact of school closures. We should write to the Government or one of the other

committees in the Parliament to seek a proper investigation of that.

The Convener: Two or three suggestions have been made by Bill Butler and Anne McLaughlin. Are we happy to explore those options and raise the matter with the Government and other partners to assess the impact of the decisions that can be made—or the likely decisions that could be made in future, because there will always be a concern about school closures?

Anne McLaughlin: I have one more point—it also applies to PE1266, which we have just considered. We should look at the Schools (Consultation) (Scotland) Bill, which the Parliament debated at stage 1 last week, to see whether it contains anything that the petitioners should know about. We should relay any relevant information to them.

The Convener: Okay.

Paul Martin: A further issue with the consultation process is how those who have concerns are supported to shape their alternative to the local authority's proposal. That has certainly concerned me. Traditionally, the local authority has the resources behind it to promote the proposal that it submits, but there is an issue about the resources that the local community has at its disposal to enable it to create and submit an alternative proposal. During the recent consultation process, the communities had some genuinely good ideas about how they could progress with an alternative, but it was difficult for them—and indeed for elected members, who do have resources at their disposal—to develop alternative proposals within the timescale that is set down by the statutory process. Local authorities say that they followed the guidelines, and no doubt they will do that under the new process, but unless communities have access to information and are genuinely empowered they will be unable properly to put forward alternatives.

Nigel Don: We have now reached the generality of the issue, which is where I would like to come in. It seems to me—this reflects my experience as a councillor and, I guess, other things—that we have procedures and processes for consultation, but we all know that, once we have been through them, the body concerned can, by and large, ignore everything that has come out and carry on doing exactly what it wanted to do. I do not think that most people in Scotland would regard that as a terribly cynical thing to say. As I hear myself saying that, I realise that it is actually cynical, but that is what a lot of people believe.

I am not questioning the importance of school closures, but I wonder whether, once we have considered it, the committee might examine the ways in which the public are consulted by statutory

bodies, be they local or national. We should ask whether the consultation process is meaningful and what the Parliament might do to try to ensure that, in future years, consultation actually means something and the feedback is reflected on and, when appropriate, taken on board.

John Wilson: Nigel Don certainly has a point. The Parliament is considering the Schools (Consultation) (Scotland) Bill, which I hope will address some of the concerns that are raised not only by the three petitions on the subject that we are considering today but by other petitions that the committee has considered on school closures. We have discussed several such petitions either with or without representation. I hope that, by questioning the Government about where it is going with the bill, we can try to draw out what is meant by meaningful consultation.

15:15

As Nigel Don said, public bodies have a statutory obligation to consult but, at the end of the day, they do not have to take any notice of the views and responses that they received, and they can make the decisions that everybody suspected that they were going to make in the first place anyway. It is up to this Parliament to develop meaningful consultation processes that—no matter what the issue is—enable people's views to be heard, make them feel that they have been allowed to participate, and ensure that the decisions that are made are based on those factors rather than being predetermined, prejudged decisions by the local authority or other public body.

It would be worth writing to the Scottish Government to ask it exactly what it thinks will take place in relation to the issues that have been raised not only by the petitions that are before us today but by previous petitions that we have received from groups throughout Scotland.

The Convener: You have touched on the key issue, John. We constantly get petitions about school closures, and certain themes keep emerging. People will never be happy about a final decision to close a school, because they are protective of their children's schools, but the issue is that some breaches of the procedure seem to occur regularly. That happens with rural local authorities, urban local authorities and local authorities that are a mixture of both.

We have heard a number of points, and we should pull them together and try to explore them further.

School Buildings (Asbestos Management Plan) (PE1268)

The Convener: The final petition that is concerned with this broad theme of schools is PE1268, by Catherine Mitchell on behalf of St Gilbert's primary school and all schools in the west of Scotland. It calls on the Scottish Parliament to urge the Scottish Government to take action against local authorities that have failed to implement a robust asbestos management plan and procedures for school buildings that contain asbestos and to ensure that parents and teachers who require information that is held by local authorities about asbestos in school buildings have full access to it.

The petition is broadly related to the previous two petitions, but it concerns a specific issue about asbestos in a school that pupils were sent to after they left a school that was closing.

I invite Paul Martin, the petitioner's local MSP, and Bob Doris to speak to the committee on the matter.

Paul Martin: I agree with Catherine Mitchell's sentiments. During the process of the closure of St Gilbert's school, she became a serial maker of requests under the Freedom of Information (Scotland) Act 2000—the legislation enabled parents to submit such requests, and she was entitled to the information that she gained access to.

During the process, Catherine Mitchell identified some deficiencies in the provision of information to parents. For example, she was denied information on air quality tests when she sought access to it. Local authorities need to learn that, the more information that is withheld from parents during such a process, the more concerned parents become about that information. One purpose behind the freedom of information legislation was to ensure that the public have free access to information so that they do not believe that some sort of conspiracy is going on.

I do not think that the local authority had any ill will towards anyone—although Catherine Mitchell would probably disagree with me. I think that the local authority was sometimes unclear about what information it could release. From the outset, I took the view that parents should be provided with whatever information they need to enable them to feel reassured. Parents should have access to the information that the local authority has access to.

We have to realise that there is asbestos in a number of our public buildings and that, as Catherine Mitchell says, there should be a regime in place to ensure that people can get access to information on it. That is particularly important with regard to school buildings. Parents have

unprecedented access to information through the internet, and they are more aware of issues relating to asbestos, which means that they can become more alarmed. They become concerned when they are not provided with detailed or even basic information, and we need to proceed with caution in that respect.

Catherine Mitchell was concerned about asbestos in the receiving school. As I said to her, I respect her right to request information about asbestos—and I certainly think that she should have got it—but the asbestos situation in St Philomena's is no different from that in a number of schools and, indeed, public buildings throughout Glasgow. It is not that the school, which is a good one, has a specific problem with asbestos; the issue was about the removal of asbestos, which as I say is no different from the situation in any other school that requires modification.

Bob Doris: You will be glad to hear that on this occasion I do not have a lengthy prepared statement—although if you want one, I am sure that I can provide it. I, too, know Catherine Mitchell very well and pay tribute to her hard work. She has her own folder in my inbox for all the e-mails that she sent me during her months of campaigning.

