



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 18 May 2010

Session 3

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PUBLIC PETITIONS COMMITTEE
8th Meeting 2010, Session 3

CONVENER

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Rhona Brankin (Midlothian) (Lab)

*Bill Butler (Glasgow Anniesland) (Lab)

*Nigel Don (North East Scotland) (SNP)

*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)

Nicol Stephen (Aberdeen South) (LD)

*Bill Wilson (West of Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Karen Gillon (Clydesdale) (Lab)

Jamie McGrigor (Highlands and Islands) (Con)

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

John Scott (Ayr) (Con)

THE FOLLOWING GAVE EVIDENCE:

Moyra Beattie

CLERK TO THE COMMITTEE

Fergus Cochrane

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 18 May 2010

[The Convener *opened the meeting at 14:01*]

New Petitions

Compulsory Purchase (Derelict Properties) (PE1326)

The Convener (Mr Frank McAveety): Good afternoon, everyone, and welcome to the eighth meeting of the Public Petitions Committee in 2010. All mobile phones and electronic devices should be switched off in case they interfere with our broadcasting system. We have received apologies from Anne McLaughlin and we welcome to the meeting her substitute, Bill Wilson. I refer members to his declaration in the register of members' interests. We also have apologies from our deputy convener, John Farquhar Munro. I spoke to him today. Hopefully he will make a recovery and be back with us in due course.

Item 1 is consideration of two new petitions. The first is PE1326, by Moyra Beattie, who calls on the Scottish Parliament to urge the Scottish Government to investigate and review the compulsory purchase powers of local authorities to deal with derelict properties and land. I welcome to the meeting Moyra and Michael Beattie, and their constituency member of the Scottish Parliament, Karen Gillon. I invite Moyra Beattie to make opening comments, for which there is a time limit of three minutes.

Moyra Beattie: Thank you. The petition was lodged following a situation in Carnwath that has lasted for more than a decade. It was perceived by the villagers to be a local issue, but after discussion with our MSP, Karen Gillon, we decided to use the Public Petitions Committee because other communities in Scotland are similarly affected.

The effects that derelict properties have on a community that we have observed, which are no doubt mirrored elsewhere, are that there is a potential drop in property values, voluntary groups become disheartened or, indeed, disband, tourism and the potential revenue from it are discouraged, the image of the community is tarnished, youth vandalism occurs, and eventually communities feel powerless and fearful. From the briefing on compulsory purchase and planning, it appears that authorities can acquire land for redevelopment, but if the powers are not being used, it is in the public interest to scrutinise the available legislation

and to review policies to make them more effective.

It appears that there could be an issue with the time span—or the lack of one—in the planning process. The issue of funding for local authorities has been raised, but if land or property remains undeveloped, there is a loss of council tax revenue and vandalism creates continual costs for the police, fire and other public services.

I ask the committee to review the planning and compulsory purchase legislation with a view to including land or property that has been allowed to become derelict, and to including a definitive time span to prevent deterioration of communities over decades.

The planning briefing that I have here refers to article 8 of the European convention on human rights, which states:

“Everyone has the right to respect for his private and family life, his home and his correspondence.”

With the derelict properties, the villagers in Carnwath, in our area, certainly do not have that. Thank you.

The Convener: I invite questions from committee members. I know that the local constituency member will be keen to make some observations, and Michael Beattie should feel free to come in as well.

Robin Harper (Lothians) (Green): I cannot help but observe that if we were able to tax derelict land, people would pretty quickly start putting buildings on it or putting it to use for the community. Have you sought support for the petition from others in a similar situation who have the same concerns as you?

Moyra Beattie: Locally, we had a paper petition and we hosted an e-petition which, with hindsight, I should probably have run for a bit longer. One person from the USA signed it—I do not know whether it was a tourist who saw the situation and said, “Dreadful”; “Dreadful” is the only word for it. We spoke to an MSP who had had a similar situation in his constituency, which took 10 years to resolve. Similar problems have arisen from Ayrshire to Inverness.

Robin Harper: We all know that many people throughout Scotland have properties or pieces of land that are lying derelict and unused. The communities in which they lie are essentially being robbed of whatever that property or land can offer them. I feel strongly that the petition needs to be taken forward in a much larger way. It would be a good start in finding out how big the problem is. I think that we will find that it is enormous.

Moyra Beattie: In our experience, when people have contacted their local councillors they have

had some feedback from the council, after which the matter seems to die down then, 18 months later, another problem arises. As individuals, people feel powerless. They get a letter from the council but there does not seem to be much willingness to go further.

Bill Butler (Glasgow Anniesland) (Lab): I am sympathetic to the petitioners. I have a couple of questions, though. Will you outline to the committee the deficiencies in councils' compulsory purchase powers? Is it simply about timescales? Is it to do with finances? Are there other deficiencies? If those deficiencies were addressed, would that deal with the problem of property and land being left derelict?

Moyra Beattie: One of the primary issues about planning legislation is that it is too vague. There are only two categories—A and B—and they are both quite unclear. The legislation dates back to the slum properties of the 1950s and 1960s. However, this is 2010, so perhaps we need to look again at the categories to include the types of site that we are talking about.

The timescale is an issue. There does not seem to be any timescale, so planning permission can take three, four or five years. With one property, we are into the 11th year. How much more deterioration does there have to be? A time limit should be imposed.

Bill Butler: So, do you see reform of planning law as being vital in that regard?

Moyra Beattie: Yes.

Bill Butler: Perhaps the local member would want to say what she feels would be a good way of proceeding in order to address those apparent demerits in the present planning system.

The Convener: I had indicated to John Wilson that he could come in next.

Bill Butler: My apologies, convener.

John Wilson (Central Scotland) (SNP): I was beginning to wonder who was chairing the meeting.

I fully support the petition, but other questions must be asked in relation to local authorities' powers and the powers that, quite rightly, exist to allow local authorities to step in and compulsorily purchase land or a property where they see fit. The difficulty for many local authorities—it might be in some local authority responses—is the cost of doing that. I am well aware of the situation, particularly in a town centre in my constituency, where an effectively derelict building has been left for more than 30 years. The council feels that it is powerless to intervene at the moment, because the building is the subject of a legal ownership dispute between family members. The building is

in the middle of the main street and the local authority is frustrated because it cannot do anything. When it tries to do something, it is hit with a reminder of the legal dispute.

The other factor is the cost of compulsory purchase of either land or property. How should a local authority find the resources for compulsory purchase, whether it be of small properties or, in some cases in town centres and surrounding areas, of quite large properties that have been lying derelict for a long time? The costs of stepping in to purchase such properties could be quite prohibitive.

Moyra Beattie: According to the legislation, the local authority can buy land, but does not necessarily have to develop it. It can find a buyer to carry out the development, so it seems that, in the long term, it would be cheaper for a council to buy a property and see the area being developed so that it would bring in council tax, business and tourism, rather than watch it deteriorate year in and year out, which will discourage all those activities.

John Wilson: I accept that response, but I could also argue that if a developer was interested in a piece of land and did not want to pay the market price for it, they could approach a local authority to ask it to take out a compulsory purchase order. The local authority could carry out the compulsory purchase and then sell the land on to the developer at a reduced rate. Could we not find ourselves in such a scenario? Local authorities are being urged by certain developers to use their compulsory purchase order powers and to hand the land over to developers at a reduced rate rather than get the full market value that someone might want for the land that they own.

Moyra Beattie: Could not the legislation be altered so that that would never happen?

