



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# PUBLIC PETITIONS COMMITTEE

Monday 13 September 2010

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**Monday 13 September 2010**

**CONTENTS**

	<b>Col.</b>
<b>TEMPORARY CONVENER</b> .....	2841
<b>WELCOME</b> .....	2842
<b>NEW PETITIONS</b> .....	2845
Saltire (Edinburgh Castle) (PE1352) .....	2845
Citizenship Education (PE1354) .....	2846
Free Bus Travel (Night Services) (PE1338) .....	2847
Public Transport Costs (Under-18s) (PE1355) .....	2849
<b>CURRENT PETITIONS</b> .....	2862
Acquired Brain Injury Services (PE1179) .....	2862
Fire (Scotland) Act 2005 (PE1254) .....	2863
Houses in Multiple Occupation (Regulation) (PE1261) .....	2863
Dairy Farmers (Human Rights) (PE1263) .....	2865
Judicial Office-holders (Age of Retirement) (PE1276) .....	2866
Charities Funding (PE1304) .....	2867
Vulnerable Livestock (PE1309) .....	2868
Birds of Prey (Illegal Killing) (PE1315) .....	2870
Compulsory Purchase (Derelict Properties) (PE1326) .....	2872
Emergency Services (Rural Patients) (PE1327) .....	2872
<b>NEW PETITIONS (NOTIFICATION)</b> .....	2874

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# **PUBLIC PETITIONS COMMITTEE**

## **13<sup>th</sup> Meeting 2010, Session 3**

### **CONVENER**

Rhona Brankin (Midlothian) (Lab)

### **DEPUTY CONVENER**

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

### **COMMITTEE MEMBERS**

\*Bill Butler (Glasgow Anniesland) (Lab)

\*Cathie Craigie (Cumbernauld and Kilsyth) (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 Hepburn (Central Scotland) (SNP)

Jamie McGrigor (Highlands and Islands) (Con)

Nicol Stephen (Aberdeen South) (LD)

\*attended

### **THE FOLLOWING ALSO ATTENDED:**

Douglas Auld (Arran High School)

Margie Currie (North Ayrshire Council)

Kenneth Gibson (Cunninghame North) (SNP)

Alison Prince (Arran Community Council)

Struan Robertson (Arran High School)

### **THE FOLLOWING GAVE EVIDENCE:**

Scott Currie (Arran High School)

Katy Simmons (Arran High School)

### **CLERK TO THE COMMITTEE**

Fergus Cochrane

### **LOCATION**

Arran High School, Lamlash, Arran

## Scottish Parliament

### Public Petitions Committee

*Monday 13 September 2010*

[The Oldest Committee Member *opened the meeting at 09:33*]

### Temporary Convener

**Robin Harper (Oldest Committee Member):** Good morning, and welcome to the 13<sup>th</sup> meeting of the Public Petitions Committee this year.

Before we get to the agenda, I ask everyone to bear with us while we deal with a procedural matter. Neither the convener of the committee, Rhona Brankin, nor our deputy convener, John Farquhar Munro, can be with us today. In their absence, we are required to appoint a temporary convener. As the oldest member of the committee, it falls to me to deal with the procedure.

I refer members to rule 12.1.17 of standing orders, which states:

“when a Temporary Convener is chosen by a committee, he or she shall take the chair and shall exercise all functions of the convener of that committee until the convener or, where the committee has a deputy convener, the deputy convener is again able to act.”

I therefore seek nominations.

**Bill Butler (Glasgow Anniesland) (Lab):** I nominate Robin Harper to be temporary convener.

**Robin Harper:** If there are no other nominations, does the committee agree to choose me as temporary convener?

**Members** *indicated agreement.*

## Welcome

**The Temporary Convener (Robin Harper):** I invite the headteacher, Douglas Auld, to say a few words of welcome.

**Douglas Auld (Arran High School):** Good morning, temporary convener, ladies and gentlemen, boys and girls. I am absolutely thrilled, delighted and proud that the Scottish Parliament's Public Petitions Committee has made its way to the Isle of Arran, and specifically to this wonderful theatre in Arran high school. Since we opened two and a half years ago, we have hosted a number of politicians from various parties and organisations. Only a year and a half ago, we welcomed the convention of the Highlands and Islands to this hall. That was a wonderful exercise, and many of our pupils benefited from it.

This morning, members of the committee will see many pupils coming in and out of the room—I hope that that does not upset the proceedings too much—and, at half past 11, all of our fourth, fifth and sixth year pupils will come down for the question-and-answer session. I hope that more members of the public will join them.

Last week, in this hall, the Earl of Mar and Kellie spoke to my fifth and sixth year pupils about his work in the House of Lords. That was interesting, and Arran high school pupils were able to benefit from first-hand knowledge of how the democratic process works.