Local authorities do not do themselves any favours by keeping secret information that does not need to be kept secret. They should have everything organised. I am not clear about the seriousness of the asbestos issue in this case, but I know that when we cannot reassure parents they get worried and start to lose trust. If local authorities need to build up anything, it is trust with regard to children's safety. In that respect, I certainly endorse Catherine Mitchell's suggestion to the committee.

John Wilson: Catherine Mitchell must be commended. It seems to me that, in campaigning against the closure of St Gilbert's primary school, she identified an issue at St Philomena's. However, she has not targeted that school in the petition, which simply calls for an investigation into the level of asbestos in the school estate in the west of Scotland. As Paul Martin has pointed out, that is a much wider issue that involves not only the school estate but public buildings throughout Scotland.

It would therefore be remiss of us not to ask the Scottish Government about what local authorities—and indeed the Government itself—have done to identify primary and secondary school buildings in the west of Scotland whose fabric might still contain asbestos. As Paul Martin made clear, a lot of concern has been expressed about the amount of asbestos in such buildings, particularly primary schools where young children are in their developmental stage. Any teacher or

worker in a school could cause asbestos dust to be released simply because the proper assessments have not been carried out and the appropriate responses have not been made. It is incumbent on the Government to urge local authorities to carry out such reviews urgently.

We should also write to the Health and Safety Executive. After all, given its statutory role of ensuring that schools and buildings are safe and fit for purpose, it should be carrying out its own investigations into buildings that contain asbestos and whether there is any danger of such material being released.

The Convener: I am conscious of the time. As everyone agrees that we want to explore the issues raised in this petition, I think that, unless anyone else has a pressing point, we should simply agree to take the petition forward.

Anne McLaughlin: I will be quick, convener. I echo what everyone has said, but the fact is that Catherine Mitchell would not be happy if I did not put on record my absolute support for her. Like some modern-day Erin Brockovich, she became a serial e-mailer and FOI requester. She has done what she has done not for the good of her own health but for the good of the health of the children going to that school. I simply want to congratulate her and support everything that she is asking for.

The Convener: John Wilson has usefully set out the core suggestion. We will also ask a selection of local authorities about the robust management or assessment plans they have in place to deal with asbestos.

Do you want to make a final point, John?

John Wilson: I am sorry, convener. I assure you that this will be my final point.

As it has been suggested that we contact certain local authorities with regard to the two previous petitions, I wonder whether we should spread things out a bit with this petition and target other local authorities instead of simply hitting the same local authorities with several requests for information.

The Convener: Okay. I thank the two parliamentarians who have expressed interest in these petitions for attending this afternoon. We will see what journey the petitions take through the process.

We will have a brief comfort break and reconvene in about five or six minutes.

15:25

Meeting suspended.

15:34

On resuming—

Same-sex Marriage and Mixed-sex Civil Partnership (PE1269)

Same-sex Marriage (PE1239)

The Convener: The final new petition is PE1269, from Tom French, on behalf of the Equal Marriage Campaign, which calls on the Parliament to urge the Government to amend legislation to allow same-sex marriage and mixed-sex civil partnership. PE1239, which is on a similar subject, is also on the agenda. The clerk has something to say about that.

Fergus Cochrane (Clerk): If the committee wishes, the option is open to it to consider the new petition and PE1239 together, as they are on broadly the same issue.

The Convener: Are members happy to do that?

Members indicated agreement.

The Convener: Okay.

A letter from Shirley-Anne Somerville has been tabled for the committee's consideration. Do members have any comments or observations?

Robin Harper: The Government has indicated clearly that it does not intend to take any legislative action on the issue during this parliamentary session. However, the issue will remain. To my mind, the question is whether we should keep the petitions open until the next parliamentary session, after the next election, or whether we should close them pro tem. Those seem to be the two options that are open to us. As the Government has already stated its position, it would appear that we will not make any further progress on the issue. My inclination would be to keep the petitions open.

John Wilson: I support Robin Harper's request to keep the petitions open. I understand that a challenge has been lodged with the European Court of Human Rights, so it would be useful to keep the petitions open until the judgment on that case is made, because it might have an impact not only on the Scottish Government but on the UK Government. I therefore request that the petitions be kept open.

Anne McLaughlin: In her letter, Shirley-Anne Somerville acknowledges that the Scottish Government has said that

"the changes necessary to create equal marriage involve reserved matters".

However, she goes on to say:

"I believe these issues are not insurmountable but would like to see further research done to consider in more detail

the legislative changes which would be required and the cross-border issues that are involved.”

I certainly support that proposal. We should look into the issue further to find out exactly what the barriers are and how we can overcome them, particularly in the context of what John Wilson said. I support the proposal to keep the petitions open.

Marlyn Glen: The lack of equality throughout the process is certainly a concern. I understand the petitioners’ impatience and their desire for action to be taken now, instead of having to wait for the decision of the European Court of Human Rights but, as has been said, it seems that the Scottish Government is not ready to move on the issue in this session. If it is an option to keep the petitions open until the next session, which seems a long time, I suppose that that is one way forward.

It would be possible for an MSP to take up the issue in a member’s bill, but it would have to be decided whether that would move the process on. On this occasion, it might be counter-productive, because there would need to be a majority in favour of the proposal in committee and in the chamber and, to my mind, we are not there yet. If we can keep the petitions open, that is fair enough. A head of steam is building up behind the issue, but I do not think that it is big enough to allow progress to be made. As I said, a member could test the waters with a member’s bill. When we considered PE1239, the suggestion was made that we should pass it on to the Equal Opportunities Committee, but I am not sure that that would allow progress to be made. If it is possible to keep the petitions open until the next session, I suggest that we do that.

Bill Butler: I think that we should keep the petitions open, certainly until the decision that is pending from the European Court of Human Rights has been made. In addition, I would not be averse to the committee writing to the Scottish Government to ask whether it would be willing to carry out further research.

I am a bit sceptical about keeping a petition open until next session, because that amounts to suspending consideration of it for two years. Although, technically, it might be possible to do that, we all know that one Parliament cannot bind a future Parliament. However, if colleagues were minded to keep the petitions open on the basis that the European court challenge is pending and we will write to the Scottish Government asking whether it is willing for further research to be done, I would be less sceptical about that way forward.