John Wilson: I am just raising the point that there are issues. When a local authority uses its compulsory purchase powers then immediately sells the land on, there should be no costs to the local authority. However, in some cases the reality is that the local authority could be seen to intervene in, or to circumvent, the natural market for properties or land by the use of compulsory purchase orders.

The Convener: Do you have a comment, Karen?

Karen Gillon (Clydesdale) (Lab): Thank you, convener. All members around the table will, at one time or another, have tried to do something about areas of derelict land that have been left by whomever to run into a state of disrepair, but have come up against various barriers. John Wilson is right in some respects in that the legislation could

bring us up against situations in which a developer encouraged the local authority to buy land and then to sell it back to the developer.

The petition encourages us to think slightly outside the box and not within the parameters within which we currently work. Those parameters do not work. If they did, the communities that I represent would not be in the situation in which properties have lain derelict for 11 years or longer and I have to try to get someone somewhere to do something about it.

As it stands, the current legislation says that the local authority can compulsorily purchase land that

“is suitable for and is required in order to secure the carrying out of development, redevelopment or improvement”.

Those are planning terms that have specific meanings.

For some of the sites in my constituency, “improvement” would mean simply knocking down the derelict building, clearing the site and leaving vacant land. That is not the case in some of the urban sites. However, in a rural community, one building in the state that some are in is a huge blight and devalues how people feel about the community. We talk about regeneration and about making young people feel valued and part of society, but then all of a sudden, when they look out their front doors, they see a building that everybody—to their mind, the adult community—is allowing to go to ruin. When young people go in it, because there is nowhere else for them to go, they get into trouble, and the building gets vandalised and becomes more and more run down, so that the generation that is coming up has only ever known a building that has been wrecked and a community that has not been able to regenerate itself.

14:15

This petition is asking us, as a Parliament, to say, “Right. Okay. We know the current system is not working.” I have taken part in a rural housing inquiry and have seen that there are issues around lack of access to housing and lack of available land. Some gap sites and derelict sites would be ideal for social housing or sheltered housing. However, because of the way the legislation is framed, developers can hold local authorities to ransom by saying that if they do not get planning permission for 12 private flats they will do nothing with the site and the council can do nothing to stop them. Because of the financial situation that councils find themselves in, that is probably true and because the legislation is sufficiently vague, going to court would be a big risk, so councils do not take that step.

This petition is encouraging Parliament to say that there is a problem and to think outside the box about it. We should ask what we can do collectively with our colleagues in local authorities, the Scottish Government and communities to regenerate rural and urban communities and to create benefits at a time when there are limited financial resources and, in many cases, limited availability of land but definitely a need for play areas and open spaces. We talk about recreational opportunities, but we have no open spaces. There are opportunities here, if we think about the matter properly. I think that that is what the petition is asking us to do. It is not trying to find a solution; it is asking us as a Parliament to think.

The Convener: I think that there is broad support in the committee for exploring such issues. We know that the petitioners have probably raised these matters at a local level for a considerable time. I think that all of us know places in our parliamentary areas that are blighted by derelict buildings, which can have a dominant effect on the immediate neighbourhood. That situation applies to parts of the area that I represent where a dominant building has been left derelict. We need to deal with such situations. Karen Gillon’s last point—about engaging with local authorities and others about how to use spaces until proper development can take place—is important. For example, part of my constituency—I am sure that other members have had the same experience—has been landscaped and developed for social use with the agreement of the private developer as much as through the support of public agencies. A wee bit more imagination can make a real difference in that regard.

Perhaps we should try to identify ways in which to take the petition forward. I invite comments from members on how best we could do that.

Bill Butler: I think that a convincing case has been made by the petitioners for the petition to be taken forward. The committee should consider writing to the Scottish Government to ask whether it will investigate and review the compulsory purchase powers of local authorities to deal with derelict land and buildings, as the petitioners have asked. We can also ask the Scottish Government what powers local authorities have in relation to the issues that are raised in the petition and whether they need more. It seems to me that a strong case can be made that more needs to be done to create a level playing field so that local authorities are not at the mercy of developers, which seems to be the case in some circumstances. On that basis, perhaps we can also ask the Scottish Government whether there is scope to apply a sort of Crichton Down rules system to compel owners of surplus land to sell it on to local authorities rather than allow it to become

derelict. We should ask the Scottish Government and local authorities what their views are on those matters.

John Wilson: Despite my earlier questions, I am, as I said at the start, sympathetic towards the petition because real issues exist.

As well as the questions that Bill Butler wants to ask the Scottish Government, there is the issue of compulsory demolition orders that local authorities should apply to properties. I dealt with that issue directly a couple of years ago. The petitioner referred to buildings that are left derelict and become dangerous for people, particularly for children who use them as wildlife adventure grounds. We should ask the Scottish Government and local authorities what powers they have to step in to demolish buildings that have lain derelict for a number of years.

We should ask local authorities, the Royal Town Planning Institute in Scotland and Planning Aid for Scotland how best to make resources available to return derelict land and properties to community use, and how we could apply penalties to developers who decide, for whatever reason, to bank land or to hold on to derelict land that they do not seem to want to use for the time being, although that land is an eyesore and a danger to residents and others in the area. We can find out whether penalties can be imposed on developers and landowners to ensure that land does not become a distraction and a visual impediment to the good development of other areas. It is about saying to developers that penalties will be imposed on them if they do not ensure that land that they do not use and do not intend to use is kept tidy and litter free.

Land should also be kept weed free; in particular, it should be kept free of some of the non-native invasive species that are now emerging on derelict sites. That is another hobby-horse of mine. Developers should have responsibility for maintaining such sites in good condition and not allowing them to fall into disrepair or become overgrown. It is about turning the tables on developers and landowners and saying, "You've got a responsibility here. You cannot walk away for 10 to 15 years."

Rhona Brankin (Midlothian) (Lab): It would also be interesting to find out how the petition fits in with the community right-to-buy legislation. We should consider that and seek evidence from the community development associations body. I cannot remember the exact name of that body, but it represents communities that have taken advantage of the Land Reform (Scotland) Act 2003.

The Convener: As committee members have no more comments or observations to make, I

invite the petitioners or the constituency member to make final comments.

Moyra Beattie: My husband made a point earlier about local people saying that there is nothing that they can do. Youngsters have been blamed for vandalism, but that would not have occurred if such situations had not existed. I feel strongly that we should not set an example to the youth of today by saying that it is okay to let such things happen under the planning system, while it is not okay for them to break windows or use properties for whatever purpose. I feel strongly that we are sending out the wrong message to the generations after mine.

The Convener: I am tempted to say that, if we get this right, it could be the big society's first-ever achievement. Let us see what happens in that respect.

We have heard a genuine concern. We know about the impact of derelict properties and that what could be potentially developed on sites has not been fully imagined. We support consideration of that.

We will endeavour to get responses to our inquiries. The responses will be in the system, and the petitioners can liaise with the clerks at any time. They have a constituency member who is keen to explore the issue, and she will use her knowledge and experience to tell them about how to continue to progress the petition.

I thank the petitioners for their time. I hope that being in front of us was not too daunting.

Emergency Services (Rural Patients) (PE1327)

The Convener: PE1327, by Maria Murray, on behalf of Asthma Support in Rural Scotland, calls on the Scottish Parliament to urge the Scottish Government to promote and support the use of the grid reference identification project—GRIP—and to encourage general practitioners to invite vulnerable rural patients to take part in this initiative.