Katy Simmons and Scott Currie will be closer to the firing line of the democratic process than any other Arran high school pupil has been before. Both pupils have been working very hard to prepare their petition for you this morning.

At the main door on this miserable morning—sorry that we could not arrange better weather for you—you were met by Ian Clark, one of our resident pipers. I will stop at this moment, because I am going to continue the entertainment by asking a young man called Struan Robertson to take the floor. He was going to perform “Tam O’Shanter”, but we decided that that would be a bit too long—although the weather is suitable for it today. Nevertheless, he will represent Arran high school today by reciting some Burns. I will leave it to Struan to tell you what he is going to do.

**Struan Robertson (Arran High School):** This morning, I am going to recite the address to the haggis, by Robert Burns.

“Fair fa’ your honest, sonsie face,  
Great Chieftain o’ the Puddin-race!  
Aboon them a’ ye tak your place,  
Painch, tripe, or thairm:  
Weel are ye wordy of a grace  
As lang’s my arm.

The groaning trencher there ye fill,  
Your hurdies like a distant hill,  
Your pin wad help to mend a mill  
In time o' need,  
While thro' your pores the dews distil  
Like amber bead.

His knife see Rustic-labour dight,  
An' cut you up wi' ready slight,  
Trenching your gushing entrails bright  
Like onie ditch;  
And then, O what a glorious sight,  
Warm-reekin, rich!

Then, horn for horn they stretch an' strive,  
Deil tak the hindmost, on they drive,  
Till a' their weel-swail'd kytes belyve  
Are bent like drums;  
Then auld Guidman, maist like to rive,  
Bethankit hums.

Is there that owre his French ragout,  
Or olio that wad staw a sow,  
Or fricasee wad mak her spew  
Wi' perfect sconner  
Looks down wi' sneering, scornfu' view  
On sic a dinner?

Poor devil! see him owre his trash,  
As feckless as a wither'd rash,  
His spindle shank a guid whip-lash,  
His nieve a nit;  
Thro' bluidy flood or field to dash,  
O how unfit!

But mark the Rustic, haggis-fed,  
The trembling earth resounds his tread,  
Clap in his walie nieve a blade,  
He'll mak it whistle;  
An' legs, an' arms, an' heads will sned,  
Like taps o' thrissle.

Ye Pow'rs wha mak mankind your care,  
And dish them out their bill o' fare,  
Auld Scotland wants nae skinking ware  
That jaups in luggies;  
But, if ye wish her gratefu' pray'r,  
Gie her a Haggis!"

**The Temporary Convener:** Thank you very much indeed, Struan. I can see that in future you are going to be very much in demand at Burns suppers. It could be the start of a great career.

Now to business. We are delighted to be here in Arran high school on Arran and we thank everyone for coming along. First, we should briefly introduce ourselves. I am Robin Harper, the committee's temporary convener and Green MSP for Edinburgh and Lothians.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I am the Labour MSP for Cumbernauld and Kilsyth in central Scotland.

**John Wilson (Central Scotland) (SNP):** Good morning. I am a Scottish National Party MSP for Central Scotland.

**Anne McLaughlin (Glasgow) (SNP):** I am an SNP MSP for Glasgow.

**Bill Butler:** Good morning. I am delighted to be at Arran high school. I am the Labour and Co-operative MSP for Glasgow Anniesland.

**Kenneth Gibson (Cunninghame North) (SNP):** And I am the man with no name—or nameplate—it seems. I am Kenneth Gibson, the MSP for Cunninghame North. I represent Arran, of course, and know many of you here today. I should say that I am not actually a member of the committee; I am appearing today as the local member.

**The Temporary Convener:** Thank you. I give a special welcome to Kenny Gibson, who I know shares my interest in and passion for Lamlash Bay and the Community of Arran Seabed Trust. From end to end, the committee has a connection with Arran on at least one issue.

I ask everyone to ensure that their mobile phones and other electronic devices are switched off. I checked mine before we started. We have received apologies from the convener Rhona Brankin, the deputy convener John Farquhar Munro, Nigel Don and Nanette Milne.

## New Petitions

### Saltire (Edinburgh Castle) (PE1352)

**The Temporary Convener:** The first item on our agenda is consideration of four new petitions, on the last of which we will hear evidence from Arran high school pupils Katy Simmons and Scott Currie. First, though, we have PE1352 from Mark Hirst, which calls on the Scottish Parliament to urge the Scottish Government, which owns Edinburgh castle, to instruct Historic Scotland, which manages the site, to erect a 90ft flagpole in Crown square of the castle from which a saltire, Scotland's national flag, will be permanently flown. The committee might wish to discuss a number of options, including asking the Scottish Government and Historic Scotland whether they will take the action requested by the petitioner; if so, when; and if not, why not. We might also wish to clarify who actually owns Edinburgh castle, who is responsible for running it, who is responsible for which flags are flown, and who has the power to make the changes that the petitioner seeks and what steps would require to be taken.