Robin Harper: I was certainly not indicating that we should keep the petitions open and sit back and do nothing. Members have had plenty of ideas

about what to do while keeping the petitions open, but we should ask the Government to report back to us on what it considers the complications to be, because we do not have detailed information about that.

Jamie McGrigor: I agree with Robin Harper.

The Convener: There are two perspectives on this, which are not necessarily mutually exclusive. The option that Bill Butler articulated seems to be the one that has broad support from members. We should seek further information about the process and the obstacles, pending the court ruling. We will keep the petitions open until we address those three issues. We can determine whether the petitions will require to be kept open for another session of Parliament the next time that we consider them. Is that agreed?

Members indicated agreement.

Current Petitions

Sleep Apnoea (PE953)

15:41

The Convener: Item 2 is consideration of current petitions, the first of which is PE953, from Ms Jean Gall, on behalf of the Scottish Association of Sleep Apnoea, which urges the Parliament to urge the Government to increase awareness of sleep apnoea, promote its proper diagnosis and treatment and provide sufficient resources, including adequately funded sleep centres, to tackle the health problems that are associated with the condition. I am aware that Christine Grahame has expressed an interest in this petition before. I invite her to make a contribution.

Christine Grahame (South of Scotland) (SNP): I do not have the paperwork for today's meeting, so I will listen to the committee members first, if you do not mind.

The Convener: We have been exploring issues to do with the managed clinical networks approach and so on with the Government health directorates, but we have reached an impasse in our ability to influence things any further. At the moment, we do not think that we can contribute much more. That is why I was inviting you to comment; I know that you like a battle.

Christine Grahame: Thank you for that lead-in. I am aware that I am sitting at the table with another member of the Health and Sport Committee. I suggest that you remit the petition to the Health and Sport Committee. I am most concerned that the petition has been batted about for a very long time, given that sleep apnoea is a serious condition with serious social impacts. I can tell by the number on the petition that it has been going for a long time, but nothing has been done. I am keen for something to be done. I see Bill Butler nodding, although I do not know whether he agrees with me. There might be spaces in the Health and Sport Committee's timetable to conduct a short inquiry, although that is a matter for the committee.

The Convener: We always welcome it when other committee conveners offer to lessen the workload of this committee. That is why you saw us all popping up like meerkats when you suggested remitting the petition to the Health and Sport Committee.

Christine Grahame: I have to say that we have not had many petitions remitted to us in this period.

The Convener: Now that you have said that, we would love to remit more to you.

Bill Butler: Given that the convener of the Health and Sport Committee has made such a compelling argument for our remitting the petition to her committee, it would be ill-mannered of us not to do so.

The Convener: Are there any other comments?

Jamie McGrigor: Some of the hospitals in my area are looking into this condition much more seriously than they used to. They are producing machines that people can take away to test themselves, which is a very good thing. Sleep apnoea is one of those conditions of which people are becoming much more aware, so something should be done.

The Convener: We have been encouraged by your very receptive contribution, Christine. We are happy to try to work with the Health and Sport Committee. We will refer the information to you. Some progress has been made, but you might be able to do more to assist and to broaden out the support.

Christine Grahame: I was not stating that this committee had not made progress, but external agencies have not made the progress that we sought.

The Convener: It would be helpful for the Parliament to have the Health and Sport Committee deal with some aspects of the issue, because we are getting different responses from different health boards. Does the committee accept the recommendations?

Members indicated agreement.

Broken Glass (PE986)

Beverage Containers (PE1145)

15:45

The Convener: The next two petitions are grouped together. PE986, from primary 6 and 7 at Woodlands primary school, was submitted a few years ago. The pupils are now in senior school and will probably conclude their highers this year—that shows how long the petition has been in the system. The petition calls on the Parliament to urge the Government to take greater action to protect the public by promoting the use of plastic bottles as an alternative to glass and highlights the way in which broken glass in public places can impact on children's play and activity. PE1145, from Dr Alexander Gemmell, calls on the Parliament to urge the Government to introduce a statutory deposit-and-return scheme on all used beverage containers. Both petitions have been

with us for a while, and we have explored some of the issues that they raise. I invite comments from committee members.

Bill Butler: Like other members, I am aware that the Scottish Government has taken a number of measures. It is committed to tackling antisocial behaviour relating to littering and has launched a strategy. There is the Climate Change (Scotland) Act 2009, of which the whole Parliament can be justly proud. We have reached the stage at which we should consider closing the petitions.

Marlyn Glen: I agree, but it might be useful for us to pass on to the minister the letter that we have received from Cathy Macleod, the class teacher. She suggested that an award to industry be named after the school, to acknowledge the work that the children have done.

The Convener: Do members endorse that recommendation and agree to close both petitions?

Members indicated agreement.

Common Good Sites (Protection) (PE1050)

The Convener: PE1050, from Councillor Ann Watters, calls on the Parliament to urge the Government to introduce legislation to provide better protection for common good sites such as Ravenscraig park in Kirkcaldy and to ensure that such assets are retained for their original purposes for future generations. Our background briefing indicates that Audit Scotland is completing its assessment of progress by local authorities on compiling common good asset registers and that we are waiting for it to provide us with further information on the issue. I know that the issue has been raised in questions in the Parliament in the past few months. I suggest that we postpone consideration of the petition until we get further clarification from Audit Scotland.

Violence against Women (PE1103)

The Convener: PE1103, from Susan Moffat, calls on the Parliament to urge the Government to prioritise the continuing development of strategic work on violence against women by following a prevention of violence against women and children approach, making adequate provision of quality support services for women and children, and providing appropriate and effective legal protection for women and children. The petition has been in front of us previously and is part of the broader debate on tackling violence in Scotland, especially violence against women in Scotland. I know that members have expressed interest in and views on those matters in the past.

How does the committee suggest that we take forward the petition? A major statement has been

made and a strategy has been accepted and consented to by the Parliament. The strategy has cross-party and individual parliamentary support and takes into account the three areas of concern that the petitioner has identified. The Sexual Offences (Scotland) Act 2009, which amended the legislation relating to violence against women, also received the Parliament's overall support.