Do members have any comments?

Nanette Milne (North East Scotland) (Con): I am extremely supportive of the petition. I first met Maria Murray and learned about ASIRUS shortly after I was elected to the Parliament in 2003. At the time, I thought that it was quite an exciting project that had the potential to roll out across Scotland and bring great benefits to patients in rural areas who are difficult for services to find.

This issue was first brought to people's attention when the Scottish Ambulance Service had great difficulty locating a patient in rural Aberdeenshire.

Subsequently, the GRIP system has helped the situation enormously.

Maria Murray has done a tremendous amount of work through ASIRUS. I know that the fire services are supportive of the GRIP system, certainly in the Grampian area, and that the Ambulance Service has also been supportive. However, she seems to have hit a bit of a brick wall when it comes to getting GPs to suggest patients who could be put on the register. The process is easy, once the patient is known about.

Initial resistance on the part of GPs was based on patient confidentiality, but that is not an issue, because patients give their permission to be included in the system. More recently, resistance has been to do with the fact that the system is not included in the GP contract. I am not sure whether that is the real reason or whether it is simply that GPs do not want to be involved, but I think that the issue should be followed up, because GRIP could benefit many people in remote parts of the country who have chronic and life-threatening illnesses.

The Convener: The committee has a broad awareness of the issues. We should explore them with a variety of organisations and seek their views to see whether we can give broad support to the petition. Do we agree to do that? [*Interruption.*] The clerk has indicated, helpfully, that he would like us to specifically identify those organisations. I invite suggestions from members.

Nanette Milne: Having come across the hurdle that is presented by primary care, I think that it would be important to get a view from the Royal College of General Practitioners and the Remote Practitioners Association of Scotland. We should find out what their attitude is to the petition and whether they think that it should be included in the GP contract, if and when it is reviewed.

Bill Butler: We should write to local health boards, local authorities, fire and rescue services, the Scottish Ambulance Service and the Scottish Government.

The Convener: I think that that is to the satisfaction of the clerk.

Current Petitions

14:30

A90/A937 (Safety Improvements) (PE1236)

The Convener: Under item 2, we have 13 petitions that we have dealt with before. The first one is PE1236, by Jill Campbell, which calls on the Scottish Parliament to urge the Scottish Government to improve safety measures on the A90 by constructing a grade-separated junction where the A937 crosses the A90 at Laurencekirk. I draw members' attention to the additional material that we have received on the petition: a letter from the petitioner; an e-mail from Councillor David May; and a brief update from the clerks. I welcome Mike Rumbles, who has been involved in our consideration of the petition on previous occasions.

I invite contributions from members.

Bill Butler: We have heard today that the petitioner is still awaiting two pieces of information that she is seeking—a more accurate costing for a flyover at Laurencekirk and the accident figures for the other two sites where grade separation has been approved—so that she can compare the figures with those for Laurencekirk. If the committee wishes to be seen as an honest broker, which it always is, we should probably keep the petition open until that information becomes available. Obviously, other colleagues will have their own views.

Nigel Don (North East Scotland) (SNP): I agree with Bill Butler but, looking at this petition—which, as we all know, has been running for a long time—I think that, as with some other petitions, there is a risk that it will simply go on for ever because something else will always be found. We might find ourselves just going round in circles.

I am looking at Mike Rumbles as I make this point, but I get the impression that the issue to do with the statistics on the number of accidents and on how dangerous the junction is has been resolved to some extent. As we know, different figures have been provided from different places, but they must add up to roughly the same conditions, given what has happened.

I am not in a hurry to keep the petition open purely because of the statistics, but I think that the letter from Councillor David May, who, if I judge rightly, I know from his work in Dundee, should certainly not be ignored. At the forefront of my mind, there is a slightly bigger issue to do with developments not only in Laurencekirk but on the other side of the road and the amount of traffic that will use—and, indeed, is currently using—the junction. I wonder whether what we should pursue

is not the accidents issue as such but the adequacy of the road for the volume of traffic that is going to be using it. Given the housing and industry that will be situated on both sides of the junction, traffic volume is bound to increase and we do not have all the answers that we need about the timescale for and adequacy of the changes.

Nanette Milne: We should certainly keep the petition open until we receive the additional information.

I have to say that I very rarely use this junction and hate having to do so, as I find crossing the road at that point a quite frightening experience. I really do not think that there has been adequate consideration of the development that is about to happen in the area and I will be very surprised if, in the relatively near future, that very point does not convince even Transport Scotland of the need for a grade-separated junction.

Robin Harper: On the back of Nigel Don's explanation, I suggest that we write to Transport Scotland, asking whether it has reached any conclusions on the effects of future traffic volumes on that stretch of road—and, indeed, whether it has considered the issue at all—and the consequences for the present junction system.

The Convener: With that demonstration of the committee's consensual spirit, I invite Mike Rumbles to contribute.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I thank the committee for taking this important issue very seriously and keeping the petition open. As members have pointed out, there are two pieces of information that have not yet been forthcoming.

Jill Campbell, the other petitioners and I had a very constructive meeting in Laurencekirk with Transport Scotland representatives. I point out that there is no and has never been any disagreement about or dispute over the accident statistics: in the four years since 2005, when the temporary measures were introduced, there has been a 50 per cent increase in injury accidents. Indeed, Transport Scotland produced the statistics again. Interestingly, we also found out at the meeting that, although the figure of £4 million for a grade-separated junction that is quoted in BEAR Scotland's report is an old figure—we accept that—the figure of £20 million that the Minister for Transport, Infrastructure and Climate Change cited when he appeared before the committee was for the most expensive junction that has ever been built in Scotland, at Auchenkilns. That is not what we are asking for.

At the meeting, we asked for a study that would identify the costs of a grade-separated junction at Laurencekirk and for accident figures at the

junctions for which the minister has already agreed grade separation, around Perth and Stirling, so that those can be compared with the figures at Laurencekirk. Transport Scotland has written a letter to us, dated 10 May, in response to the meeting. I hope that members have it; if not, I can provide it. Transport Scotland states that a grade-separated junction would not make a significant contribution to a

"continual reduction in accident rates",

despite the fact that rates have gone up. It says that without producing any evidence to support it in the letter. It also says that, if Aberdeenshire Council approves new housing in Laurencekirk—the issue that has just been raised—a grade-separated junction will need to be built, but the council or the developer should pay for that.

I maintain that the facts speak for themselves. There is no dispute about the accident figures. The cost of clearing up accidents over a four-year period is higher than that of building a junction. Although Transport Scotland will not spend any money on the project, it says that someone else must pay. I commend members for hitting the nail right on the head. Transport Scotland has failed to provide us with two pieces of information. It should give us that information—even a desk-top study of how much it would cost to build a grade-separated junction at Laurencekirk—but, for some reason that I do not understand, it will not do that. It will also not give us comparative accident figures for Laurencekirk and the places where it has agreed to build grade-separated junctions, around Perth and Stirling.

If the committee can get those two pieces of information for us, everyone will be able to make a fair judgment. That is all that we seek: give us the information, so that we can make a fair judgment on it. If we are wrong, we will go away, but we are convinced that we are not. The proposal is about saving lives and is based on the accident statistics.

The Convener: We are clear about what we want to do next. We wish to keep the petition open and to explore the issues that have been raised. The petition will come back to the committee in due course. I wish the petitioners well in their endeavours.