**Bill Butler:** I think that we should take forward this petition, as it highlights an issue of some importance that I believe Christine Grahame MSP has raised previously in Parliament. It raises one or two interesting questions, including who actually owns the castle—which seems to be the point at issue—and who is responsible for the flags that are flown. It would be appropriate to ask both Historic Scotland and the Scottish Government to respond to the petition and ask them whether they are willing to consider implementing the petitioner's request. That is my suggestion, but obviously the issue has upset other colleagues.

09:45

**Anne McLaughlin:** I agree with that. I was interested to read what the petitioner said on the matter. He previously made inquiries about replacing the union flag that flies above Edinburgh castle on a point called David's tower, which is sometimes referred to as the clock tower, with the saltire. That was said not to be possible, as it was a designated flag-flying station for the British Army.

The petitioner has proposed a compromise suggestion, which would allow that flag to continue to be flown while we are still part of Britain, while ensuring that Scotland's flag is flown from the highest point on the castle. I support the petition, and I certainly support Bill Butler's suggestion that we write to the Government and Historic Scotland to establish the lines and ask them whether they are willing for that to happen.

**John Wilson:** I suggest that we also write to the Ministry of Defence to get its opinion. There are ownership issues around the castle. It is argued that the Scottish Government owns the castle, but the MOD uses it as a base for one of the Army divisions. It would be useful to get the MOD's view on whether it would be appropriate to fly the Scotland flag from the castle at the point that is being asked about. It would help the committee to proceed with the issue if we got that clarification.

**The Temporary Convener:** As there are no further contributions on the subject, are we agreed that we shall write to the MOD, the Scottish Government and Historic Scotland in the terms that have been mentioned?

**Members indicated agreement.**

### Citizenship Education (PE1354)

**The Temporary Convener:** I am not sure whether I can say that I still have an interest in relation to this petition, but I am a former teacher and I am still a member of the Educational Institute of Scotland, so I declare that as an interest.

The petition calls for the introduction of justice, legal and consumer rights education into the secondary school curriculum.

**Bill Butler:** I, too, am a member of the EIS, although it is a long time since I appeared in front of a class. In fact, this is the first time for a long time that I have had pupils before me.

I do not know what the Scottish Government's response will be, but we should ask. The petitioner is calling for citizenship education to be a specific subject, which is not the case at the moment, as it is a cross-cutting area that goes across the curriculum. It would be interesting to ask the Scottish Government, Learning and Teaching Scotland and other interested parties whether they support the request in the petition.

We do not always have to follow England, and we have a separate education system here, but citizenship education is included as part of the curriculum in England. However, that is a different kettle of bananas, as they say. We should ask for the views of the Scottish Government and Learning and Teaching Scotland.

**Anne McLaughlin:** The petitioner is calling for citizenship to be "a compulsory element" of the school curriculum. The curriculum in Scotland is not compulsory; it is advisory. However, we can take forward the sense of what the petitioner is saying. When we write to the bodies that Bill Butler has mentioned, it would be interesting to ask where in the current curriculum the subjects concerned are covered. It seems eminently sensible for our pupils to learn about such things but, if the authorities are just going to come back

to us and say that pupils learn about them already, it would be better if they gave us a bit more detail about where in the curriculum they are covered.

**Cathie Craigie:** I am confident that our schools teach citizenship in ways that suit each individual school. As Anne McLaughlin has said, however, we need to know for sure.

**John Wilson:** My colleagues are right that something of this sort needs to be laid out in the curriculum, so that students understand what they are going into when they leave school. One of the things that concerns me—and the petitioner refers to it—is that when young people leave school and enter the world of employment, many of them do not understand what their rights are under employment law. It would be useful to add the Scottish Trades Union Congress to the list of those to contact. The STUC started working with secondary schools throughout Scotland to make pupils aware of their rights so that they did not find themselves being abused by unscrupulous employers, particularly in relation to the minimum wage, apprenticeships and traineeships. I suggest that we write to the STUC and ask for its opinion on the matter.

**The Temporary Convener:** That could be useful. Despite the fact that aspects of the concerns in the petition are covered in bits of the Scottish curriculum, such as through modern studies, social and vocational skills and guidance classes, we are agreed that there is a sufficient gap for us to feel that the petition deserves a good deal of further attention. We have agreed to write to the MOD, the Scottish Government and Learning and Teaching Scotland. Did anyone mention Citizens Advice Scotland?

**Anne McLaughlin:** No, but I suggest it now. The petitioner said that CAS and *Which?* are interested, so it is worth writing to them. John Wilson mentioned writing to the STUC.

**The Temporary Convener:** As there are no further suggestions for those we could write to at this stage, will we proceed as agreed?