Marlyn Glen: The document to which you referred, "Safer Lives: Changed Lives", is really helpful and there is now a shared approach. My reservation is that, although we have a shared understanding and an increased focus, closing the petition would be almost like saying, "There's a document on the shelf, so it's solved." Obviously, just having a document on the shelf does not solve the problem. The petitioner was asking for adequate provision of quality support services and I am not confident that that part of the petition has been addressed, although I realise that steps have been taken towards it.

Nigel Don: I and others on the Justice Committee, which dealt with the Sexual Offences (Scotland) Bill, know that very well. It is a fact that we rewrote the law in Scotland significantly. The intention was for the law to protect women better and I think that, in time, it will. However, if I were an ordinary member of the public who reads the press and listens to the television and radio, I would not have noticed that the bill had been passed. I therefore wonder to what extent the things that we have done to change the law, as that bill did, have registered with wider society.

I echo Marlyn Glen's comment that we can have documents on the shelf—whether strategy documents or acts of Parliament—that will not have much effect until they translate into the population's understanding. I wonder whether we should ask the Government what it is doing to engage the hearts and minds of Scottish people to bring about the cultural change that is underpinned by the documents and the law but will not just happen.

The Convener: The petitioner has asked for a commitment to a three Ps approach, and such an approach is contained in the policy framework that has been adopted by the Government and endorsed by the Parliament. However, Marlyn Glen has, quite rightly, identified that, as always with these things, the issue is the delivery of the policy and the monitoring and support for it on the ground. That is always dependent on getting a matching level of national and local resources.

We may want to ask whether an action plan will follow the policy framework, against which we can measure delivery of the policy. If we got a response on that from the Government, that would allow us at least to make a final decision on

whether to continue or close consideration of the petition.

Nigel Don: That is exactly what we should do. Any Government or authority that comes up with a strategy should always be asked for an action plan and what it is going to measure.

The Convener: Okay. We will keep the petition open and explore that. The petition will come back to us in the next couple of months, depending on the speed of the response from the appropriate minister and department.

Transport Strategies (PE1115)

The Convener: The next petition is PE1115, from Caroline Moore, on behalf of the Campaign to Open Blackford Railway Again, which calls on the Scottish Parliament to urge the Government to ensure that national and regional transport strategies consider and focus on public transport solutions such as the reopening of Blackford railway station, which is identified as a priority action in the latest Tayside and central regional transport strategy. Richard Simpson MSP, who covers the area, has expressed an interest in the matter in the past. I invite him to introduce the subject, after which we will determine what to do with the petition.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): The new material that is in front of the committee is the Tayside and central Scotland transport partnership report. It suggests that upgrading Gleneagles station at a cost of £3.75 million is preferable to the reopening of Blackford station at a reputed cost—it is disputed by the campaigners—of £4.5 million. As part of the original Victorian network, we have a station that was built to serve a hotel and a station that was built to serve a community. The problem is that, when Beeching decided which one he was going to close, he decided that the one that served the hotel and those who came up to shoot on the moors in Perthshire was much more important than the one that served the community of Blackford. That might have been correct in the 1960s, but I suggest that it is not appropriate today.

Furthermore, the important issue is that Gleneagles station is wholly inadequate for modern purposes. I doubt whether the suggested amount of £3.75 million will meet the requirements. The requirements are not only to provide disabled access, although that is a major problem at the moment. People have to telephone Perth station to have somebody come down to Gleneagles with the right equipment to get them across the track. That is unbelievably difficult. It does not seem appropriate to spend a lot of money on disabled access when there is a

perfectly good station waiting to be reopened that has easy disabled access.

The forthcoming Ryder cup in 2014 provides impetus and is why proposals for Gleneagles station have come on the map again. However, that station will simply not serve the needs of the event adequately. About 150,000 to 200,000 people will come, and many of them might choose to come by train. Car parking in the Gleneagles area is not good. By 2014, we need good access by train for the Ryder cup. Blackford would provide that, whereas Gleneagles does not. I have a photograph of a notice that was at the station for the Johnnie Walker championship the other week. I do not know whether it has been submitted to the committee, but it states:

“No foot access to the golf. Please wait for the Shuttle”.

People cannot walk to the golf course from Gleneagles station. The golf course was built round the hotel, but people cannot walk there from the station because it is too dangerous and the road access is bad.

There are issues of social justice, which I do not think the committee has considered previously, and other arguments. Many of the 315 staff at Highland Spring have said that they would travel to work by train if Blackford station was open. Highland Spring is about to spend £30 million on extending its property. It has indicated its willingness to consider freight transport, which at present is not possible, but which could be part of a redevelopment without great cost. There are substantial housing developments in the area. Perth and Kinross is predicted to be a major population growth area and, within that, the Blackford-Auchterarder area is a considerable growth area.

One final factor that has not been brought out hitherto is that the pressure down the line on Dunblane station is becoming intolerable. Car parking at Dunblane is causing massive problems. The town has just received money for town centre regeneration, but part of that will probably have to be spent on car parking to accommodate cars that come from the Sheriffmuir-Blackford-Auchterarder area. People cannot park at Gleneagles station at present and, as far as I can see, the new plan contains nothing about developing the necessary car parking at Gleneagles.

Although the COBRA campaigners did not want the issue to come down to a competition between Gleneagles and Blackford, that is what is happening. I hope that the committee will wish to make further inquiries. Members will probably have seen my parliamentary question on the issue and my oral questioning of the Minister for Transport, Infrastructure and Climate Change, who indicated that he is impressed by the

campaign and the material that has been produced. If we are to cope adequately with the Ryder cup, we must open Blackford station. I ask the committee to keep the petition open, pending further costings and information that I hope will be produced.

Nigel Don: I wonder whether Dr Simpson could help me with one fact. I can visualise the road but, as is the way with such roads, I cannot tell you how far Gleneagles is from Blackford.

Dr Simpson: I am not sure. I think that it is about 2.5 miles or 3.5 miles. It is not really walkable from Auchterarder, either. At the moment, it is in the middle of nowhere.

Nigel Don: I was just trying to compare that distance to the distance from Leuchars station to St Andrews. People take a shuttle bus or a taxi ride for that, so the situation here is not terribly different from that at the home of golf.