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

The Convener: PE1258, by John Dow, on behalf of Together Overcoming Discrimination Against You and Me—TODAY—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 support services. We have considered the petition before and are awaiting a major consultation that the Government has undertaken on guidance and good-practice material for the procurement of social care services. I suggest that we suspend the petition while we await the outcome of that consultation and that we feed the petition back into the system in due course.

Bill Butler: I do not disagree with that suggestion, but can we also ask the Scottish Government to provide us with a timetable for the consultation, so that we have some idea of when the information will be available?

The Convener: We can do that.

Houses in Multiple Occupation (Regulation) (PE1261 and PE1281)

The Convener: The next two petitions should be considered together. PE1261, by David Middleton, on behalf of Sustainable Communities (Scotland), calls on the Parliament to urge the Government to promote better regulation of houses in multiple occupation. The petition contains a range of suggestions. PE1281, by Graham White, on behalf of North Kelvin Residents Group, calls on the Parliament to urge the Government to make planning permission a prerequisite for the granting of an HMO licence. Again, the petition contains a range of suggestions for tackling issues related to houses in multiple occupation and their use as party flats. How do members suggest the committee should deal with the petitions?

Bill Butler: With regard to PE1261, we could write to the Scottish Government to ask whether it will meet the petitioner to discuss the comments in the petitioner's latest letter to the committee, then report back to the committee on that. We could also ask the Scottish Government what its timetable is for going forward following the publication on 10 May of its consultation entitled "Quality in Common: Residential Property Managers and Land Maintenance Companies in Scotland: Core Standards for a Voluntary Accreditation Scheme". We can also ask whether the consultation will have any bearing on the points raised in the petition. All of that would be useful.

My problem with PE1281 is that we have not heard from the petitioner since the petition was submitted. I ask for the clerk's advice on whether the petition meets the requirements of standing orders. If it does not, we might have no option but to close the petition.

Fergus Cochrane (Clerk): The committee will recall that, in its report on its inquiry into the public petitions process, it agreed that, if it did not hear

from a petitioner "on two successive occasions", it would consider that the petitioner was happy with the responses received from the committee. No responses have been received from the petitioner, and the committee has closed petitions previously on that basis.

Bill Butler: On that basis, I think that we should close PE1281. If we usually follow that procedure, we should not deviate from it on this occasion.

The Convener: Okay. Are there any other comments on the petitions?

Robin Harper: In case there is any query, we should indicate that we are closing PE1281 under rule 15.7 of standing orders.

The Convener: Okay. We will explore the issues that Bill Butler suggested for PE1261 and accept the recommendation to close PE1281 under rule 15.7 of standing orders.

Dairy Farmers (Human Rights) (PE1263)

The Convener: PE1263, by Evelyn Mundell, on behalf of Ben Mundell, calls on the Parliament to urge the Government to accept that individual dairy farmers have human rights and that those have been breached by the operating rules of the ring-fencing mechanism attached to the management of milk quotas, which should have been carried out in accordance with objective criteria and in such a way as to ensure equal treatment between farmers and avoid market and competition distortion.

Jamie McGrigor MSP has expressed an interest in the petition and is here this afternoon, so I invite him to make some comments.

Jamie McGrigor (Highlands and Islands) (Con): Thank you for allowing me to make a short statement in support of my constituents, Mr and Mrs Mundell, and others who were financially crippled by the ring fencing of dairy quotas in their area, which was known as the southern isles. Before doing that, may I say that the Scottish Government's letter of 12 March 2010 refers to the "Kyle peninsula". I looked that up on Google, but I cannot find it anywhere. I do not know whether other members may be able to tell me where it is, but it does not seem to exist.

The Convener: It might mean Jeremy Kyle, which is a thought, indeed.

Jamie McGrigor: I will carry on. The Scottish Government moved its position when it conceded in its letter of 3 December 2009 that human rights issues were involved in terms of

"a control on the use of property".

In this case, that refers to my constituents being prevented from selling—or leasing, for that matter—their dairy quota on the open market.

Previously, the Government had suggested that purely agricultural matters were involved.

In its letter of 12 March 2010, the Scottish Government seems to argue that it had to balance the “general or public interest” with the individual rights of my constituents. Understandably, my constituents still feel unfairly treated and question which other individuals in Scotland are seeing their rights to sell the assets that they own sacrificed for a perceived general or public interest. The fact remains that my constituents and others in their area are facing imminent bankruptcy. Had they been allowed to realise the potential of their milk quota in the way that most other Scottish dairy farmers were able to do, they would not be in a dreadful predicament that is not of their making.

My constituents were also prevented from obtaining planning permission, which might have alleviated their financial position. My constituents and I look to the Public Petitions Committee to continue to press the Scottish Government to answer the questions properly, to justify in full why it was prepared to suspend their human rights—something that has caused so much worry, anxiety and financial loss—and to admit that human rights have indeed been breached in this case.

Committee members will have read the Mundells’ paper. I hope that, in the words of the petition, you will accept that individual dairy farmers do have human rights and that those rights have been breached in this case.

14:45

The Convener: I do not know whether the committee can make that assessment on human rights, but you raised some points that we will wish to explore. I invite comments from members and we will then decide what to do.

Nigel Don: You are absolutely right, convener. We are not in a position to judge whose human rights even exist, never mind whether they have been breached. However, there is an extremely important point in the petition.

I am forced to the conclusion—I hope that I have got it right—that when the European Union or whatever it was at the time decided that there would be quotas for milk that were enforceable by Governments, that decision must have been consistent with the European convention on human rights. I hope that it would not have introduced the quotas otherwise. The problem would therefore appear to be the ring fencing and not the original concept. If that is the case, it will clarify that those whose human rights might have been breached will have been within an area that was ring fenced. That seems to be consistent with what is going on here.

Will an individual’s human rights have been breached for the sake of a collective benefit? The answer might well be yes. I do not understand the Government saying, “Collectively, we have this right and therefore no individual could have had their rights breached.” There is no logic in that. I am absolutely with the petitioners on that. The question that follows, I guess, is how we should pursue this. We have asked the Government and it has said that it does not think that those rights have been breached. That is its view. If we ask it again, we will get the same answer. If there is background information that has not been brought before us, such as papers on how the matter was considered at the time, we should ask for it. I do not know whether we need to use freedom of information to get that. I suggest that we probably do not, although we could do it under FOI if the Government does not answer.

I would have thought that the first thing that we should do is to get back to the Government and say, “Can we see the background papers, please? Did you actually consider this? If so, what was your considered response?” In the first instance, that is where I would stop. Our next step will depend on the response that we receive.

Rhona Brankin: I understand from our papers that the Scottish Agricultural College has carried out a study of the matter and the draft report is being considered, but we do not have any further information on that. That is an obvious thing to have a look at, is it not?

Robin Harper: The notes with which we have been provided do not explain why ring fencing was introduced in the first place. Is there an answer to that?

Jamie McGrigor: Do you want me to explain that, convener?

The Convener: Briefly.

Jamie McGrigor: I believe that it was considered that it would keep the creamery in Campbeltown in sufficient milk. Most of the milk at that time went to the creamery. I think that that was the rationale. At the time, every other dairy farmer in the country except those in Orkney and the southern isles, which is the location of the case that we are discussing, and those in Shetland and the Western Isles, was allowed to sell their quota on the open market. My constituents were not allowed to do so, which put them in an invidious position. Combined with everything else, it has forced them into a position of near bankruptcy. Another question worth asking is why the ring fencing on the Shetland Islands and the Western Isles was taken away. Those two areas were initially included in the ring fencing as well.

