

SOCIAL INCLUSION, HOUSING AND VOLUNTARY SECTOR COMMITTEE

Wednesday 19 January 2000
(Morning)

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SOCIAL INCLUSION, HOUSING AND VOLUNTARY SECTOR COMMITTEE 2nd Meeting 2000 (Committee Room 4)

CONVENER :

*Ms Margaret Curran (Glasgow Baillieston) (Lab)

DEPUTY CONVENER :

Fiona Hyslop (Lothians) (SNP)

COMMITTEE MEMBERS :

*Bill Aitken (Glasgow) (Con)

*Robert Brown (Glasgow) (LD)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Mr John McAllion (Dundee East) (Lab)

*Alex Neil (Central Scotland) (SNP)

*Mr Lloyd Quinan (West of Scotland) (SNP)

*Mr Keith Raffan (Mid Scotland and Fife) (LD)

*Mike Watson (Glasgow Cathcart) (Lab)

*Karen Whitefield (Airdrie and Shotts) (Lab)

*attended

THE FOLLOWING MEMBER ALSO ATTENDED :

Tommy Sheridan (Glasgow) (SSP)

COMMITTEE CLERK :

Martin Verity

ASSISTANT CLERK :

Rodger Evans

Scottish Parliament

Social Inclusion, Housing and Voluntary Sector Committee

Wednesday 19 January 2000

(Morning)

[THE CONVENER opened the meeting at 10:02]

The Convener (Ms Margaret Curran): Welcome everyone, and thank you for your attendance. As ever, we have a full agenda—no matter what we do, we always manage to have a full agenda. Unless there are any urgent points of order, we will move straight on.

Abolition of Poidings and Warrant Sales Bill

The Convener: We have been dealing with the bill on the abolition of poidings and warrant sales for some time. Everyone is aware that we have a strict deadline, and I am keen that we should keep to it.

There will be two stages. Today we will consider the general principles of our submission and next week we will consider a detailed report, which Martin Verity will draft following our discussion today.

Members have in front of them a paper that Martin has already drafted. It is based on our consideration of the bill so far. Members will have an opportunity to speak, but first I will hand over to Martin, who will talk about the paper and what is expected of us now.

Martin Verity (Committee Clerk): The committee has now heard all the oral evidence on the bill that it wished to hear. Members will recall that we are at stage 1 consideration and that this committee will feed its views into the Justice and Home Affairs Committee, which will report formally to the Parliament.

Members received copies of all the written evidence that was originally submitted to the Justice and Home Affairs Committee clerk, and identified an number of organisations from which they wanted to take oral evidence. This paper summarises the evidence that members have received so far. It does not provide new information. Anything that has been missed out can be found in the *Official Report* or in the written evidence.

Because the *Official Report* of last week's evidence was not available while I was writing this

paper, I have not included a summary of the oral evidence that was given by the Department of Social Security and Citizens Advice Scotland. As the *Official Report* of last week's meeting is now available, I am happy to produce a summary of that oral evidence, if the committee would like me to do so.

Today, I would like the committee to give me a steer as to what it wishes to be in its report to the Justice and Home Affairs Committee. That report will take the form of a letter from me to the clerk of that committee, informing him of this committee's views. I plan to present a draft final report for your approval at next week's meeting, as the deadline for our submission to the Justice and Home Affairs Committee is the end of January.

The Convener: We will have a general discussion before we move on to specific points that members wish to include in the report.

Mr John McAllion (Dundee East) (Lab): I do not want to make any detailed points now, but I may want to at next week's meeting. It might be helpful if members were allowed to pass any detailed suggestions to Martin Verity, whose report, I notice, stays out of the politics.

The Convener: I noticed that.

Mr McAllion: It is very factual about the evidence that was submitted to us. Of course, the whole point of this committee's consideration is to take a view on the evidence—I am sure that we all have strong opinions. Does Martin want to feed our political views into the draft report, or should we suggest amendments to the draft report at next week's meeting?

The Convener: I understand that at this stage we should agree our position on the principle of the bill—whether we are in favour or against, or whether we favour a specific amendment.

Martin has been helpful in summarising the evidence, but the committee must take the process further and take a view—that is what he means by a steer. Certainly, we have an opportunity to recommend detailed points

Mr McAllion: In principle, I am in favour of the bill.

The Convener: My interpretation of the evidence is that it is sympathetic to the bill. From reading the *Official Report* and hearing the views of members, I think that it is fair to conclude that we are sympathetic to the passage of this bill, particularly from a social inclusion perspective.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I, too, am in favour of the bill in principle.

Although some things that we did not know emerged in evidence, much of what was said did not come as a big surprise to many of us.

However, a recurring point, particularly in the evidence of people who are involved in money advice and debt counselling agencies, was that the vast majority of cases in which warrant sales are threatened concern the recovery of council tax. We have to ensure that local authorities can collect their taxes. West Dunbartonshire Council seems to have thought of a way of doing that, which we should consider further.

People who do not pay for the first half of the year discover that poinding and warrant sale is an automatic part of the procedure—they are not given time to pay. This committee should recommend—to the Finance Committee or the Local Government Committee—that the way in which council tax bills are issued should be reviewed. The procedure should take account of people's ability to pay and should not require cases to be handed over straight away to sheriff officers. I would like more information about that problem so that it can be resolved.

The Convener: But that does not stop you supporting the bill in principle at this stage?

Cathie Craigie: No. Warrant sales should not be retained just so that we can get over that hurdle, which is not insurmountable. Executive departments or other committees of the Parliament should examine that issue.

The Convener: The Local Government Committee is considering the bill from that angle.

Alex Neil (Central Scotland) (SNP): The Local Government Committee raised that point when it took evidence from Alan Adams of Glasgow City Council protective services. He was strongly in favour of the abolition of poindings and warrant sales, as a matter of urgency. There is much evidence to suggest that there are ways of dealing with the problem that Cathie Craigie mentions without having recourse to the inequities of the poinding and warrant sale system.

Obviously, it will be no surprise to the convener that I am 100 per cent in support of the bill. The balance of the evidence that we have received has been overwhelmingly in favour of abolition. Those who argued against abolition, such as the Law Society of Scotland and the DSS—two professional, well-resourced organisations—presented the poorest evidence by far; their evidence was based on notions and subjective judgments, whereas the evidence of voluntary organisations was more substantive. Anyone with an open mind who listened to the evidence objectively would reach the conclusion that the passage of this bill should be recommended.