Dr Simpson: You are right. Once the decision is made to spend money on Gleneagles, I suspect that that will be the end of the matter for at least 10 to 15 years for Blackford, which has a hugely growing population.

Nigel Don: Is it accepted by all concerned that it is not practical to have both stations, in essence because of timetabling issues and the length of time that it takes trains to stop at a station?

Dr Simpson: That is correct. An hourly service to Perth is to be developed and it is proposed that the service will stop at Gleneagles, but there is no way that trains can stop at Gleneagles and Blackford.

Nigel Don: So there is no sense in having both stations—we have to go for one or t'other.

Dr Simpson: There is no sense in that in my view. Blackford is flat and has easy access. There is a signalling station next door, so a new one would not be required. The local bus companies are willing to provide a shuttle service between the station and Auchterarder and even Gleneagles hotel. The taxi drivers are also quite keen on doing that.

16:00

Bill Butler: Having heard Dr Simpson's view, we could perhaps suspend the petition for about four months, which is the timeframe for Transport Scotland to consider the proposals that are laid out in the study. That is a reasonable way to proceed: we will see what Transport Scotland, in its wisdom, has to say.

John Wilson: In light of Richard Simpson's comments, it would be useful to support Bill Butler's suggestion. We can write to Transport Scotland to get its estimate of the usage of the two

stations if Blackford were reopened. As Richard Simpson indicated, the Highland Spring development and others are taking place in Blackford, along with a lot of new house building.

Are we servicing a hotel and its clientele, as Richard Simpson mentioned, or are we servicing a community? We need to find out whether Transport Scotland is taking that into consideration in making its final decision about which station to fund.

Dr Simpson: That would be very helpful. One estimate states that there would be 5,000 additional passengers if Blackford were reopened, and zero if Gleneagles were enhanced. However, I should point out that the figure that was given for Alloa, which was the line that I was fighting for in 1999 when I was first elected, was 150,000, but the number has turned out to be 400,000. I do not really trust those estimates, and they certainly do not seem to take into account either the growth in the population due to new housing, or the fact that it is hoped that a tourism complex will be built that will add another 300 staff and 1,300 tourists to the immediate Blackford area.

The Convener: We will take the recommendation to suspend the petition while we await further deliberations and observations. The committee is happy to receive further submissions from the petitioners if they have any more up-to-date information. I recognise the contribution that Dr Simpson has made. We will keep the petition open and bring it back to the committee at a future date.

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

The Convener: PE1124, which the committee has considered on a number of occasions, is from Louise Robertson, on behalf of the League Against Cruel Sports, and it calls on the Parliament to urge the Government to amend the Nature Conservation (Scotland) Act 2004 to introduce provisions to ban the manufacture, sale, possession and use of all snares.

We have not had as many answers as we have sought on the petition. I am conscious of time, and I do not think there has been any disagreement in the past from committee members that we wish to continue with the petition and pursue the areas that are unresolved, with regard to getting a response from the minister and from departments. Do members agree?

Members indicated agreement.

Scottish Agricultural Wages Board (PE1139)

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

Members have a copy of the correspondence, and a news release from the Scottish Government on the Scottish Agricultural Wages Board. Are there any comments?

John Wilson: As a member of Unite—I want that on the record—I welcome the Cabinet Secretary for Finance and Sustainable Growth's decision, which was announced on Thursday afternoon in response to a parliamentary question from John Park, that the Scottish Agricultural Wages Board will be retained for another two years and reviewed in 2011. The petition has been very successful.

I stress that the Scottish Agricultural Wages Board deals not only with wages, but with the conditions of agricultural workers. It is important that we make that point, because many people forget that the board was established also to deal with agricultural workers' conditions.

Nigel Don: Can anyone—perhaps John Wilson—tell me whether the decision covers everything in the petition? The retention of the board hit the headlines, but the petition also mentions the expansion of the board's remit to cover all workers in various other areas. Has that been achieved, or should we still be considering it?

John Wilson: I asked on Thursday afternoon about the board's role and remit and whether that remit had been extended, but I did not get a clear answer from the cabinet secretary. On the basis of the press release, I assume that the full text of the petition was not taken on board when the cabinet secretary made his decision.

Bill Butler: As a member of the GMB, I congratulate colleagues in Unite on their campaign to retain the Scottish Agricultural Wages Board, which is essential. I also thank the Government for seeing the irrefutable case for its retention.

We should write to the minister on Nigel Don's question. It has been said somewhere, although not in the press release, that the board's remit has been extended. If it has been extended, we should congratulate the Government for that; if it has not, we should ask why not.

The Convener: Okay. We will continue the petition, explore those issues and try to satisfy the petitioner's ambition.

Just in case, I declare that I am also a member of Unite.

Disabled Parking (PE1149)

The Convener: PE1149, by Kenny Shand, on behalf of Disability Help Scotland, calls on the Scottish Parliament to urge the Scottish Government to introduce legislation to allow for parking bays for disabled drivers with mobility impairments—for example, outside that person's home—to be allocated specifically to the person who made the application and for such bays to be legally enforceable. Do members have comments?

Nigel Don: I have read the petition, I understand people's positions and still think that there is a real issue. When I was a councillor, the biggest thing in my area was a large hospital. Constituents who lived within a few hundred yards of that hospital's entrance and who needed disabled access parking bays would find that somebody had come along during the day and parked in their bay in order to be very close to the hospital, for obvious reasons. The bay was therefore simply not available to them, and it was extremely difficult for them to find somewhere else they could park, while the other person could have found somewhere else to park in the hospital area.

Everybody understands everybody else's position on the matter, but it seems to me that to have a general rule whereby bays cannot be enforced causes problems that we ought to try to find a way of avoiding. I accept that doing so is difficult because, in general, it is probably better if bays are available to anyone who is entitled to use them.

When I was walking in my home city of Aberdeen only a few weeks ago, a large vehicle parked in a bay that was marked for disabled parking only. A blue badge was thrown on to the vehicle's dashboard, and four very able-bodied people got out of the vehicle and went to the shop over the road. Of course any rule in our society will be abused: that was a reminder that there are ways of abusing such bays, and is another reason why it might be sensible to have enforceable bays specifically provided for people. I am concerned that there is, in the petition, a real issue of which we should not let go entirely.