In answer to your question, Robin, it was considered that, somehow, ring fencing the milk from within a certain radius would keep the Campbeltown creamery going. In other words, quotas could be swapped only by farmers within that area. I hope that I am right in saying that. They were not allowed to sell on the open market whereas any other dairy farmer was. Is that clear?

Robin Harper: Yes.

Bill Wilson (West of Scotland) (SNP): I want to be clear about that. Does it mean that the farmers were guaranteed sales to the Campbeltown creamery? If so, what prices were guaranteed through that quota system and how did they compare with those on the open market?

Jamie McGrigor: I cannot answer that question. You would have to discover that from another source. You are going back a long way. I imagine that they would have got a price from the Campbeltown creamery, but I cannot tell you whether it was effective or good enough. I do not think that there was a guarantee, but that is pure speculation on my behalf.

The Convener: A number of outstanding questions that we want to explore have been raised by Jamie McGrigor and have come up in the discussion. We will pull those together. There are one or two queries about the reasoning and purpose behind the ring fencing. We will try to get greater clarity on those for the next time that we consider the petition. That might respond to the questions that Robin Harper and Bill Wilson raised.

We will continue the petition and explore those issues. Jamie McGrigor knows the process through having been at the committee before. We will bring the petition back in due course and, no doubt, see him at that meeting.

Judicial Office-holders (Age of Retirement) (PE1276)

The Convener: PE1276, by John Ferguson, calls on the Scottish Parliament to urge the Scottish Government to remove the requirement on judicial office-holders, including justices of the peace, to retire at the age of 70.

I declare an interest in that I know the petitioner, who is the chair of a local housing association in my parliamentary constituency.

Bill Butler: The Scottish Government has previously stated that it intends to remove the compulsory retirement age for judicial office-holders. Judges are themselves pressing for a change in the law to allow senior members of the profession to remain in their posts beyond the age of 70. However, it is my information that the Judiciary and Courts (Scotland) Act 2008, which

was as enthralling to be involved in as it sounds, did not address the question whether any compulsory retirement age should be removed.

Given those points, we should ask the Scottish Government when it intends to remove the compulsory retirement age for judicial office-holders and what the legislative vehicle for that would be. Is there such a vehicle? We could also ask what the Scottish Government's view is on the approaches that the judiciary have made to it on allowing senior members of the profession to remain in their posts.

That would keep the matter alive. It is important and, although there is clear Government intent to remove the compulsory retirement age, it has not happened so far. For the sake of the petitioner, we need to know whether there is not only an intention to do it but a timetable for doing it.

Bill Wilson: There might be another relevant issue for the committee in deciding whether to support the petition. If we do not have compulsory retirement, we obviously need some way of determining whether judges are still fit to continue in their role after a certain age. Inevitably, some people at 70 will be and others will not. However, if there is a method of removing judges after they reach a certain age, we must ensure that that does not interfere with judicial independence. We do not want a situation in which a judge makes a decision that is perhaps not politically popular and we then find that the system allows him to be removed on certain invalid assumptions. That is an important consideration in relation to the petition. More information should be sought on that issue.

Robin Harper: I have an interest in the issue, as I will reach the age of 70 before the end of the summer recess. I agree entirely with the words of Bill Butler.

The Convener: We wish to keep the petition open and to deal with the points that Bill Butler and Bill Wilson have raised. I thank Robin Harper for making that declaration of interest. I thought that he looked 60.

National Youth Volunteering Policy (PE1278)

The Convener: PE1278, by Kimby Tosh, on behalf of ProjectScotland, calls on the Parliament to urge the Government to demonstrate how it will support national youth volunteering opportunities that deliver skills development for all young people in Scotland and to develop and implement a national youth volunteering policy for Scotland. Members expressed interest in the petition when we considered it previously.

Bill Butler: Members will recall that ProjectScotland's evidence to the committee was convincing. I think that there was unanimous support for ProjectScotland and the content of the petition. Members will know that the petitioner has stated that she is encouraged that the responses to the petition have shown overwhelming—in fact, unreserved—support for a full-time national volunteering programme that is paid for. ProjectScotland has been in touch with the Department for Work and Pensions in an attempt to secure an agreement similar to the one that is in place for young people who participate in the Prince's Trust team programme. However, there remains the problem of those aged under 18, who are not eligible for jobseekers allowance.

A number of questions should be asked of the Government. We should ask for its response to the point that ProjectScotland raised in its letter of 7 April about the unresolved issue of how to support young people under the age of 18 financially so that they can participate in a national youth volunteering scheme. That is especially important given that under-18s still come under education, rather than employability, so the Scottish Government should be responsible for supporting subsistence through education maintenance allowance or, perhaps, a training allowance such as the get ready for work scheme. We could pursue that point with the Scottish Government.

Members will know that the response that we received from the DWP mentions the six-month offer. I am interested in why the contract was awarded through a single tender agreement with Volunteer Development Scotland, with no opportunity for other volunteering organisations to tender. That scheme seems to have been heavily undersubscribed. ProjectScotland states in its letter:

"We remain keen to offer opportunities to any young people falling into the Six Month Offer category and we have discussed this with Volunteer Development Scotland".

ProjectScotland could assist in the process, and I hope that Volunteer Development Scotland would appreciate such support. However, I wonder about the initial mechanical process and why there was a single tender agreement.

The overarching questions, which need clear answers regardless of how the scheme is funded, are whether the Scottish Government supports a national youth volunteering scheme and what it will do about people who find themselves in a kind of limbo because they are under 18. Those are pertinent questions. The Government has said that in principle it supports the scheme; how will it carry that principle into effect?

15:00

The Convener: Given my anorak tendencies, I had a look at the United Kingdom Government's coalition agreement. We had a response from a minister in the DWP, who is no longer a member of Parliament, which is unfortunate, because he is a member of my party. There was a commitment to volunteering in the manifesto of one of the parties in the coalition, so we might want to write to the UK Government about the issue. The vast majority of the issues are devolved, but we might need endorsement from the UK Government on issues to do with benefits complications. We could explore those issues as well as the points that Bill Butler made.

Bill Butler: I agree. There is a new Government—it keeps saying that it is new. Does the new coalition Government have fresh thinking to bring to the table? Let us hope so, on this issue.

John Wilson: The DWP's letter of 4 March clearly sets out the department's position on the engagement of young people in volunteering, particularly if they are in receipt of benefits. It is clear that the previous UK Government had strict rules on participation in volunteering or other such activity by people in receipt of jobseekers allowance. The DWP carried through that policy thoroughly, in ensuring that someone who was not actively seeking work was not entitled to benefit.

There is a mismatch between our attempts to get young people to volunteer and the previous UK Government's position. I hope that there will be a change of view, which will encourage young people to volunteer. I agree that we should write to the new minister in the UK Government to ask whether, in light of statements of policy during the election campaign, the Government will reconsider the funding of young people to enable them to participate in volunteering opportunities the length and breadth of the country.

The Convener: We will keep the petition open so that we can explore those issues.

Police Complaints (PE1301)

The Convener: PE1301, by James Duff, calls on the Parliament to urge the Government to make provision to allow individuals complaining about the police force in their area to approach a police force from a different area to investigate the complaint. We have considered the petition before and we have papers on it. I invite comments from members on how to handle the petition.

Bill Butler: There is nothing we can do, other than to say that there is no other path that we can productively explore. Other police forces already become involved when certain complaints are made. In exceptional circumstances, they can become involved in cases that involve criminal

offences. The Scottish Government appears to think that the existing provisions are effective and resilient. On that basis, I do not think that the committee can do more. Perhaps other members take a different view.