**Members** *indicated agreement.*

### **Free Bus Travel (Night Services) (PE1338)**

**The Temporary Convener:** The next petition is PE1338. I declare an interest, because the petition calls for there to be no night bus surcharge for seniors and I have a seniors bus pass. In fact, there is a £3 surcharge for night buses in Edinburgh. The petition calls on the Scottish Parliament to urge the Scottish Government to amend relevant legislation to provide that night bus services are eligible services for holders of entitlement cards for free bus travel for older and

disabled persons. I invite comments from the committee.

**Bill Butler:** I do not yet have to declare the interest that you did, convener—not for a wee while yet. I suggest that the petition deals with an important issue, but add that imminently we will hear about a petition from young school students that might contradict what PE1338 asks for and might result in a contest between it and what PE1338 requests. However, we should ask the Scottish Government, which recently reviewed concessionary travel for seniors, whether it considered extending the concessionary travel scheme to cover night buses in the way that the petitioner urges. I will be interested to see the Scottish Government's response. Obviously, costs are involved, which is a pertinent point. I am interested to hear what other committee colleagues think.

**Anne McLaughlin:** It is worth doing. I am not sure who we would ask about the cost implications. We are talking about buses that run after midnight. How many older people will be out after midnight? I did not want to say that, but I suppose that I did and it cannot be scrubbed from the *Official Report*. I am not convinced that huge swathes of people over the age of 60 would rush to get on buses at 1 o'clock in the morning if the concessionary scheme were extended. It will be interesting to know whether any work has been done to estimate what the additional costs would be.

**The Temporary Convener:** If no other member wishes to comment, I think that we are agreed that we will write to the Scottish Government.

**Bill Butler:** As well as writing to the Scottish Government, it would make sense to ask Transport Scotland about the issue. I throw that in for the committee's consideration.

**The Temporary Convener:** So we will write to the Scottish Government and Transport Scotland. Should we write to any other organisation?

**John Wilson:** I suggest that we write to a couple of the bus operators. In the wider debate about concessionary fares, one problem is that the bus operators in effect impose the charges and, through the concessionary fares system, the Scottish Government picks up the bill. It would be useful to write to, say, FirstBus and Lothian Buses to find out how they operate fares after midnight. Fares rise considerably after midnight, so we could ask them what their justification is for that. I suggest that we write to a couple of the bus operators to find out why they impose the charges that they do.

**The Temporary Convener:** We could write on that specific point. I suggest that we also write to Age Scotland and the Scottish Disability Equality



Forum to ask for their views. Do members agree to approach the organisations that have been mentioned in the terms that we have referred to?

**Members** *indicated agreement.*

### **Public Transport Costs (Under-18s) (PE1355)**

**The Temporary Convener:** With great pleasure, I invite Katy Simmons and Scott Currie to make their presentation on PE1355, on fair public transport costs for students. The petition calls on the Scottish Parliament to urge the Scottish Government to consider the need to lower the prices for travelling on public transport for all school and further education students who are aged 18 and below. A warm welcome to you both. Take your time, and we will smile upon your presentation.

**Scott Currie (Arran High School):** We feel strongly that the current public transport system in Scotland for young people is like a postcode lottery. The country is divided up, and the fares are not the same for young people throughout Scotland. We feel that the issue needs to be sorted out and that we should have one charge all over Scotland.

10:00

**Katy Simmons (Arran High School):** Fares for transport in Scotland are a big problem for young people. When we turn 16, we are required to pay double what we previously paid. Not all young people who are aged 16 and over can get a full-time or even a part-time job. Sometimes, there is nowhere in their area where they can work, or the infrequency of public transport limits the hours that they can work. Also, school studies are more important than ever. For some people who are doing highers or advanced highers or who are at university or college, their studies are too important for them to spend time doing a job instead of their homework. Those who, like me, can work, are able to do that only Saturdays or Sundays. That gets me only about £20 or £30 a week, and that has to last.

Now that I am 16, my income has not doubled. I turned 16 two weeks ago, and everything that I am expected to pay has gone up, but my income has not. When we turn 16, we are sent a bus concession card and the means to apply for a rail card and ferry vouchers. I did not know that those existed until I was sent the information in the post last week, and I do not know anybody who uses them. They need to be publicised more so that people can use them. The bus card gets you only a third off bus journeys. That is quite nice, but we still have to pay more than we paid previously, and we feel that that is not fair.

Also, as Scott Currie said, the price of bus fares differs depending on where you live. For example, here on Arran, a day rover costs £4.75, which works out cheaper than paying separately to go from my house to Brodick and back again, but in Edinburgh and Glasgow a day rover can cost about £3. That can get you anywhere in the city, on any bus, for the whole day, and there is a lot more to see and do in Edinburgh and Glasgow than there is on Arran. We are paying a lot more to get to the things that we need, such as the ferry and the supermarket, and we do not feel that it is fair.