The Convener: Do other members support Nigel Don or do they feel otherwise?

Robin Harper: I have sympathy with the concerns that Nigel Don has expressed, but I am slightly confused about who has the power to

issue traffic regulation orders. If local authorities have the power to issue them, surely the Government could encourage them to issue them in all cases in which there is a residential parking bay outside a disabled person's house and in which doing so is necessary.

John Wilson: The distinction that is being made relates to the bay becoming legally enforceable for the person who applied for the bay. At present, under the regulations, a person can apply to have a bay marked outside their residence, but that bay is available to anybody who can display a blue badge. I support Nigel Don's suggestion that we write to the Government asking it to clarify its views on the idea of allocating such bays for use solely by the individuals who apply for them. We might also want to test out a couple of local authorities to find out their views on the matter.

I do not think that the problem was covered in Jackie Baillie's member's bill. She clearly intended that, when someone applied for a disabled parking bay, that bay would be for the use of any disabled person in the area. I hope that the Government will clarify its position on whether a disabled parking bay should ever be allocated to an individual or whether such bays should be available to all disabled badge holders.

Bill Butler: I do not mind agreeing to write to the Scottish Government again, but the Government has already expressed its view that it will not introduce legislation on the issue. It views the allocation of bays to specific persons as discriminating against other blue badge holders. I do not know whether writing to the Government again would prove fruitful. If somebody can persuade me that it will be, that is fine; I am not going to die in a ditch over it. However, it seems that we have already had two answers, both of which have been in the negative.

Nigel Don: We know the Government's view. What we must explore—if colleagues are happy with this—is whether we can persuade the Government to think again. If we ask it for its view again, we will get the same answer. One way forward might be to write to a few local authorities—I take John Wilson's point that they should perhaps be different authorities from those to which we are writing on other subjects—to find out whether the appropriate director and his or her senior traffic people feel that there is a problem. It might just be that Nigel has a bee in his bonnet about Charleston Drive outside Ninewells hospital. Elsewhere, it may not be a problem and my former constituents will just have to live with the fact that there is no general problem. However, I suspect that there are quite a number of places where local authorities could point to a problem that could be solved if they had a discretionary power to use in the particular circumstances. That is

exactly the kind of power that we should, in principle, be prepared to give to local authorities when appropriate and cause for it is shown.

Marlyn Glen: The problem probably exists all over Scotland and beyond. Constituents of mine are in the same position. From the point of view of the individual who has mobility problems, it seems to be ridiculous that they can have outside their house a space in which they cannot park when they come home and cannot then get into their house because of their mobility problem. It is an issue that we should not give up on, because there certainly is a problem.

It would not be for the Public Petitions Committee, but might the way forward be for an individual—not necessarily the petitioner—to pursue a test case to see whether they could have a personal disabled parking bay enforced outside their house?

The Convener: I gather that the committee does not want to close the petition because there is still uncertainty over issues that need to be explored. We will pull together members' comments and pursue the matter of the decision-making process to see whether other approaches to it could be taken. We will keep the petition open and will touch on the points around which members have expressed concern.

Succession (Scotland) Act 1964 (PE1154 and PE1210)

16:15

The Convener: The next two petitions are PE1154 and PE1210.

PE1154, by Mary McIlroy Hipwell, calls on Parliament to urge the Government to amend the Succession (Scotland) Act 1964 to allow a person to leave in their will their whole estate to a surviving spouse or civil partner, and to abolish the right of adult children to claim on that estate.

PE1210, from I Chambers, calls on the Scottish Parliament to urge the Government to ensure that rights that are granted under the Succession (Scotland) Act 1964 are enforced and that any beneficiary who has been denied their rights due to non-compliance with the act be identified and compensated.

The issue has been considered by the committee, but the legal issues have not yet been fully explored because we still await the Scottish Law Commission's final report on succession. I suggest that we postpone consideration of both petitions until we get further clarification.

We could also write to the Government to ask it to respond to the latest written comments by the

PE1154 petitioner and ask whether mechanisms will be put in place for beneficiaries of trusts—including those who have inherited such a right—to be informed that they are beneficiaries. We will try to explore those issues. Is that agreed?

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, in order to reduce the number of hazards and accidents and to bring about improved benefits to the local and wider economy.

As with previous petitions on transport issues, we are still waiting for the completion of a Scottish transport appraisal guidance—STAG—report on the junctions and proposed improvement works. Do members agree to postpone consideration of the petition until we receive that further information over the next few months?

Members indicated agreement.

Bone Marrow Services (PE1204)

The Convener: PE1204, from Jessie Colson, on behalf of the Richard Colson Severe Aplastic Anemia Fund, calls on 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.

We have considered PE1204 at length on at least two previous occasions. Do members have any recommendations on how to deal with the petition?

Bill Butler: When we last considered petition PE1204 in May, it was agreed that the Government would meet SNBTS, the Anthony Nolan Trust and the petitioner to discuss the issues. That meeting recently took place.

The Convener: Committee members should have a note of that meeting, which took place in late August. The note is included as an additional paper. It does not affect the key point on which Bill Butler was about to express a view.

Bill Butler: We could perhaps ask the Government whether timed action points have been agreed. People are looking for a positive response from the Government—a way forward and a timeframe for action. I do not think—unless the clerk is about to advise me differently—that the

Government has provided timed action points. Perhaps we could write on that basis.

The Convener: Do members have other views?

Anne McLaughlin: I see that the note of the recent meeting states that there will be

“a follow up meeting after 12 months to explore how effective the proposed measures have been”.

Does that count as timed action points, or is that not specific enough?

The Convener: I accept Anne McLaughlin's point, but I think that that could be pulled together with a further explanation of two or three other points that came out of the meeting. I do not think that there is any disagreement on the issue.

Bill Butler: I think that is the timescale for reaching the objective or destination, but it would be helpful to seek clarification about points along the way.

The Convener: Okay. I thank members for their patience on that.

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—that is probably required in every constituency in Scotland—in order to increase mobility and to open up communities' access to social, entertainment and education outlets.

We have also previously considered PE1215. I do not know that the petitions process can add anything to what we have already tried to achieve.