In the longer term—I do not know which committee should take the lead on this, and it should not prejudice the swift passage of the bill—a number of other issues that cause difficulties

should be considered. For example, I was not as aware as I am now about summary warrants. Last week, the DSS official read out the letter that is sent to 25,000 people in Scotland, which says that people have 14 days to pay or else. The implication of the letter did not strike that guy. The bulk of those people have no money and live from hand to mouth from Tuesday to Friday. It is unrealistic and inhumane to tell them to pay off hundreds—sometimes thousands—of pounds of debt in 14 days. There are justice, local government and social inclusion angles to such issues, which we should address in future.

The Convener: I was disappointed that the DSS witnesses did not have facts and figures with them. They should have expected that we would ask for such things. When we invite people to give evidence, we should make it clear that we expect them to be prepared, that we are bound to follow a certain line of questioning and that we will ask for facts and figures. Perhaps Martin Verity and Rodger Evans could draft a general letter asking witnesses to come prepared—the detail of letters will vary according to the nature of the evidence that we take. We should expect people at least to count up the figures before they come to our meeting. The DSS witnesses should have known the answers to a couple of questions that were asked by Bill Aitken and Robert Brown.

10:15

Karen Whitefield (Airdrie and Shotts) (Lab): Like Alex Neil, I want to highlight a couple of things that have arisen from the evidence that we have taken. I support the bill; all the evidence that we have been given suggests that the committee should support its swift passage through the Parliament.

In particular, I would like the committee to do some work on credit and the ability of people from a less well-off background and from deprived areas to get access to credit. In our inquiry, we have received evidence that poindings and warrant sales force people to go to moneylenders, because they have no other means to access money quickly. It is shameful that people are still being forced to approach moneylenders. I would like us to examine credit unions. Some local authorities are working well, with income maximisation programmes, which helps them to ensure that people are better able to cover their outgoings. We could discuss those possibilities when we consider Robert Brown's proposed work paper.

Robert Brown (Glasgow) (LD): I am distinctly more conditional in my support for the bill than some other members are, as I think that there is some unreality about certain aspects of it. In our report, I think we should recognise that the legal

system is coercive; it is designed to make decisions and to give people remedies as appropriate, with due regard to the balance of parties. That has been recognised in some of the evidence that we have received.

Having said that, I think that we should consider the evidence in the light of the detailed written report from the Scottish Law Commission. In its summary of conclusions, it lays down a good analysis of some of the issues that we have to consider. I recognise the thrust of the committee's views but I think that this subject should ideally form part of a broader review of civil diligence, regardless of the how the bill progresses.

I should again declare an interest—I am a member of the Law Society of Scotland.

My view has significantly shifted as a result of the evidence that I have heard. I was disappointed with the professional evidence, and with that of the Department of Social Security in particular. It was astonishing that its representatives could not give us the figures that one would have thought would form the basis for their representations.

The evidence highlighted a number of distinctions that we should make. Cases involving commercial credit and arrangements between companies are different from domestic cases. We are essentially dealing with household matters. There is also a distinction between private enforcement, which is a less significant remedy than it once was, and the enforcement methods used by public bodies, including for the community charge and council tax. We should be conscious of the implications of what is proposed on councils' ability to recover money. That point leads on to other pertinent issues, including the availability of money advice and of citizens advice bureaux.

On Karen Whitefield's point on credit, we suggested at one point that, as part of our future work, we could investigate the Prudential or another organisation that is involved at the beginning of the credit process. An understanding of credit and of how people get into debt is relevant on a broader level.

Whatever the law and procedures, it seems that, in many instances, the people affected do not know about them. That applies to the provision to challenge applications for warrants and so on. It seems that people have not been taking advantage of such measures or have not been aware that they could use them—perhaps they do not have the back-up facilities that would enable them to take advantage of them.

We should also be conscious of something that a number of members have mentioned and that was in the Law Commission's report—all the other countries about which we have found out have a system analogous to poinding and warrant sale. I

believe that we should concentrate primarily on how people get into debt and on the distinction between those who can't pay and those who won't pay.

The more evenly balanced issue of enforcing aliment was also raised. In cases where, for example, a wife is trying to secure aliment from a husband, poinding and warrant sale might be one method of proceeding.

The residual debt from the days of the poll tax dispute is also a problem; it puts a heavy burden on the effectiveness of any legal, debt or poverty-avoidance system. I am not clear in my own mind about what the proper solution should be, but that problem must be tackled. We have to establish whether that debt is realistically recoverable. If it is not, it should be removed from the system, because it has distorted the whole issue, with implications that we have to take into account.

I hope that some of those observations can be considered in our approach to the final report. Some of the points are detailed, but they are important. Unqualified support for the bill, without taking those other angles into account, would be unbalanced.

The Convener: It might be useful, Robert, if you could distil those comments into a number of points that you want other members to examine.

Robert Brown: I would be happy to produce something in writing. Members should, however, look at the Law Commission's report. I think that it is a balanced and good analysis, regardless of whether members agree with it.

The Convener: Before I call Lloyd Quinan to speak, and before I let members respond to what you have said, Robert, I should mention that yesterday I received an e-mail from the Institute of Credit Management. Did anyone else get it?

Mr McAllion: Yes.

The Convener: I have not received any other submission from the institute before, and it seems that the clerk has not either. The institute is against the bill. I will circulate the e-mail to members for their attention.

Mr Lloyd Quinan (West of Scotland) (SNP): To continue from what Karen Whitefield and Robert Brown have said, I believe that, by supporting the bill, we will come under pressure to examine other aspects of debt recovery and debt management. I think that, as an on-going part of our social inclusion remit, we should specifically consider debt management. It falls to us to consider that rather than debt recovery, which is a matter for the Local Government Committee, although we should continue to exchange evidence on it, as we have done in our consideration of this bill.

Taking into account the income maximisation programmes that are being carried out, the approach of West Dunbartonshire Council to the recovery of council tax and rent arrears, and Karen's commitment to credit unions, I think that, after we have submitted our report on the bill, we need to begin an investigation to prepare ourselves for what the Institute of Credit Management and other anti-bill organisations will want—they will, I imagine, want legislation to fill what they perceive as a gap. However, the responsibility lies with us to consider debt management and, specifically, access to credit and maximisation of income—I think that we come down on the side of the people who are, in effect, socially excluded.

The Convener: That is a good specific recommendation, to which we could refer in our next discussion on social inclusion.

Mr Keith Raffan (Mid Scotland and Fife) (LD): I always get very nervous when people talk about the swift passage of a bill. Any bill should go through the normal procedures, particularly a bill such as this, to which I am not unsympathetic, although we should remember that it abolishes something without suggesting alternatives.