**Scott Currie:** In many rural areas such as Arran there are no trains, so we think that the Scottish Government should withdraw the funding for trains in rural areas and instead give it to the bus companies to make our bus travel cheaper so that we can get to the things that Katy Simmons mentioned—the ferry or the supermarket. At the moment, we get a third off. We think that the money should be used to give us two thirds off bus fares. We think that that would be fair.

As things stand, when people turn 16, they get two free return journeys on the ferry. We do not believe that that is enough. When you live on an island such as Arran, you have to go to the mainland and the ferry is your lifeline. We do not have cinemas or ice rinks or anything like that, so for leisure or to go and see family on the mainland, we have to go over on the ferry, sometimes as much as four times a month. We do not believe that two return journeys is enough for a whole year. The number of journeys should be increased.

**Katy Simmons:** There is a road equivalent tariff scheme for most of the islands in Scotland, which means that people get cheaper fares on their ferries, but it does not apply to Arran, probably because Arran is such a big tourist destination. We do not think that it is fair that the scheme does not apply to Arran. We believe that everyone should be on a par. We feel really strongly about the issue. We feel that we are disadvantaged because we live in a rural area and not in a big city. We are suffering at the hands of travel companies that are trying to make a profit out of us.

Thank you for your time. We will answer as many questions as we can.

**The Temporary Convener:** Thank you both for a well-researched presentation that made the arguments very clear. I invite members of the committee to quiz you further.

**Bill Butler:** I say to Katy and Scott that it was a well-argued, clear presentation. As the temporary convener said, it is clear that you have made a real effort to research the subject. It is a bone of

contention in many areas of Scotland. I suppose that what you are arguing is that it is a matter of equal treatment and social justice.

I have a couple of questions. At the end of your petition—it is the final paragraph—you state:

“We think tightening some of the rules for those that are eligible to claim would increase the scope for others. For example, changing the rules so that older people can only use the concessionary scheme between the hours of 9.30 am and 4.30 pm and 6.30 pm and 7.00 pm which would then free up some of the existing money to be used for something else e.g. giving all those 18 year old and younger a 1/2 discount on the bus rather than the current 1/3.”

That seems perfectly fair and sensible, especially, I guess, to younger people such as you. What do you think older people would think of your suggestion?

**Katy Simmons:** Something similar already exists in England, where concessionary bus travel is restricted to off-peak hours between 9.30 and 11. Fair enough, that could not apply on Arran because the last bus that leaves Brodick is at about 7, or 9.30 on a Friday night, but if that is already working in England, why could it not work in Scotland?

**Bill Butler:** That is a fair point, but perhaps Scotland's circumstances are different. The history of the concessionary scheme is that older people are used to having free bus travel in that way. Do you think that they would object to the proposal? Do you think that they would be convinced by the argument that you have just made?

**Katy Simmons:** Probably not.

**Bill Butler:** What would you do to try to persuade them?

**Katy Simmons:** I invite Scott to respond.

**Bill Butler:** Over to Scott.

**Scott Currie:** I would say that, on every bus on Arran, there are three times as many young people as there are old people. There are quite a lot of old people on Arran, but they do not use the buses to full advantage, unlike the young people. There are certain shops and whatnot only in certain villages, so we have to use the bus to get there. Cheaper transport would benefit us more than it benefits older people.

**Bill Butler:** I hear you loud and clear. You are making the case for your age group. I am still a wee bit doubtful about whether you would carry the day if the hall were full of people of the temporary convener's age or older.

I was interested in your plea that we look to increase the number of free ferry journeys that are available; at the moment, it is two a year. What

should the increase be? Have you costed that? How do you think that we could pay for it?

**Katy Simmons:** I am not really sure about increasing the number of free ferry journeys that we get per year. We cannot really say that we want 10 free journeys a year; that is a lot to ask. However, having two or even four does not make much difference—I go to the mainland a couple of times a month. Perhaps we should lower the price for people aged 16 to 18.

**Bill Butler:** In addition to providing free journeys?

**Katy Simmons:** No, instead of providing free journeys.

**Scott Currie:** As Katy said, the price should be lowered for 16 to 18-year-olds, who should not get two free ferry journeys. People would feel better about that, because they would not be paying the full price for their ticket. Given the number of times that they go to the mainland, they would probably end up saving more money than if they were to get two free return journeys.

**Bill Butler:** Would that encourage greater use of the ferries?

**Scott Currie:** Definitely.

**Bill Butler:** That seems to be a rational point of view. Thank you for answering my questions.

**The Temporary Convener:** It is within the convener's discretion to invite non-members of the committee to join in, especially at this stage. I am delighted to give Kenny Gibson the chance to join the discussion.