Nigel Don: I agree with Bill Butler. I do not think that there is much more that we can do. The additional material that we received today reminds me that there are individuals who think that the system has gone wrong, and they may be right but, unfortunately, we are not in a position to do everything on the basis of individual complaints; we have to ensure that the system is good. We have explored the petition. It is not instinctively obvious to me that the way in which things are done is automatically right. If you make a complaint about an organisation, you would hope that someone outside that organisation would investigate it. However, the Government has made the point that if there are criminal issues, those are referred to the Crown Office and Procurator Fiscal Service, which explores them independently. We can be fairly clear that the criminal aspect is covered, at least in principle.

I think that we need to close the petition, although I take some comfort from the final paragraph of the letter to us from the police complaints commissioner, John McNeill, in which he says:

“As Commissioner I have taken stock since taking up my post on 17 August 2007. Having met with a range of stakeholders and representatives from police organisations in Scotland and beyond, and it is my informed opinion that a significant change is needed to modernise the police complaints system. However, I support the view that the police organisation complained about should have the opportunity to address the complaint in the first instance”—

that is the point. He continues:

“This is recognised best practice in both the public and private sector and encourages a culture of continuous improvement where the police organisation has a chance to learn from any mistakes that have been made to improve its policies and procedures.”

That seems to me to be someone who is saying, “I’m thinking about it—I’m going to have a go at it. I’m not entirely happy with the way things are at the moment.” I have some confidence that Mr McNeill is on the case. We will wait and see what he comes up with.

The Convener: We accept the recommendation to close the petition and note the comments made by members.

Access to Justice (PE1303)

The Convener: PE1303, by Grahame Smith, on behalf of the Scottish Trades Union Congress, asks the Parliament to urge the Government to restore access to justice for all by abandoning its policy of full withdrawal of public funding for civil

courts and repealing the orders relating to Court of Session, High Court of Justiciary, public guardian and sheriff court fees, which have increased the cost to individuals of accessing civil justice.

We have made initial inquiries but a number of issues have arisen from the responses.

Nanette Milne: There are significantly different views on the part of the Government and of the Faculty of Advocates. The faculty feels strongly that there is an injustice here and that some people are put off seeking court action in non-criminal cases. We should keep the petition open and press the Government a bit further.

Bill Butler: The petition could run for a while, and we should continue it. It would be worth while to write to the Scottish Government. The Equality and Human Rights Commission has called on the Government to publish the three equality impact assessments that were carried out following the 2008 consultation. We should ask the Government whether it will do that. We could also ask for the Government’s views on the suggestion in some of the responses and by the petitioner that there should be an opportunity for the Parliament to debate and agree whether the full cost recovery policy should be applied to the civil court service. Will the Government seek the parliamentary time for such a debate? As Nigel Don will know, the issue has been debated on a number of occasions in the Justice Committee in relation to Scottish statutory instruments, but an in-principle debate on whether it is just to have full cost recovery in civil actions is necessary and should be aired. I, for one, do not believe that it is the right way to go. It would be interesting to see what the Parliament says.

The Convener: A number of points have been raised. We will explore them, so we will continue the petition.

Charities Funding (PE1304)

The Convener: PE1304, by Kathleen Bryson, on behalf of the Lighthouse Foundation, calls on the Parliament to urge the Government to make representations to the banking and other private funding sectors to maintain funding to charities to protect the jobs and services that such funding provides. A response from Lloyds Banking Group is included in the additional papers that were issued to members this afternoon. Do members have any comments on the petition?

The issue has already been raised formally in the proceedings of the Parliament. In addition, Government ministers have intervened persistently on behalf of the Parliament—there is, I think, reasonable cross-party agreement on the issue. However, in light of the information that we have received back, I do not know that there is

much more that the Public Petitions Committee can do. Unless other members feel strongly, I recommend that we consider closing the petition.

Rhona Brankin: Do we have information about the scale of applications to the Scottish Government's third sector resilience fund? Do we know the extent to which demand is being met?

John Wilson: Convener, following last week's Local Government and Communities Committee evidence session with the Lloyds TSB Foundation for Scotland, I can answer the question that Rhona Brankin has raised. Quite clearly, the diminution in the funds available to charitable organisations in Scotland has been dramatic, given that the amount has decreased from £7 million by some £5 million. Although the Lloyds TSB Foundation for Scotland has managed to find £2 million for this year, that is significantly less than the total of the grant awards that the foundation made previously to organisations throughout Scotland. That will impact heavily on local organisations and on some national organisations that relied on funding from the foundation for their work. The evidence that we received last week was that the foundation will try to continue to fund organisations in Scotland, but clearly it will not do so to the same level as it was able to do under the previous funding arrangements with Lloyds Banking Group.

I know that the Local Government and Communities Committee will continue to take an interest not only in the situation with the Lloyds TSB Foundation for Scotland but in the wider issue of local authority funding for voluntary sector organisations. I just wanted to impart that information to the committee so that members are aware that the Local Government and Communities Committee considered the issue as late as last week.

Bill Wilson: This will surely have been said before, but as a substitute I will say it anyway. I just want to say how objectionable I find the concept of a bank cutting its charity funding, having been taken over by the state and while still paying bankers large bonuses. Other members will no doubt have said that before, but I have not been here before so I take the opportunity to say so now.

The Convener: That is a great line for a substitute to take. He has just stuck the cup final winner in the bag.

We have the option to keep the petition open or to close it. Do members want to keep the petition open on the ground that other issues are still being explored? Do we want to hold the petition open until they are resolved?

Bill Butler: Perhaps we can write to the Cabinet Secretary for Finance and Sustainable Growth to ask about his discussions with the deputy

chairman of the Lloyds Banking Group. The cabinet secretary said that he would write to the then Chancellor of the Exchequer in support of the Lloyds TSB Foundation for Scotland, so we can also ask whether he intends to write to the new Chancellor of the Exchequer—I cannot remember whether that is a Liberal or a Tory, but I suspect that it is a Tory—to seek a response. I suggest that we keep the petition alive on that basis.

I echo Dr Bill Wilson's comments: the situation is quite scandalous. However, we can say that the situation is scandalous until we are sick of saying so, but we need to see whether the Parliament can do anything to help the foundation. That must be our objective. I do not disagree with my colleague Dr Bill Wilson, although his comments were a bit too moderate for my taste.

15:15

Bill Wilson: I promise that they will not be so moderate next time.

Bill Butler: I am glad to hear that.

Bill Wilson: I support Bill Butler's proposal. I would like to see the petition kept open, if for no other reason than to signal to Lloyds bank that we are not closing the door when there is clearly still an argument to be heard about the foundation.

Rhona Brankin: I would like to find out what has happened to the resilience fund, what the value was of the applications and how much was given out.

John Wilson: I support Rhona Brankin's comment about how the issues around the Lloyds TSB Foundation for Scotland are being handled. I suggest that we write to the foundation to ask what the situation is, particularly in light of some of its earlier responses.

I know that the foundation gave evidence to the Local Government and Communities Committee last week, but it might be useful for us to receive in writing the reasons why the foundation took the decisions that it took about negotiations with Lloyds Banking Group and the funding that was being made available. That might give us a better understanding of what is happening with the negotiations between the two organisations and of the overall impact that it could have for funding for voluntary organisations in Scotland.