I tend to agree with other members about the quality of the evidence that we received. I missed half of one meeting, but the professional bodies' evidence was disappointing. As the Law Society of Scotland and the DSS laid such emphasis on poindings and warrant sales, it was disappointing that they did not discuss possible alternatives—perhaps the DSS felt that its ability to do so was restricted. I was also disappointed that Citizens Advice Scotland, an organisation that I strongly support, had not in its written and oral evidence really thought about alternatives. Although it submitted a couple of paragraphs on the subject, when we pressed the witnesses, we found that they did not have any steer on what the alternatives might be.

I agree with many of Robert Brown's comments, even though we have not actually discussed the issue. [*Laughter.*] There you are—Liberal Democrat telepathy. Are not members of other parties envious of that?

Robert made a valid point about private enforcement, which is a diminishing concern. However, we heard evidence about the knock-on effect on self-employed small builders or plumbers if their bills are not paid. Although that might be a small part of the issue, we cannot completely ignore it.

Council tax is clearly the biggest area affected by this issue. We should bear in mind the fact that, if many people do not pay their council tax, that affects other people's council tax in an area. This

is a question of fairness, and the distinction between can't pay and won't pay is important. Karen Whitefield, Lloyd Quinan and Robert Brown are right to say that we have to examine the whole area of debt management and gaps in provision by such bodies as the CAS. Advice is not widely available; the DSS clearly does not regard it as part of its responsibility, but goes hell for leather to recover what is owed to it, irrespective of other debts that are held by the people being pursued.

My sympathy towards the bill is qualified by my reservations about simply abolishing these measures. Local authorities or others will find it difficult to know where to go when pursuing a debt.

Bill Aitken (Glasgow) (Con): Committee members seem unanimous in their view that poindings and warrant sales are distasteful, to say the least, and I do not think that any of us are particularly happy with the situation. However, debts have to be recovered, because sometimes the creditor can face real hardship—Robert Brown gave a very good example of the wife pursuing alimony from her estranged husband.

The problem lies mostly with the local authorities and the DSS and it was disappointing that, last week, the DSS could not provide figures and information that the committee obviously required in order to make a wider determination on the matter. Has there been no response to our correspondence?

Martin Verity: We are expecting a letter today.

Bill Aitken: There has to be a close association of ideas between people who hold the can't-pay, won't-pay philosophy and people who are in genuine need. I find it difficult to accept the assertion made by one of the voluntary organisations that there would be no knock-on effect for the ability of people from deprived communities to get credit. Although an alternative should be in place before the bill is passed, poindings and warrant sales are anachronistic and I am well aware of the hardship that they cause, particularly in Glasgow's peripheral schemes, where people are driven into the hands of illegal moneylenders and the evils of that system.

Tommy Sheridan (Glasgow) (SSP): Yesterday, I had the opportunity to sit through the Local Government Committee evidence session with the Scottish Law Commission and the Federation of Small Businesses. It is interesting that, like Bill Aitken, the FSB described poindings and warrant sales as "distasteful". The FSB said that many of its members were subject to those procedures on account of the Inland Revenue, which uses poindings and warrant sales at the drop of a hat even though alternatives are available. The FSB supports the principle behind the bill partly because it feels that poindings and warrant sales

are being misused by bodies such as the Inland Revenue to drive small businesses to the wall.

10:30

The Scottish Law Commission has submitted a 194-page tome, to which Robert Brown referred. That report has been used as the backbone of evidence against the bill. All I would say is that, in those 194 pages, there is not one case study of a poinding or warrant sale. When I asked the Scottish Law Commission representatives whether any of them had attended poindings or warrant sales, one of them said no and the other said that he had not attended them after 1985. The Scottish Law Commission's submission lacked the experience of the humiliation and indignity of poindings and warrant sales that is detailed in other evidence and, as a result, I disagreed with 99.9 per cent of its evidence. However, one point on which we agreed was that there was no possibility either of separating private debt and credit debt or of creating an artificial divide between a business debt and a personal debt. Gil Paterson of the SNP said that he was probably a fine example of that, as his business is in his name and separation would therefore be impossible. It is interesting that the Scottish Law Commission has considered that aspect and agrees that such separation would be extremely difficult.

What I found illuminating in the Local Government Committee's discussion was Johann Lamont's summary of the position that members had reached, which was that most people felt that poindings and warrant sales should go. Opinion was divided on whether an alternative should be found before poindings and warrant sales were abolished or whether they should be abolished to force people to find an alternative. I am glad that the committee decided that abolishing these "spurs"—a word that sheriff officers somewhat ungratefully used to describe the point of these measures—would be a spur to change. If poindings and warrant sales were no longer available, the idea of finding an alternative would have to become a reality—the debt recovery agencies and legal minds would be forced to find that alternative if they continued to tell us that we needed to put something in place.

I was very pleased that the Local Government Committee recommended support for the bill as a spur to change and did not want to wait for change before it gave its support. I hope that, given the evidence that this committee has heard, it will conclude that the bill is a start, not the be-all and end-all. I found Loretta Gaffney's evidence stunning. She said that we had to take this step now and then consider other changes, because that would tell the very poor and excluded people

in our society that we had not forgotten them and that we were seeking a more humane form of debt recovery and debt management. I hope that this committee will adopt the same view.

The Convener: I will take John McAllion and Karen Whitefield next, then we should move to some conclusions.

Mr McAllion: The report should reflect the question of the effectiveness of poindings and warrant sales. There is a fundamental contradiction on the part of those who argue that, on the one hand, the Debtors (Scotland) Act 1987 protects individuals and that there is no real hardship for those who are subjected to those measures and, on the other, that the fear of poindings and warrant sales makes people pay up.

There is fear of those sales because of the hardship that results from them. Robert Brown is absolutely right to say that the system is coercive. The question is whether that coercion falls within the moral bounds of the kind of society that we want Scotland to be—my judgment would be that it does not. The evidence given to the committee has suggested that the use of poinding and warrant sales is not morally acceptable.

There are other restraints. Nowhere except Scotland can people forcibly enter the homes of others—even when their children are present—and subject them to the humiliation of a poinding. We must remove such blots from the Scottish legal system.

I am not concerned by the swift passage of the bill—the conveners liaison group last night discussed how slow the progress of the bill had been. There is a principle at stake—this is the first member's bill that has come before the Parliament and its progress has been painfully slow. We are not even at the end of stage 1 consideration and we have been at it for months. At stage 2 we will go through the details line by line. The argument that we should wait until some other system is in place before we get rid of the sales is the argument of those who do not want change.