**Kenneth Gibson:** Thank you. I will speak to the petition. I do not have the papers, as I am not a member of the committee. However, through the Isle of Arran ferry committee, I have been heavily involved with the issue of extending concessions on the ferries to young people. Margie Currie, who is the independent councillor for Arran, is here today. She has been most tenacious on the issue for a number of years.

I will give the committee a wee bit of the history. I contacted the Scottish Government about the issue last year, when it was raised in the ferry committee. On 30 April 2009, I received a response from the Government to my letter about extending the Young Scot card to ferry users aged 16 to 19, which would extend to the ferries the concessions that are available to rail and bus users on the mainland. The response states:

“Strathclyde Partnership for Transport's (SPT) concessionary travel scheme provides free ferry travel on local ferries for people aged sixty and over and disabled people who live on an island or peninsula that lies within the area of the scheme. The scheme does not include ferry concessions for young people. The conditions and extent of the scheme are entirely for SPT to determine.”

The Scottish Government is saying that it is for SPT, not the Government, to resolve the matter.

SPT responded on 21 May 2009. It said:

"The Strathclyde Concessionary Scheme, funded by the 12 local authorities in the former Strathclyde council area and administered by SPT, only allows travel by those who are aged 60 or over, and disabled persons badge holders."

We knew that from the previous letter. SPT said:

"There are no young people's concessions in the Strathclyde scheme and there are no plans at present to extend the scheme to include young people, on the grounds of affordability."

The ferry committee accepted that SPT would not do anything about what has been suggested. However, people may recall that, some months ago, SPT decided to introduce a £1 return ferry charge for islanders over the age of 60 from 1 April. The ferry committee suggested that concessionary fares should be removed altogether from second-home owners on the island and that, in return, the Young Scot travel card should include ferry travel for young islanders. In effect, the savings would be given to the younger people on the island. I received a letter dated 12 March 2010 from SPT about that. It said:

"I note your two suggestions for changes to the scheme and will ensure the Joint Committee are advised and consider these matters going forward."

I did not hear any more about the issue then.

At a public meeting in Millport on 13 July, I spoke to SPT, which said that the joint committee would decide on this and other issues relating to the £1 ferry charge at its meeting in January 2011. That part of the petition is therefore work in progress. For Margie Currie, who has been dealing with the matter for probably five years, that will seem a long time, but I hope that we can get somewhere with it. I am not necessarily convinced that we will, but we should. Perhaps the Public Petitions Committee does not want to get involved in the second homes issue, but if it supported the ferry committee at least and the concessions for young people that have been suggested, that would be helpful. SPT could be written to on that basis.

I do not believe that anyone in the Scottish Parliament would be enthusiastic about supporting a reduction in the times during which older people could use the concessionary scheme. The Scottish Government has already made it clear that it has no intention of changing the concessionary scheme for older people to make it worse. In fact, from 1 April, it is going to extend the scheme to cover veterans who are not of retirement age.

Scotland is different from England. It is more rural, it has more islands and there are perhaps greater distances relative to its population.

Therefore, Scotland has evolved a scheme that suits its needs better than the scheme in England does. The English scheme is unduly restrictive.

I do not know whether I would be willing to support reducing train journey benefits for younger people on the mainland, to be honest. I am not keen on taking a concession away from a specific group to help another, with the exception of second-home owners, who are obviously not permanent residents on the island.

**The Temporary Convener:** Thank you. Do the witnesses want to respond to what Kenny Gibson has said?

**Scott Currie:** Kenny Gibson said that he does not want to take benefits away from one group and give them to another. We propose that the Scottish Government should consider people's circumstances rather than just areas. For instance, the 50 per cent reduction in train fares from Glasgow is not given to Arran. We are entitled to 50 per cent off our train journeys, so we think that that reduction could be taken away and we could be given cheaper bus fares. We do not want the whole area to be considered; rather, we want parts to be considered, if you know what I mean.

**Katy Simmons:** Not all people who live in rural areas have access to trains. They depend on buses. Perhaps the train entitlements of people who live in rural areas could be taken away, and the money could be spent on their buses instead. There are no trains on Arran.

**Kenneth Gibson:** Yes, but trains might be more convenient for people in some communities. I am quite supportive of extending the scheme to cover buses on Arran, but I do not know whether that should be done at the expense of young people who use trains on the mainland.

10:15

**The Temporary Convener:** Just for clarity, are you saying that, as you do not benefit from the subsidy that you know the train companies receive for the railways, the Government should work out the per head subsidy and then transfer that subsidy to Arran for bus services, and that that approach could apply to other parts of Scotland?

**Scott Currie:** Yes.

**Katy Simmons:** And to other rural areas where people cannot get to the trains as much.

**The Temporary Convener:** Indeed. As I said, the issue is not specific to Arran. Other parts of Scotland could benefit from the kind of asymmetric system of transport subsidy that you have described.