Nigel Don: We need to close the petition for the very good reason that it is a classic case of a petition that should be taken to the local authority rather than to Parliament.

The Convener: Does the committee accept that recommendation?

Members indicated agreement.

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. Do members have any views on how we should deal with the petition? The licensing regulations are now in situ, of course.

Bill Butler: I believe the petitioner has notified the clerks that he believes that the petition has

been fully considered. If that is that case, we should close the petition.

The Convener: Okay.

The next petition on our agenda is PE1225. Jackie Baillie MSP has indicated that she would like to speak to the committee on the petition, but has had to leave for the time being. Do we agree to postpone consideration of the petition until she gets back?

Members indicated agreement.

Biological Data (PE1229)

The Convener: PE1229, by Craig Macadam, calls on 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 comments?

Nigel Don: Both we and the petitioner have to recognise that, although there is an important issue lurking behind the petition, given current budgets and the financial circumstances in which we live, there is unlikely to be a significant amount of money to add to what we do in this regard, however important it might be.

The petitioner is right to say that what he suggests is not just about efficiency and is above monetary value. At the end of the day, however, things are only done if they can be paid for—unless we can encourage people to do things voluntarily, which is the important point that I would take from the petition. Those who are concerned about the environment and have the ability to collect the data and use it should be encouraged to do so. Encouraging our society to get on with doing useful things is an aspect that we sometimes miss.

Robin Harper: It is extraordinarily important that we keep up pressure on the matter. It took a long time for the biodiversity plans to be completed, but that was not the signal for people to sit back and say, "Right, we've got our biodiversity action plan, we can stop there." We need to know the data with which the petition is concerned.

Nigel Don is right to say that there is not a lot of money around and that volunteers are important—lots of organisations already use a tremendous amount of voluntary manpower to gather data. However, it is important that local authorities be kept up to the mark in recognising their responsibility to keep up-to-date records of the data that can be gathered, so that they can take appropriate action in terms of planning, building and so on. I would therefore like the petition to be kept open.

The Convener: Do we agree to keep the petition open and to look into the issues that members have raised, and the issues that were raised when the petition was discussed previously?

Members indicated agreement.

HM Prison Kilmarnock Contract (Independent Review) (PE1241)

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

I am conscious that this has been a long shift for the committee, but Willie Coffey, the petitioner's local MSP, and Margaret Mitchell would like to speak to the petition.

Willie Coffey (Kilmarnock and Loudoun) (SNP): Thank you, convener. I note from the responses that neither the Scottish Prison Service nor Serco support the call for an independent review. Both state that there are enough provisions in the contractual arrangements to allow negotiations to take place. That is encouraging to an extent, but further progress would be achieved if, in the process of negotiations to resolve some of the issues that have been outstanding for a number of years, there was engagement and dialogue with the prison officers at Kilmarnock themselves. There might be merit in the petition coming back to the committee at a later date as a check and balance to ensure that good progress is being made.

Margaret Mitchell (Central Scotland) (Con): There were five submissions in response to the committee's call for evidence. As Willie Coffey said, two of the bodies were against an impartial, independent review, but two others were in favour—the Prison Service Union and the Prison Officers Association Scotland. Audit Scotland was at best neutral.

I will quickly go over some of the points that still support the case for an impartial and independent review. The Scottish Prison Service states that there is no conflict of interest because it does not raise revenue. It does, however, get money from administering the penalty points system, so I contend that there is a conflict of interest that has not been addressed.

The SPS says that the disciplinary process is a matter for the employer, but if there is a breach, the SPS controller can intervene and remove the custody officer's licence, which means that they cannot work, and there is no right of appeal. That

is a big issue for those who work in Kilmarnock prison.

On training requirements, again, the SPS says that standards of training are entirely a matter for the contractor, but the SPS has not taken up requests to make them a little less arduous. The standards are still higher than those that pertain in the rest of the Scottish Prison Service.

On safety issues, it is clear from the PSU's submission that the SPS is still slow to respond to, for example, the need for physical security measures. In those circumstances, there is an issue about the safety of both prisoners and officers. Audit Scotland failed to address the issue at all.

We also have the issue of the £2.5 million that has been raised from the penalty points system. No one knows where that money has gone. If it goes to the SPS, there is clearly a conflict of interest. I do not think that there is any doubt about that. Again, Audit Scotland refused to take a hands-on approach or any ownership of that, which raises a question: if Audit Scotland is not prepared to look into the issue, who is? As the SPS is an arm of the Scottish Government, are ministers prepared to look into that a little further?

As for Serco, it maintains that contractual changes in the early years are often minimal, but the contract is now in its 10th year. A reasonable person would not consider that to be the early years of the contract. Serco says that the contract provides for dispute resolution to be used to address points of argument or dispute, but penalty points are still being imposed for things such as finding mobile phones, so the diligence of officers at Kilmarnock is being penalised rather than rewarded. If an officer in the SPS system finds a mobile phone, they get a commendation, so there are clear differences.

On physical training, the real issue is the high number of officers at Kilmarnock who have to be trained rather than the profile of those who are trained—the over-50s, for example. I should point out that for every person who requires training up to riot 3 status—and that is all officers in Kilmarnock prison—the SPS gets a sum of money. I believe that the sum is £250. The SPS gets £24,000 per annum from maintaining much higher levels of training than exist elsewhere in the prison service.

Finally, it appears that PAVA spray is not available to officers in Kilmarnock because under the Firearms Act 1968 it can be used only by Crown servants, which those officers are not deemed to be. Although Mike Ewart says in a letter dated 27 July 2009 that private sector partners should give “equal priority” to health and

safety issues, that is clearly not the case in this instance.

I contend that, as many of these issues are still live, there should be an independent review.

16:30

The Convener: There is not much disagreement at our end of the table that issues still have to be pursued, so we will not be looking to close the petition.

John Wilson: As the petition was submitted before the opening of Addiewell prison, it would be useful to find out whether the contract that the SPS negotiated for the operation of that prison is exactly the same as the contract for HMP Kilmarnock or whether any amendments or changes have been made.

Margaret Mitchell is also right to highlight the rights of prison officers at Kilmarnock and the fact that, if their licence is taken away without appeal, they could also lose their livelihood. We have to maintain the employment rights of those workers and ensure that they are not being dealt with unfairly. As a result, we must seek to build in guarantees and find out why the SPS is taking this action.