As the Parliament matures, there will be more and more Executive business and less and less time for dealing with issues that are not central to the economy. This is the Parliament's chance to send a signal that it listens to those who are socially excluded. If the committee cannot listen to them, no other committee will be able to. We have a moral responsibility to support the bill and its progress to the statute book.

I would like to make a point about the evidence that was given by the DSS. I served for 11 or 12 years at Westminster and the DSS would never have gone to a committee in Westminster with only two sides of paper as evidence. Our report

should reflect the fact that the committee is insulted by the way in which the DSS has treated the committee and that we expect better from Westminster departments in future.

The Convener: We should include that in our report, but we should also make it a separate issue and flag it up later.

Karen Whitefield: I agree with much of what John said. At the start of this process, I was not convinced that the warrant sales bill was the way forward—I was concerned about the implications if we did not have an alternative to warrant sales in place. There has been overwhelming evidence that there is a pressing need for abolition of poinding and warrant sales.

Those who can pay but will not were mentioned in the evidence from the DSS and the Child Support Agency. The reality is that the vast majority of those people will not pay because they are not affected by the fear of poinding and warrant sales. It is the poor who are worst affected by poinding and warrant sales. I worked for a Westminster MP for seven years and my experience is that the CSA does not do its job in relation to parents who can pay but refuse to do so. The people who are most adversely affected are those who are not receiving child maintenance from the other parent. That other parent—who does not have care of the children—might be more than able afford to pay the maintenance. Those people do not fear poinding and warrant sales because they can afford to replace goods that are poinded. We must be careful about using the CSA's evidence as an excuse for delaying the passage of the bill.

The Convener: We are hearing clear views, but I would like guidance from members who wish to qualify what has been said. It seems that the committee is in favour of the bill in principle. We will ask Martin Verity to draft a report on the basis of today's discussion.

John McAllion mentioned stage 2 of consideration of the bill; we will have time to go through the bill again. It will go before the Justice and Home Affairs Committee, so any qualifying remarks that members make will be examined.

Mr Raffan: Issues relating to the bill can also be raised in the chamber. Any member's bill—particularly a bill of abolition—should be subject to sufficient scrutiny. I put two private members' bills through the House of Commons and they were not subjected to sufficient scrutiny. I take John McAllion's point about the unfortunate delays that have slowed passage of the bill, but it should not be rushed now—I would oppose that in the chamber.

The Convener: I am sure that you will keep an eye on it.

Mr Raffan: I do not mean that I would oppose the bill—I would oppose it being rushed through.

The Convener: Should we release to the press the fact that the committee agrees unanimously to support the bill in principle?

Robert Brown: Members' agreement is linked to certain conditions.

The Convener: We will not say that we are unanimous, but we will say that we all agree in principle to support the bill and that the committee will examine detailed comments from members next week. We will keep an eye on comments as they arrive.

Alex Neil: When we examine our future work programme in February or March, we should try to build in a review of the kind of issues that Karen Whitefield raised in relation to access to credit for low-income families, debt management and so on. We must establish exactly what the committee needs to examine, but we should take the lead on the issues that I have just mentioned.

The Convener: Yes—absolutely.

Alex Neil: My second point is about drafting, which is important. Martin Verity's report was very good, but paragraph 11 states:

"The Diligence Committee was opposed to the Bill, which was of a piecemeal and ill conceived nature."

It should say that that committee was opposed to the bill, "which it regards as being piecemeal and ill conceived." Alternatively, the words "piecemeal and ill conceived" should be included in quotation marks. When people read such documents, they must be able to distinguish between this committee's views and the views of other committees—care must be taken in drafting to ensure that.

The Convener: I know that the clerks' work load is onerous. I represented that view to the conveners meeting last night and mentioned that this committee must share clerks with other committees. You would have been proud of me, Martin, but I would appreciate it if you could get the next report to members as quickly as possible, so that we are prepared for next week's meeting. There might be different points of view to which we must be sensitive, so we will set aside plenty of time for that.

Alex Neil: Could Martin also circulate the DSS response?

Martin Verity: Yes.

Alex Neil: I would also like some clarification on Keith Raffan's comments, which were—as usual—worth while. He referred, however, to the CAS. Did he mean to refer to Citizens Advice Scotland or to the CSA, or the Child Support Agency?

Mr Raffan: I meant to refer to Citizens Advice Scotland.

Robert Brown: Might I be assured that the report will include the qualifying comments? There is agreement that many of the issues that have been mentioned are important and must be taken forward by this or other committees.

The Convener: We will put Lloyd Quinan's points about debt management on our next agenda. We will discuss next week the points that Robert made with specific reference to the bill. There might be different points of view about those matters, and those must be included in our report.

Mr Raffan: It is important that our concerns and the constructive views—even minority views—of others are expressed.

The Convener: We will try next week to find the form of words that will allow that. Martin will e-mail copies of Robert Brown's draft report to the committee so that we are prepared for the discussion.

Tommy Sheridan: Thank you for your indulgence.

The Convener: Thank you.

Drugs Inquiry

The Convener: We will now turn to the refocusing of the drugs inquiry. Those who were given the task of recommending an adviser recommend the appointment of Laurence Gruer. The details have still to be agreed, but the committee will recommend that appointment.

Keith Raffan and I met Laurence and agreed broadly what the focus of the inquiry should be. That focus did not move wildly away from what the committee had already agreed. Laurence will draft in detail what he thinks we should focus on, including a programme of visits. I can reassure the committee that the broad range of interests and issues that have been flagged up by members will be considered.

We will consider different models of practice, talk to key interest groups, engage with professionals and consider the Executive's model and criticisms of it. The focus will be on the social deprivation side, which Laurence Gruer highlighted in his presentation. I did not want to bring that up today, because I feel that we need Laurence's help. Initially, his role will be to help us refocus and to draw up a programme of visits. He is going to India for a few weeks to do a series of presentations, and while he is away we will get started. When he comes back, we will be able to move forward.

10:45

Mr Raffan: I endorse totally what the convener has said. Anyone who heard Laurence Gruer at the briefing will know how impressive he is. Although based at Greater Glasgow Health Board, he is very aware of the need to look beyond the west of Scotland to the rural areas, Dundee and so on, to ensure that the rural and small-town dimension is not lost. In those areas, it can be much more difficult to provide services than in an inner city.

I think that Laurence is going to India for only a week or 10 days, in case anyone is worried.

My second point was about written evidence and whether moves are being made to advertise for it. It is important that we get that evidence as early as possible.

The Convener: I spoke to Laurence Gruer about that and he can give us advice about the form of words. He told me that it is important that we get that right—if not, we could be overwhelmed with evidence. He is liaising with Martin Verity on that.