The Convener: Okay, so we will continue with the substantive points that members have raised.

Bowel Cancer (Screening Programme) (PE1305)

The Convener: PE1305, by Margaret Paton, calls on the Parliament to urge the Government to extend the bowel cancer screening programme to

the immediate families of those who have been diagnosed with bowel cancer. I know that John Scott has expressed an interest in the petition, but I will let Nanette Milne speak first and ask John Scott to follow.

Nanette Milne: In a previous life, I had a fair bit of experience of looking at the incidence of bowel cancer, particularly in the north-east of Scotland, where it is particularly high. Things have probably moved on a lot since then and we know an awful lot more about the genetic make-up of individuals than we did when I was involved in such research.

The faecal occult blood test is tremendous at picking up people within the age group to which it applies. However, it would appear that the advice that we are being given by the experts who have responded to us is that an extension of that test is not the way forward in picking up the close relatives of people who have suffered from bowel cancer. Those people might be at a stage at which there is no sign of bleeding of any kind, whether overt or occult.

Genetics has been mentioned in the correspondence that we have had. Bowel disease is to the fore this week, with the inflammatory bowel disease lobby exhibiting in Parliament, so there is a potential tie-in there as well. I wonder whether we should contact a couple of institutions to get an expert opinion before we close the petition. One is the Medical Research Council colon cancer genetics group, at the University of Edinburgh. There is also the west of Scotland regional genetics service at the Ferguson-Smith centre for clinical genetics at Yorkhill. I know that I have a particular interest in the subject, but I am keen to hear what they say and what advice they would give for the future.

The Convener: So Nanette Milne's suggestion is to keep the petition open. John Scott, do you want to make a brief comment at this stage?

John Scott (Ayr) (Con): Thank you, convener, and I thank the committee for inviting me to speak to Margaret Paton's petition and note the views of the cancer charities. Like Nanette Milne, I believe that there is a wider issue here, and Nanette has probably articulated it better than I could, given her medical background.

In essence, there is a huge and growing problem with bowel diseases and cancers across Scotland, as was referred to last night on Scottish television. Perhaps traditional screening methods for bowel cancer as requested in the petition are not the way forward. I suggest that we should be looking at genetic screening, as Nanette Milne said, because it can be carried out through a single blood test.

I spoke to Mrs Paton about the matter at lunch time today. I suggest that a blood test be offered

to members of the families of those who are suffering from bowel cancers to establish whether there is a familial and, therefore, genetic disposition. My medical knowledge is scant—members will know my background—but I believe that such testing might also show up other types of cancer, such as ovarian cancer, related to the same genetic weaknesses. Potentially, the national health service could get several results from one blood test, and Nanette Milne has suggested where we might get the specialist knowledge from.

In my view, for so many cancers now, early detection affects their survivability, and those with a familial disposition to cancer will be more likely to see their GPs early if they are aware of the fact and see symptoms emerging. That is why I would be grateful if the committee would consider keeping the petition open to investigate further a genetic approach to familial screening.

Nigel Don: I support that view, which the data that we have before us seem to support. A point that was not picked up by all those who wrote to us but that was clear to Professor Bob Steele is the difficulty that the lady faces because she was adopted and does not know anything about her family history. There are a lot of folk in that position, some of whom are close to me, so I well understand the issue. I pick up on Professor Steele's final comment, which was:

"To provide intensive colonoscopic surveillance for all immediate relatives of colorectal cancer patients irrespective of their degree of risk would be a considerable undertaking and probably impractical."

We have that from the horse's mouth. However, looking for some genetic way of finding our way through this would be going in the right direction and I support that—that is where we should head. It is not about colonoscopic screening; it is about genetics and seeing whether we can do something to fill the gap left by the absence of family history.

The Convener: Okay. The committee wants to keep the petition open and we will explore the points that have been raised by Nanette Milne, Nigel Don and John Scott. We will keep him fully up to date on the next stage. I thank him for his attendance this afternoon.

Local Authority Public Petitions Process (PE1306)

The Convener: PE1306, by David Park, calls on the Scottish Parliament to urge local authorities to put in place an open, accessible, accountable and participative public petitions process. We have had the chance to discuss the matter and, as part of our overview of petitions work in the Parliament, to make recommendations on it in our major report. We encourage public petitions committees

to be established within local authorities where appropriate but recognise that it is for local authority members, who are also directly elected and exist by statute, to make the best determination of how they engage with their citizens. There is little else that we can do. We have said that we think that the petitions process strengthens the democratic process at our level and that we believe that similar strengthening could take place at the local authority level. We welcome the fact that several local authorities have established petitions committees and that others have opened discussions about how best to engage.

I invite members' comments before we make our final decision on the petition.

Robin Harper: Do we know how much work the Convention of Scottish Local Authorities has done to promote the idea among the 32 councils? I presume that, when we wrote to COSLA, we asked it to take things forward and open a discussion. Have we had a report back from COSLA, telling us what stage councils are at? It seems rather a shame that only three councils are taking up the idea—hopefully very successfully—and that the other 29 are not. I am reluctant to close the petition for the simple reason that I believe that we should push the idea for as long as we possibly can. We should certainly not take no for an answer at this early stage, when we have at least got a foot in the door and three councils have engaged enthusiastically with the idea.

Nigel Don: I cannot help feeling that the clerk must be tearing his hair out at our reluctance to close petitions, bearing in mind what we said last week. With respect, I suggest that we close this petition. Regardless of what COSLA has done, local authorities have an idea that there are such things as public petitions.

I note the response from my own city council in Aberdeen, in which it mentions holding deputations—of which councillors will have been well aware—and offering the opportunity for public questions. I must confess I did not know about such an opportunity when I served in a local authority, but it is appropriate to Aberdeen. The council receives petitions on many things, and councillors handle them in the appropriate way.

Public petitions committees may be appropriate, but we should leave local councils to work out how they operate such things. I do not have a problem with that. Having explored the matter, I believe that we could close the petition.

The Convener: I call Bill Wilson, and then Bill Butler.

Bill Wilson: Sorry, convener—my hand was just waving in your general direction.

The Convener: I will reciprocate in due course.

Bill Butler: I am waving, but not drowning. I think that that is Stevie Smith.

The Convener: That is too poetic for me.

Bill Butler: We should close the petition. I take Robin Harper's point, but only up to a point. Nigel Don's comment is more pertinent. We operate under equality of esteem between different levels of government. We cannot—and nor should we—instruct local authorities to go down a certain road.

We could simply forward a copy of this excellent petition to COSLA for its information. That would contribute positively to any future discussion involving COSLA or its constituent authorities.

John Wilson: I support closing the petition. However, I suggest that we write not only to COSLA—as Bill Butler suggested—but to the Scottish Government to ask it to consider, in its future deliberations on good practice in local authorities, the idea of setting up public petitions committees. Three local authorities so far have taken on board the concept of allowing the public to petition their local authority. It is about trying to encourage best practice in local authorities and being open and transparent—as the Public Petitions Committee is in the Parliament—so that people can express their views on issues that they think are of local or national importance.

It is important that we commend the local authorities that have taken on board the petitions system. Other authorities that operate different methods of getting people to petition them should also be commended. Dialogue between the public and whatever strand of government is important. Public petitions committees such as this one and those established by the three local authorities are one way of getting the public to engage at a level at which their issues can be resolved or dealt with to their satisfaction. In many cases, people feel frustrated that decision makers do not listen to them or are not interested in their opinions on good governance in local authorities.