**Katy Simmons:** That is correct.

**Anne McLaughlin:** I think that the misunderstanding arose because Scott Currie suggested that as there are no trains on Arran the subsidy for trains should be withdrawn and put into buses instead. I realise that that is not quite what he meant.

Although the case for looking again at travel costs for people living in rural areas is very compelling, I find the age part of the arguments a bit less so. It is not that I would not support such a move in principle—as you say, unlike your bus fares, your income does not dramatically increase when you turn 16. It was quite crafty and clever of you to slip in the comment that you should get a two thirds discount, which would mean that you would be paying less than someone under 16, but I do not think that you are going to get that.

As a representative of the city of Glasgow, I am less aware of rural issues and I wonder whether Katy Simmons could explain a bit more the road equivalent tariff scheme, which she said did not apply to Arran.

**Katy Simmons:** I do not know that much about it. My English teacher said something about it and I read an article about it in last week's *Arran Banner*. Some of the ferries to the Scottish islands have much cheaper fares, which is something to do with the road equivalent tariff scheme. It means that people pay as much as they would if they had to drive the same distance, but I am told that it does not apply to Arran.

**Anne McLaughlin:** And you are not aware of the reason for that.

**Katy Simmons:** No.

**Anne McLaughlin:** I am sure that someone else is.

Have you thought about approaching the bus companies themselves? You are right to say that fares are far cheaper in Glasgow, although I think that it is £3.75 and not £3 for a day ticket.

**Katy Simmons:** It is £3 on Glasgow Citybus and £3.75 on the other one.

**Anne McLaughlin:** FirstBus.

**Katy Simmons:** Yes.

**Anne McLaughlin:** Which is Glasgow's main bus service provider.

After a number of people came to see me about the cost of bus fares, I asked the bus company whether it would consider a number of things and it agreed to look at a concessionary scheme for jobseekers, which is now being piloted in an area of Glasgow called Castlemilk, which, like Arran, is nowhere near a train station. If the pilot is successful it will be rolled out across the city. In fact, after the publicity that the move has received,

Citizens Advice Scotland told me that it is interested in running a campaign in all its offices to make the scheme nationwide. I do not think that the bus company agreed to the scheme simply out of the goodness of its heart; it did so because it thinks that it might benefit from the increase in the number of bus journeys taken by people looking for jobs.

I wonder, therefore, whether it is worth trying to set out to bus companies your case with regard to younger people. After all, people between 16 and 18 start to move about more independently and want to go places with their friends. However, they will not do that if they cannot afford to. I am sure that we will write to different transport organisations on this matter, but you could consider making a commercial case to the bus companies as a possibility for the island.

**Scott Currie:** I think that you are right. The bus companies would make so much more money if they reduced the costs because they would make their services more available and therefore more widely used.

**Katy Simmons:** If fares were cheaper, people would be more willing to use buses more often.

**Cathie Craigie:** I congratulate you both on your presentation. You have made some very good points. You are campaigning for the age limit to be raised to 18 for all young people in Scotland, but you are asking specifically about Arran—you want the arrangements for the ferries and the limited bus services to be looked into, if I understand the petition properly. It is a worthy petition.

Katy, you were right to highlight the impact on the money that people aged 17 or 18 earn if they work part time or are starting out in a new job five days a week. Even in the cities, they might have to pay £3 or £3.75 for fares, and that is a lot of money out of their income. We need to look into that.

You spoke about older people. Before free bus travel was introduced there was a concessionary scheme. There was a restriction, in that older people could not travel before 9 o'clock or 9.30, and they could not travel at peak times when people were returning from work. At least in my constituency, Cumbernauld and Kilsyth, older people did not like that at all. If they had to attend a hospital appointment in Glasgow at 10 o'clock in the morning, for instance, they had to pay their fare to get there, as they were not able to use the concession. They will not be in any mood for that to be taken away. There is a mood among young people, however, to get a better scheme.

Concessionary or free travel for older people was introduced for all sorts of reasons—it was about not just restricted incomes but interaction and people getting about. The same things apply

to young people at the other end of the age scale. We should take the petition as far as we possibly can. However, the committee cannot promise that there will be someone with money who will agree to change the system at this time. I am happy to offer you my support, in any case.

**John Wilson:** I have two questions. Many people who leave school at 18 and go into further and higher education find themselves continuing with their education until the age of 21. What was the reasoning behind your choosing an age limit of 18 rather than 21?

**Katy Simmons:** When we were originally writing the petition I wanted the lower fares to apply up to the age of 21, because a lot of people will be in college and university at that age, but we decided that 21 would be pushing it a bit. That would cost a lot more money than having the limit at 18.