Mike Watson (Glasgow Cathcart) (Lab): The point that I wanted to make—about how we get

evidence and ensure that it is properly focused—has just been covered. I could not attend the briefing, but I have known Laurence Gruer for years and am impressed with the work that he has done and the approach that he has taken. He will be an asset to the committee.

Mr Quinan: I welcome the appointment of Laurence Gruer, who has the respect both of people whom he has helped to treat and of professionals and academics. He has an open mind and has seen many different models in different places. The convener and the clerk should be commended for seeking him out.

I hope that the drug misuse debate on Thursday will give us a proper indication of the Parliament's feeling on the issue. That will be useful for us as we go into this inquiry. We may know what our immediate colleagues think about the subject, but the debate will give us a broader picture. Let us hope that it is an open debate that influences our work programme. We should pay attention to it and consider all the issues that it raises.

The Convener: Lloyd's point about the debate is helpful. The debate is well timed. Having talked to Laurence Gruer for some time, Keith Raffan and I felt that he had come up with a package of visits that we will find interesting. We will shortly begin visits, so I ask members to prepare their diaries. Yesterday, Martin Verity met Fiona Hyslop and John McAllion to consider the housing timetable, and we will make a final decision on the programme of visits for the drugs inquiry next week.

Mr Raffan: We are scheduled to go to Stirling on 21 February for a meeting in the afternoon. As we are going there anyway, it might be useful to ask Laurence Gruer to fit in some visits to organisations in the area, such as Locals against Drugs in Alloa—which Richard Simpson thinks is very good—and Off the Record in Stirling.

The Convener: That would be helpful.

Mr McAllion: In the discussion that we had yesterday, we suggested housing visits on 21 February.

Mr Raffan: I am sorry.

Mr McAllion: We do not all have to go on the same visits. Members who are interested in the drugs inquiry can do drugs visits, and those who are interested in housing can do housing visits. Other committees are splitting up in that way.

The Convener: It is permissible to do that, but I want to go on both visits. I will ask Martin Verity to come back with recommendations and to contact the appropriate agencies to see what is possible. How many members must go for it to constitute a committee visit?

Martin Verity: A visit is not a formal meeting of the committee. It can be incorporated into the proceedings if members report back to the committee.

Mr Quinan: I realise that we have limited time and that it would be good to deal with two subjects on a visit at the same time, but we must not let geography dictate to us where we take evidence or which projects we visit.

Mike Watson: The meeting in Stirling on 21 February will be a formal meeting of the committee, will it not?

The Convener: It will be a visit with a meeting in the afternoon. I will explain the programme for next week later on, if that is all right.

Work Programme (Social Inclusion)

The Convener: Robert Brown has agreed to present the social inclusion work programme and has circulated a paper to all members.

Robert Brown: I apologise for having this ready relatively late, which means that I have been unable to discuss it with members, except with the convener during a brief conversation on Monday.

Members will recall that earlier we had a discussion about what we might be getting into. After some delay, we agreed that we would try to work up a programme, possibly based on "New Life for Urban Scotland". Although there is a historic element to that, it has the benefit of 10 years' experience and there are lessons that can be learned. Providing that we keep it contemporary, there is value in that.

I have tried to identify possible areas of interest: bureaucracy, funding arrangements, successes and failures, and the economic aspect. Economic and social regeneration is extremely important, because it is widely recognised as the area where past efforts have not been particularly successful. However, it overlaps with the remit of other committees. Underlying everything is the issue of empowerment—are the efforts that are being made in that area improving the quality of life and the ability of people, not least the various minority groupings involved, to control their situation? We must be conscious of the Executive's current moves in that direction and of the need to monitor them.

That is the background that I was trying to sketch out. Members should indicate whether they think that I have identified the right issues, or whether there are other issues that should be included. The next question is: what do we do and where do we go? I thought that it might be useful to put things in perspective by organising a Scottish Parliament information centre briefing. I know that we have had some briefings on detail, but I do not think that we have yet been given an overview, bar what we had from the Scottish Executive. In the light of the information that we now have—not least the wider perspective that we are getting from our inquiries into drugs, warrant sales and so on—it would be worth having such a briefing. It might help us focus on where we are going, whom we might involve, and the sort of people about whom we might like to hear evidence.

This is another area where the appointment of an adviser would be quite useful, because evaluation and analysis of the available evidence is a technical and complicated task. It would be

helpful to have someone who knows the field and can guide us.

What we want to come out of this are practical and usable suggestions that will make a difference. We will not solve the world's poverty problems overnight—we are unlikely even to make a major impact on them—but we do want to make a wee bit of difference.

The Convener: That was helpful. Again, we will take general comments before moving to specific recommendations and agreements.

Mr Raffan: I agree with the outline. The problem is that social inclusion has become such a trendy term. There is a social exclusion unit at Downing Street, but we talk about social inclusion up here. It is important for us to try to define the term. Robert Brown's suggestion of a SPICe briefing is good. I suggest that we undertake a series of short, sharp inquiries in specific areas, one of which could be the credit aspect that Karen Whitefield mentioned. That should enable us to pin down a definition.

I am sure that I do not have to remind Robert Brown that there is a rural dimension to social inclusion and deprivation, and we must not consider only urban regeneration. We must examine the social inclusion partnerships that have been set up so far. The Alloa project is in my patch, so I know a bit about it, and Richard Simpson would be able to tell you more. We could conduct a series of visits to compare the way in which the projects operate. From the little knowledge that I have, it appears that they are all working in quite different ways. We must ensure that best practice is shared, so it might be a good starting point to undertake an inquiry into the existing SIPs.

Mr McAllion: I agree with the paper that Robert Brown has produced, and particularly with the idea that we should focus on evaluating the past urban regeneration strategies. Social inclusion is but the latest of a series of anti-poverty strategies that Governments have been pursuing for a long time. They give the impression of being like a caravan that arrives with a good deal of pomp and noise, but which settles down for a few years and then moves on without having changed very much. Such strategies seem to be run for the sake of ministers and politicians rather than for the communities whose poverty they are supposed to address.

I would like us to focus on the four regeneration areas and assess whether the previous strategy worked. In Whitfield, in my constituency, there are many complaints, not only about the fact that the people in charge pulled out early, but because they did not carry out the fundamental changes that were required. It was felt that the housing

policy led to people being moved out of Whitfield to other parts of Dundee and a new population drafted in and presented as a success in tackling poverty. There are still pockets of poverty in Whitfield; the council housing stands in stark contrast to the new housing association and private sector housing in the area. In some ways, the community is more divided than it was before the anti-poverty strategy began. It would be useful to consider the experiences of those four regeneration areas. Making a judgment on those projects would help us to decide whether the present strategy is addressing the right problems.