The Convener: As we have still not received full responses to certain issues that arose when we previously discussed this petition, I suggest that we follow those up and take on board the comments made by Margaret Mitchell and the constituency member, Mr Coffey.

Do members have any final comments?

Margaret Mitchell: John Wilson is right to mention Addiewell because, as I have been led to believe and as the petitioner's submission makes clear, certain issues are beginning to emerge at that prison. This is a very much a live issue and, as I say, an independent and impartial review would go a long way towards resolving it.

The Convener: We will continue our consideration of the petition and pursue the matters that have been highlighted. I thank the members who have come along to speak in support of it.

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

The Convener: PE1244 by Donna Mathieson on behalf of Aberlady primary school parent council calls on the Parliament to urge the Government to revise the regulations and accompanying guidance under the Schools (Health Promotion and Nutrition) (Scotland) Act 2007 to allow schools to provide full fat milk where

the child and the parents have indicated that that is their wish.

In their responses, the Government and NHS Health Scotland have said that they would not support any proposal to revise the regulations and guidance and have fully answered the eight points raised in the petition. Under the regulations, parents are allowed to send their children to school with full fat milk if they so wish. On those grounds, I recommend that we close the petition.

Members indicated agreement.

Clostridium Difficile (Public Inquiry) (PE1225)

The Convener: We now return to PE1225 by Michelle Stewart. The petition has already been discussed by the committee, and I hope that our contribution has helped to progress the very difficult issue of tackling clostridium difficile not just at the Vale of Leven hospital but across the national health service in Scotland.

As I say, the committee has already discussed the petition in great detail. However, Jackie Baillie, who is the member of the constituency in which the hospital most dramatically affected is located, might wish to add some brief comments.

Jackie Baillie: Thank you very much. I apologise for not returning in time for the petition's slot, but I was involved in evidence taking at the Finance Committee.

You are right that there are two issues in the petition. The first is the public inquiry. The families would want me to thank the committee for its efforts and support in securing the public inquiry, which was valuable. The second issue is the funding of all relevant individuals, groups and organisations to allow them to be involved and to participate fully in that inquiry. The latter point remains to be addressed. At a previous meeting, a committee member said:

"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".—[*Official Report, Public Petitions Committee*, 5 May 2009; c 1771.]

Those were the wise words of Nigel Don. He was right then and he is right now. That matter has not been resolved, so I would be grateful if the committee would keep the petition open.

The Convener: You know that you have arrived in politics when the opposition is always quoting your name. There are issues that we still wish to pursue, so I do not wish to close the petition at this stage. We might want to postpone that until we get the details that we want.

Bill Butler: We need to get the inquiry's terms of reference, too. That would be helpful.

The Convener: I hope that that is satisfactory to the petitioners. I know that they have been in contact with Jackie Baillie over the past few months. Is that approach agreed?

Members indicated agreement.

The Convener: I never thought that I would say this, Jackie, but go back and enjoy the Finance Committee.

Voluntary Sector Mental Health Services (Funding Framework) (PE1258)

The Convener: The final petition for consideration today is PE1258, by John Dow, on behalf of TODAY—Together Overcoming Discrimination Against You and Me—which calls on the Parliament to urge the Government to introduce a fairer funding framework for all local, regional and national charities and organisations that support individuals with mental health issues and new guidance on the best value and procurement of such support services. We know that there are other petitions on similar subjects. How do members wish to deal with the petition? I certainly would not want to close the petition at this stage. Should we continue it, or refer it to another committee?

Robin Harper: The petition raises a big enough issue for us to refer it on.

The Convener: The clerk, in his wisdom, has indicated that the Local Government and Communities Committee will look at the broader issues raised by the petition at its meeting tomorrow.

John Wilson: We have incorporated the petition into a Local Government and Communities Committee inquiry. We have invited a number of witnesses along to speak on voluntary sector funding.

The Convener: The clerk, in his further wisdom, is about to make another suggestion.

Fergus Cochrane: Does John Wilson know what stage the Local Government and Communities Committee's inquiry has reached and whether it would be appropriate to refer the petition to it now? What precisely is the Local Government and Communities Committee doing tomorrow and is tomorrow the last evidence session in the inquiry?

John Wilson: I need to refer you to the clerk to the Local Government and Communities Committee. I do not have the paperwork with me, so I cannot give you a definitive answer.

The Convener: It may well be too late to refer the petition on, so we should continue it in this committee and explore a couple of issues relating

to the concordat and voluntary sector funding. Is that agreed?

Members *indicated agreement.*

New Petitions (Notification)

16:38

The Convener: Item 3 is notification of new petitions, on which members have received information. We will note the new petitions and invite petitioners to come forward in due course.

Our next meeting will be on Monday 21 September. As one of our outreach opportunities, we are going to Alness academy in the north of Scotland. I know that members will require two days for that, because of the travel arrangements. I am conscious that members will have a busy week that week, but I hope that we can continue the outreach work, which has been received positively by people throughout Scotland.

Nigel Don: I will have to record my apologies for that meeting. I had hoped to be there. It is important that we do these things and I understand that they have to be done on a Monday. I would have expected to be there, but I was reminded rather later than I should have been that we have a family wedding on the south coast, so there is no possibility that I will be there.

The Convener: Your future wife would appreciate your turning up.

John Wilson: That is very sexist of you, convener.

The Convener: Given earlier debates, that is fair enough.

Robin Harper: I have to make the same apology, convener. We have a family wedding on the Sunday.

The Convener: Some of us have really broad shoulders, Robin. I hope that you will be feeling suitably guilty.

John Wilson: That does raise an important point. If three members of the committee have said that they will not be there, I suggest that we confirm whether the other members will be in attendance. I would hate for us to visit Alness with only half the committee there, because I do not think that that gives due respect to people in Alness, or to the committee.

The Convener: I will be there, as will John Farquhar Munro, Bill Butler, Marilyn Glen and Nanette Milne.

John Wilson: I will be there.

The Convener: I recognise that it is a big ask for all of us, given how busy our schedules are, but we have to measure that against the benefits of such engagement to us and to the public.

Meeting closed at 16:41.

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