The Convener: I recommend that we close the petition. However, we should ensure that COSLA has identified the petition and the statements that this Public Petitions Committee made in our investigation on the value of engaging in effective public petitioning processes.

Male Victims of Domestic Abuse and Violence (PE1307)

The Convener: PE1307, by Alison Waugh and Jackie Walls, calls on the Parliament to urge the Scottish Government to ensure that all publicly funded action on domestic abuse and/or violence fully addresses the needs of male victims and their children.

We have explored some of the issues that the petition raises, and the petitioners recently gave evidence to the committee. I invite comments from members on what to do with the petition.

15:30

Nigel Don: I found the evidence session, when the petitioners first came to the committee, extremely memorable and very moving. I acknowledge that the Government has moved faster than Governments often do. It has bought into a UK-wide men's advice line, the number of which I will put on the record: it is 0808 8010327. I checked the number by ringing it yesterday. The Government tells us that it will get monthly statistics—confidentially, I take it—on where the callers come from and what the problems are. That is a good way of starting some research.

Immediately after the last meeting of the Public Petitions Committee at which the petition was discussed, a constituent came to see me, as a result of which I wrote to Grampian Police, Aberdeen City Council and the Lord Advocate—she was not on our list. Grampian Police made the point that 80 per cent of victims of domestic abuse are female, but there is a steady rise in the number of men reporting domestic abuse. It also recognised that there is a lack of services for male victims.

The statistics from Aberdeen City Council were slightly different: they show that 93 per cent of those who go before the sheriff court for domestic abuse are men. The council pointed to programmes such as the Caledonian programme for men and connections women's programme. The Lord Advocate confirmed that the law is gender blind, saying:

"Perpetrators are dealt with according to a robust prosecution policy where there is a presumption in favour of prosecution in all cases, regardless of gender."

Bearing in mind that there is some dispute about the information and that one particular report is not widely regarded as being very effective, we seem to have been pointed by correspondents to the "2008-09 Scottish Crime and Justice Survey: Partner Abuse", which contains interesting statistics. It estimates that only 8 per cent of men who suffer from domestic abuse actually report it, which compares with about 35 per cent of women. If those statistics are anything close to being right, they confirm that by and large men do not report and that we need to be aware of an iceberg effect in respect of both genders.

I note that Victim Support Scotland is having a conference in October on victim reporting, which is an important issue. That will be held here in Edinburgh.

The conclusion that I draw is that there is a need for more research into the issue. I just do not think that we know enough about it, and the honest correspondents also recognise that. That is the underlying point that I would like to make. I also note that the letter from the Scottish Government—I will not quote the person's name—comes from a team that is described as the "Gender Equality and Violence Against Women Team".

Rhona Brankin: I do not see why that is a problem. I do not think that people would deny that violence against men exists—we see that coming through in the evidence—but we need to be careful about thinking that the situation is the same for men and for women. There are clearly gendered differences, and one question that we should ask the Government is whether it has done any gendered analysis of the situation. I would not want us to accept that there should necessarily be some sort of dismantling of the Government's approach to violence against women in recognising that men also experience violence.

John Wilson: The petition has clearly opened up a debate, which is not just confined to this committee, as I am aware that more and more statistics are reported almost daily on male victims of domestic violence. Some figures from down south that came out last week said that men are the victims in one in seven cases of domestic violence. There is a wider debate to be had. As Nigel Don said, we are looking at the tip of the iceberg, because of perceptions about how domestic violence affects a particular gender. That is part of the debate.

Thirty or 40 years ago, we managed to turn around and recognise that domestic violence against women had to be tackled by society and agencies and that the correct facilities must be put in place to enable people to escape from it. I welcome the Scottish Government's commitment to funding the men's helpline, although I hope that, when he said that he phoned it yesterday, Nigel Don was not stating publicly that he needed its support. However, I have to say that the help offered is quite restricted. We have to get the message out to individuals who need such support and advice, but we also need to address the underlying problem of the lack of facilities or support systems for men and their children to fall back on. Female victims of domestic violence have women's refuges and can seek support from Scottish Women's Aid, but that support is not available to men. We need to take the debate forward to ensure that we get equality in services.

Bill Butler: This is a sensitive issue and, as I recall, some of the evidence that we received from the petitioners was controversial, to say the least. I certainly did not accept all of it. I had sympathy for

the two male witnesses, who obviously wished to remain anonymous; indeed, who would not have sympathy for anyone in that situation? However, we should bear in mind some of the comments in the responses that we have received.

For example, our background paper refers to Professor Marianne Hester of the University of Bristol who, in her June 2009 paper "Who Does What to Whom?: Gender and Domestic Violence Perpetrators", makes it clear that

"there were significant differences between men and women as domestic violence perpetrators, with men much more likely to be repeat offenders."

In her paper, Professor Hester says:

"the intensity and severity of violence and abusive behaviours from the men was much more extreme. This"

was

"also reflected in the nature of the violence used ... Men's violence tended to create a context of fear and related to that, control. This was not similarly the case where women were perpetrators."

Similarly, in its response, Glasgow City Council says, among many other things:

"There is no evidence of there being a particular issue of men under reporting domestic abuse. Reporting domestic abuse is never easy whatever your gender, hence the importance of publicity campaigns such as those run by the Scottish government. However, there are sections of the community where there are additional barriers such as those from smaller communities based on geography or identity. Those from rural areas, the LGBT, the Traveller or BME communities face particular difficulties that all agencies should address."

This is not an easy issue, but I echo my colleague Rhona Brankin's comment that we should not be looking at tearing down structures that have been built up over a number of decades to meet the severe problems faced by women and children because of predominantly male violence. Although I agree that there is no harm in asking the Scottish Government to carry out more research, I will take some persuading to accept the views expressed by the two—if you like—professional folk who were the petitioners. Indeed, I might never be persuaded. I did not find their evidence at all convincing in any regard. Is that clear enough for the record, convener?

Although we can ask the Government whether it wants to examine some of the issues and carry out more research, I think that we should be very careful indeed about accepting the premise on which the petitioners based their petition.

The Convener: I understand that individual committee members have strong views about the petitioners' overall direction of travel, but we are trying to deal with the points raised in the petition and the responses that we have received. In that

respect, I think that the view seems to be that we keep the petition open.

Nigel Don: I want to make it absolutely clear that I am not for one moment suggesting that we tear down existing structures that protect women who are victims or that there is anything wrong with the current assumption that women are overwhelmingly the victims and men are overwhelmingly the perpetrators—although I recall that we are not supposed to use the word "overwhelming" because the statistics might not support that view. The petition asks us to address the fact that we have more or less assumed that men have never been victims of such violence. Plainly the balance has gone slightly wrong in that respect and we should correct it.

Just for the record and to assure John Wilson, let me say that my wife and I are still on speaking terms. In fact, I never got round to speaking to anyone on the helpline, because I was held in a queue. Nevertheless, I did work out the right number in the end.

Rhona Brankin: When we contact the Government about this petition, we should make it clear that in keeping the petition open we are not suggesting that it should dismantle existing structures or change its approach to women as victims of domestic abuse.

The Convener: We can make it clear in our inquiries that we are not seeking to diminish the predominance of domestic violence against women and children. We just want to ensure that a distinction is made here.

Are we happy to keep the petition open to ensure that the issues that have been raised are explored?

Members indicated agreement.

The Convener: We have no notification of new petitions. Our next meeting will be on 1 June here at Holyrood.

Meeting closed at 15:42.

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