I was impressed by the idea of holding the Executive to account on its annual social justice targets. The announcement of those targets and the debate on them will become one of the most important features of this Parliament every year.

This committee could recommend that a week of the Parliament's business, some time after the social targets had been announced, should be given over to poverty hearings by the committees of the Parliament. The Education, Culture and Sport Committee, the Health and Community Care Committee and other committees could all dedicate a meeting to listening to poverty groups' experiences of how the Government's targets were being met. This committee should recommend that the Parliamentary Bureau work that into the parliamentary programme. The most successful anti-poverty session that I have ever attended was a poverty hearing in England where there was nobody on the platform but poor people, who had their day and their say while the politicians listened to them and learned from them. We should build that into the mechanisms of this Parliament.

The Convener: That is an interesting idea. Going back to the idea of examining the experience of such projects as those in Castlemilk and Whitfield, I believe that it might be a good idea to make that one of the short, sharp inquiries that Keith Raffan recommended.

Mr Raffan: It would be sensible to tie the two things in. A considerable amount of research has already been done on those projects.

The Convener: Yes, there is a huge report.

Mr Raffan: Enormous amounts of money have been thrown at those projects, but the situation is worse in some respects as a result. It is important not to duplicate the work in the existing report, but it might be helpful to examine it.

The Convener: Copies of the report are available from the clerk. It is quite a substantial evaluation.

Mike Watson: The four partnership areas are good examples to start with, as the evaluation has

just been published. I would like some of the people from those areas to contribute rather than it being done by someone from the Scottish Executive or from the organisations that have taken over in those areas. Robert Brown's paper asks:

"After a decade of urban regeneration programmes, has the position changed on the ground?"

I can talk about Castlemilk from a constituency perspective. Some people argue that £100 million has been put into that area and not a lot has changed. The housing has been improved, but unemployment is still far too high.

Getting people's experiences of that might not fit in with the short, sharp inquiry approach. It would mean canvassing the views of a wider sector than Keith Raffan's approach anticipates. However, it is a good starting point. We must examine what has been done and how effective it has been. If it has not been effective enough, we must consider how we can do things better.

11:00

Robert's report highlights the important points effectively. It refers to the inclusion network and the five action team plans. We have had briefings on some of them, but we should try to draw more from those plans and see where that leaves us. The briefing that we had was quite good as far as it went, but I do not think that it went far enough.

Robert's paper refers to

"an overview of urban regeneration strategy since the war".

I am not sure which war he means. Given his age, which is not far ahead of mine, I assume that he means since 1945. I am not sure that it would be helpful to go back that far.

Robert Brown: I did not mean to go back quite as far as that.

Mike Watson: It might be more helpful to concentrate on strategies over the past 20 years or so, since urban regeneration became a buzz word.

Alex Neil: You are the only one who would remember it.

Mike Watson: Do not draw me on that point.

Robert Brown mentions the appointment of a practical academic as adviser. That adjective is quite important. If we can find one, by all means let us use him or her. I am concerned that we might get too involved in the theory rather than the practice. I am not anti-academic, but we must be aware of that risk.

My final point is to suggest something that we should do now rather than leave it to the Equal Opportunities Committee—to build in some sort of

monitoring of the impact on women of policy development and allocation of resources. Last year, Glasgow Caledonian University's Scottish poverty information unit published a report called "Women's Issues in Local Partnership Working". I have a copy that I shall give to the clerk to copy to other committee members. We should try to build gender issues in from the start rather than pass the matter to the Equal Opportunities Committee at a later stage. I am not trying to cut that committee out of the process, but we could easily layer it into what we are doing as we go along.

The Convener: It is encouraging that in the new politics even the men are suggesting that we consider women's issues. That suggestion has made my day, and I know that Robert Brown mentioned it in his report.

Alex Neil: I agree with much of what is in Robert Brown's paper. Some of the issues that he has identified will have to be considered. The committee must start from a strategic point of view before getting down to the nitty-gritty issues. The root causes of poverty are unemployment, low income, poor housing and things of that nature. From a wider perspective, including education and transport, social inclusion issues touch on every aspect of economic and social life.

The Glasgow eastern area renewal project was the first major regeneration project.

The Convener: I remember it.

Alex Neil: It was a multi-million pound integrated development programme in the east end of Glasgow. Evaluation of the project marked different aspects of the work. For example, physical improvement was given eight out of 10, and the provision of recreational activity facilities was given six out of 10. When it came to jobs and sustainable economic development, however, it was given something like two out of 10. Without economic sustainability over a period of 10 to 15 years, the physical fabric, the social fabric and the leisure facilities end up back at square one.

In talking about social inclusion, we are really talking about economic and social inclusion. A good example is Abbeyview in Dunfermline, which is next to a major—and very successful—inward investment park. There have been attempts to get jobs for unemployed people from Abbeyview in the inward investment park, which is literally within five minutes' walk for them. That has proved almost impossible. Why? We should get to the root of those problems and come up with ideas and suggestions. We need to look at those issues, but do so within a strategic framework.

It would be useful to get some information from the Scottish Parliament information centre on practices in other parts of the UK, particularly in southern Ireland, which has a well-developed

poverty-proofing system.

Mr Quinan: Southern Ireland is not part of the UK.

Alex Neil: I meant to say, "as well as southern Ireland". We should look also at other parts of Europe. Clearly, the European Union has a role to play in the matter as well, so it is important to consider the part that it plays.

My final point was discussed before, but we did not act on it. The Enterprise and Lifelong Learning Committee did a mapping exercise of the delivery organisations for economic development, and found that about 300 agencies are involved in Scotland. I suspect that a similar number of organisations is involved in social regeneration, social inclusion and the rest of it. It would be worth while if SPICe did a mapping exercise of those organisations.

The Convener: When Lloyd Quinan, Robert Brown, Karen Whitefield and I worked on the group that led to Robert producing these proposals, SPICe produced a good briefing on European, international and Irish models. I accept Alex's point. We need to follow up this issue, and that point should be included in Robert's work programme. Perhaps Robert and Martin Verity could check out what other committees have done. I cannot see them prohibiting us from taking into account the economic dimension, because it is impossible to ignore it.

Alex Neil: Yes, and issues such as transport, local government and education all come into social inclusion.

The Convener: Yes. In fact, we are the cross-cutting committee.

Mike Watson: We can consider those areas as long as we do not duplicate what other committees are doing. If they have taken evidence, let us see it, so that we do not interview the same people again.

The Convener: That is what I mean. I hope that I am not giving Robert too much work, but if he could look at what the other committees have done—conclusions that they have reached and reports that they have issued—and bring it to us, it would enable us to programme these matters sensibly.

Mr Raffan: I know that the Enterprise and Lifelong Learning Committee is looking at local economic development and local enterprise companies, and that it is doing so until June or July. That work is relevant to ours.

May I amend one of my suggestions in the light of what John McAllion said? It is important that we examine social justice targets once a year. It might be sensible to deal with social inclusion

partnerships similarly, and have an annual or 18-month review of their progress and how they are changing. We should find out what they are doing now, and look at them in a year or a year and a half to find out how policies have changed. We should also talk to local people. That is crucial.

The Convener: Everyone accepts your original suggestion that the rural dimension should also be examined. We should consider the strategic role of SIPs. Are they the right strategy? Are they delivering what they say they are delivering? Are they working? What different models are there, and what is best practice? Those issues are critical, because they tell us what is happening on the ground. The grand ideas are translated by the workers in the field.

Mr Raffan: Perhaps that is where I differ slightly from Alex Neil. It is all very well looking at broad strategies, but I take Mike Watson's point that although it is important to look at them, the danger is that you get theoretical and you do not relate to what is happening on the ground.

The Convener: I hope that we can do that.

Robert Brown: It might be useful if I have a chat with Alex, who clearly has views on those matters. A mapping exercise might be more substantial than he thinks. I identified 298 voluntary sector groups in Easterhouse alone.

The Convener: I know them all.

Robert Brown: Determining the number of organisations that are involved would be a major issue.

Alex Neil: I am talking about public sector agencies that work at a national level. If voluntary sector groups were included, the list would be endless.

The Convener: We could keep the matter on the agenda, because our view on it will be different in two years' time.

I mentioned in the small group meeting that we had on the work programme that when there was a hoo-ha about the Glasgow v Edinburgh report, we had a request from the academic Ivan Turok to submit evidence to the committee. In view of Keith Raffan's recommendations for short, sharp inquiries, my view is that Ivan Turok's submission would be worth hearing. He said important things about the current state of economic regeneration and in whose interest it is operating.

Robert Brown: He has been involved with officials from Glasgow City Council and others on a number of papers, so he is well up on the issues.

The Convener: I recommend that Robert take away the points that have been made, knock them into shape and see whether we can negotiate a

work programme around the matter, because there is broad consensus that we should go down this road. Given that it looks as if the housing bill will be introduced in the autumn, I am keen to start on that issue soon.

Mr Raffan: The Rural Affairs Committee is also looking at rural deprivation, which is crucial, and is related directly to the matters that we are examining. A big department at the University of Aberdeen is looking into that area, and we should see what it has produced.

Alex Neil: An adviser in that area would be useful, because he or she could do a quick mapping exercise of the essential points. I have a suggestion for Robert, which I will not make now, for someone who is well qualified in the field.

The Convener: With regard to the adviser, we are looking for someone to assist us in the first phase of our investigations, but if we shift emphasis, we can change the adviser. If members have recommendations for advisers, they should give the names to Robert, who will liaise with Martin Verity and me.

Members will appreciate that it will take us some time to get through a body of work. We might do the short, sharp bursts as Keith Raffan suggests, but we will also do long-term inquiries and visits.

Robert Brown: Is there agreement on having an overview from SPICe first? Can SPICe cope with that? If so, we should have the overview soon.

Members indicated agreement.

The Convener: We could then move quickly to evaluate the report, "New Life for Urban Scotland", because that is a current issue. We might also do some visits. That would get us started, and we could strategically feed in the longer-term economic analysis and the review of SIPs. We might have space in the programme to get a member of the action team to produce a report, but I leave that to Robert to recommend.

Robert Brown: With your permission, I will meet Alex Neil and chat about his interesting angle on those matters, then I will have a chat with you and Martin Verity to see how we move on from there. We will try to set up the SPICe briefing soon.

The Convener: I will leave you to do that. I thank Robert and the other members of the team for their work. It was helpful in getting us started.

Petitions

The Convener: We now move on to the agenda item on petitions. We have never dealt with a petition before, but we have the special advantage of having as a member of our committee the convener of the Public Petitions Committee, John McAllion, so I will be relying on him.

I have asked Martin Verity to explain what our role is with regard to petitions, and the options that we have. John will help us out if needed.

Martin Verity: Perhaps John McAllion is the expert on this subject.

Petitions that are received by Parliament are referred to the Public Petitions Committee, which may refer petitions to individual committees or other agencies. Two petitions have been referred by the Public Petitions Committee to this committee. They are listed on the agenda, and the papers are before members.

Members may wish to accept the petitions, not accept them, or refer them to another agency for consideration. They may also look into the subject matter of the petitions by putting them on a future agenda and calling witnesses and so on. Members may appoint a reporter to examine particular issues and report back to the committee. The committee has a wide range of options. The only other thing to point out is that the committee is requested to let the convener of the Public Petitions Committee have sight of its draft response before it goes out. I am not in a position to add anything further.

The Convener: Thank you, Martin. That was very helpful. Members have received the papers and will have seen the items for discussion.

Mr McAllion: The easy thing for the Public Petitions Committee to do is to refer the matter to another committee. A principle is at stake. The Parliament expects the committees to take petitions seriously, but that does not mean that we have to mount a major investigation into every petition that comes before us. In many cases, our action might be to refer the petition to another agency, by writing to it and asking for comments. Do you want to discuss the particular petitions, convener?

The Convener: I was going to go through them after you had finished.

11:15

Mr McAllion: The first petition asks the impossible: a moratorium on stock transfers until the Parliament has examined all aspects of public sector housing in Scotland. I do not think that we

will ever be in the position where we have examined all aspects of public sector housing in Scotland. The timing of our inquiry into stock transfer means that we will report by the end of March, by which time no stock transfer will have taken place—not even in Glasgow. We could write back to the petitioners, explaining that and saying that the committee will take the petition into consideration when it draws up its report on housing stock transfer. That would be an easy way of approaching the problem.

The Convener: That is a useful recommendation. Do members agree to that?

Members: Yes.

Alex Neil: In the light of John's previous comments, might we want to re-examine the wording of the petition? Perhaps the petitioner included a qualification that they did not intend. What they want is a moratorium on stock transfers pending answers to many questions. It may be that when we come to write our report, we will say that until we know what form housing benefit reform will take, there should be a moratorium.

The Convener: I have a point of clarification about the Public Petitions Committee. If we wanted to ask someone to reword their petition, to make their point better, would that be our responsibility or that of the Public Petitions Committee? Is there a legal requirement that we deal with the petition verbatim?

Mr McAllion: No, there is not. It would be legitimate for us to write to a petitioner explaining that we had a problem with the wording of the petition, as long as we informed the Public Petitions Committee. If the petitioner wanted to resubmit a petition, it would have to go through the Public Petitions Committee.

The Convener: Thank you for clarifying that.

Robert Brown: Presumably we are entitled to take on board the issue raised by a petition, if we think that it has merit, without going through very formal procedures. I am not recommending that in this case, because, as has been said, the petition already seems to fit in with our work.

Mr Quinan: We need clear guidance on that issue. As John McAllion pointed out, if we examine all aspects of public sector housing in Scotland, we will be here until the next millennium. I accept Robert's point, in that we can take on board the gist of a petition, but we need clear guidance on how to respond. The petition is in the public domain and we need to be clear whether we are discussing the petition or the issue.

The Convener: I take Robert's point, but we must be clear that we are considering the petition, rather than our interpretation of what the petitioner might have intended. We do not want to be unfair

to petitioners in that respect.

Mr McAllion: I suggest that when we write back to the petitioner, we explain that there was a problem with the wording, but that despite that, we understand the principle behind the petition and that the committee's views on the matter will be reflected in its report. We could undertake to pass a copy of the report to the petitioner.

Mr Quinan: As John has pointed out, there is one wrong word in the petition. I wonder whether we could write back to the petitioner and say that the problem of the wording should be addressed and that there is a formal process for resubmission. We might be able to say to the Public Petitions Committee that we accept the petition in principle, but that we require a change in the wording—that would be a formal, yet uncomplicated process.

Mr McAllion: It is not complicated. The Public Petitions Committee will be informed of any decision that we take. If the petition is resubmitted, it will be automatically referred to this committee. The Public Petitions Committee does not consider the substance of any petition.

Mr Quinan: It is important that we are clear about this right from the beginning. We are setting a precedent.

Mr McAllion: This committee will decide how it wants to handle the substance of the petition and must inform the Public Petitions Committee, which will accept that.

Mike Watson: What percentage of petitions that the Public Petitions Committee receives is passed on? I presume that the committee takes the decision that some petitions are not worth pursuing. What percentage is referred to other committees? I want some idea of the importance that the Public Petitions Committee attaches to the petitions that it refers to us.

The Convener: Can John answer that?

Mr McAllion: I do not know that off the top of my head, but I could find out easily. The committee keeps a record of every petition and whether it is referred to another committee. The Public Petitions Committee had a discussion yesterday about individual petitioners—one person from Glasgow has submitted six different petitions on various matters—and we decided that we would try to protect committees where possible. The Public Petitions Committee will exercise judgment and will not flood committees with all the petitions that we receive. There is a danger that individuals could petition the Parliament and invade the agenda of every committee. Part of the role of the Public Petitions Committee is to deal with petitions seriously and sensibly, without interfering with the substance of subject committee

work.

The Convener: Does the committee agree to deal with PE41 as John recommended?

Members: Yes.

The Convener: The next petition is rather different.

Mr McAllion: It is much more complicated. If members have read the correspondence, they will know that Darnley Tenant Association and Darnley Estate Community Council already exist. The housing association wanted to set up area committees, but has now undertaken to review its handling of tenant participation. The Scottish Federation of Housing Associations has investigated the complaint and it believes that the housing association concerned has an effective mechanism for tenant participation. Scottish Homes has also undertaken to review the housing association and its approach to tenant participation.

I suggest that we write to Scottish Homes, asking for comments on the petition. We could also write to the petitioner, informing them that new rights for tenants—the single social tenancy—will form part of the housing bill, which the committee will consider in the autumn, and that we will take on board the views expressed in the petition.

The Convener: Yes.

Bill Aitken: We should defer any action until we hear back from Scottish Homes. We must find out whether the points made in the petition are justified. We should reconsider the petition when we have had a reply from Scottish Homes.

The Convener: Okay.

Mike Watson: John McAllion said that the Scottish Federation of Housing Associations said that the housing association concerned had an effective tenant participation mechanism. However, the SFHA does not say that. It says:

"It seems that Glen Oaks has a variety of mechanisms for tenant participation . . . It is up to each housing association to determine the tenant participation strategy which is appropriate for their own circumstances".

A group of tenants are saying that they do not think that the mechanism is appropriate or effective. I am concerned that the federation does not seem to want to get involved. We must go over the head of the federation, whose stance is disappointing; we must take the matter to Scottish Homes.

The first page of the petition might go rather far, but it also clearly states:

"We petition that parliament have Scottish homes make it a condition of funding that a Socially Registered Landlord must give its tenants the right to form a tenant or residents

association and not promote Area Committees at its expense."

Without knowing the details, I believe that it seems that there is some conflict between the housing association and certain tenants—I suspect a personality clash. A small part of the housing association area is in my constituency, but the matter has not been drawn to my attention as a representative of the area, so I do not know the details. The tenants must have the right to have the organisation that they think is appropriate to their needs. We must ask Scottish Homes to leave it up to the tenants to decide, rather than the housing association.

The Convener: I have some sympathy with that, following the broad principle of autonomous self-organisation—tenants should have the right to organise themselves as they see fit. There must independence from the landlord. That might be at the heart of the petition.

Robert Brown: I agree with much of what Mike said. There is an issue about democracy in housing associations. In this case, the problem might be a personality clash. Someone suggested that a member of the committee could meet the petitioners and find out what the situation was. However, in the first instance, we should find out what Scottish Homes has to say about the matter.

The Convener: We could do that. We could also refer the matter to the ombudsman.

Mr McAllion: Scottish Homes is charged with monitoring housing associations and how they implement tenant participation, so we should find out its views on the matter. We have some correspondence from Scottish Homes, but it is not comprehensive. If the committee were to get involved, Scottish Homes might take the matter more seriously.

Mike Watson: May I clarify your last comment about the ombudsman? I understand that the ombudsman can deal only with cases that have been referred by MPs or MSPs. Can the committee refer the matter?

The Convener: I would have thought so, although I would have to clarify that. I am sure that we could arrange that.

Karen Whitefield: The rules are slightly different for the housing association ombudsman and the Parliament ombudsman—the referral does not need to come through an MP or MSP.

The Convener: I suggest that we write to Scottish Homes and revisit the matter when we receive an answer, as the petition raises an issue that might be significant. Is that agreed?

Members *indicated agreement.*

The Convener: We will now move into private

session for a briefing.

11:27

Meeting continued in private until 12:38.

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