**Scott Currie:** We think that 18 could be a start. With your help, we could try and secure cheaper bus travel for people aged 21 and under. That would be a great idea.

**John Wilson:** My second question relates to what you say in your petition about the lower fares being only for people who are still at school or going into further or higher education. As my colleague Cathie Craigie said, people who leave school at 16 can find bus fares to be a major financial burden when they take up employment—when they leave school, many young people go into jobs at the minimum wage level, which is not much more than what you earn, Katy, from your part-time weekend job. Do you want concessionary fares to be extended at some stage to people in the 16-to-18 age bracket irrespective of whether they are in further or higher education?

**Katy Simmons:** At some point, definitely.

**The Temporary Convener:** Normally during consideration of petitions in the Parliament, it is strictly forbidden for people in the public gallery even to express themselves by clapping or cheering—and they may certainly not join in the discussion. This is a special occasion, however—we are in Arran high school, and you are with friends and colleagues. This is at the discretion of the committee, and we have decided to give members of the public in the gallery the opportunity to join in the discussion for a few minutes. One person has already signified her willingness to take part.

**Margie Currie (North Ayrshire Council):** I am the local member of North Ayrshire Council for Arran and Ardrossan. I very much endorse the young people's petition and all that they say. I will not go into the details that Scott Currie and Katy Simmons have mentioned, but I think that they have done a good survey.

My involvement in the issue to date has been in relation to the cost of ferry travel for young people. I have advocated that an existing scheme—the Young Scot concessionary scheme—be extended to cover ferry travel. I think that the scheme offers a third off bus and rail travel, but not ferry travel. When Tavish Scott introduced the scheme of two free journeys for islanders, it was more with Shetland in mind than Arran, because that is not a useful scheme for young people in Arran.

To give a little clarity to Katy Simmons on the road equivalent tariff, I point out that it is a Scottish Government pilot scheme that is being operated for two years in the Western Isles and Coll and Tiree. It will then be evaluated, but whether it will be rolled out to the rest of the network is not known at present.

I did a little investigation into the Young Scot scheme and produced a rough costing of how much extra it would cost to extend the scheme in Arran. By taking the average number of journeys that young people in school and further education make on the ferry, the proposal was costed at about £10,000 per annum, which is not a lot of money in this day and age. I always think that it is much easier to implement changes using an existing scheme that is up and running than it is to invent a new scheme altogether, especially in the current era of cuts in budgets.

I wonder whether Katy Simmons and Scott Currie are interested in embracing that issue of getting a third off ferry travel, as well as their aspirations for bus and rail travel. That would be an achievable goal and I regret very much that I have not yet been able to bring it about.

**The Temporary Convener:** I ask Scott and Katy whether they want to respond briefly. They were nodding their heads enthusiastically.

**Katy Simmons:** Thank you, Margie. We definitely think that it would be worth looking into extending that scheme.

**The Temporary Convener:** I thank Margie Currie for that.

Would anybody else like to chip in a word? This is your chance to get your name in the *Official Report*.

**Alison Prince (Arran Community Council):** I am the secretary of Arran community council and I also run an online newspaper for Arran, so I must declare a double function. I congratulate the two young persons who have put forward the petition, because they were very fluent and persuasive. It is enormously important that we increase the chances of our young people to have the advantage of travel, so that they can get to cities for education, cultural purposes and entertainment—it is all part of life. If there is any

question of their full development being limited by transport, we should take the issue seriously. It matters, and it is part of their education and development. I offer my complete support for the petition.

**The Temporary Convener:** As no one among the young people in the audience wants to comment, I take it that you all agree with the presentation from your colleagues.

We will now go to the committee's decision.

10:30

**Bill Butler:** As I said earlier, and as every other contributor has said, Katy Simmons and Scott Currie gave an excellent presentation. Given that some of their arguments are compelling—others are, perhaps, less so—we should take forward the petition. I suggest that we write to the Scottish Government, to the Confederation of Passenger Transport and to various transport operators, including First ScotRail, FirstGroup, CalMac Ferries and Stagecoach.

We should ask the Scottish Government whether the concessions that are available across Scotland meet or reflect the needs of young people and whether, as Scott and Katy have argued, we are in danger of having a postcode lottery that will result in unfairness and injustice. We should specifically raise their suggestion of reducing the hours of concessionary travel for older people—with the caveat that no one in the Scottish Parliament actually supports that idea—although that is unlikely to meet with widespread acclaim.

I agree with Mr Gibson that, rather than seek to cut concessions, we should look at imaginative ways of bettering the plight of young people. On that basis, we should also ask whether the Scottish Government and others have considered whether the per-head subsidy for rail might be transferred to Arran as a bus subsidy.

Katy Simmons mentioned that the publicity for the national entitlement card is not the best, so we should ask the Scottish Government whether it is looking to increase awareness of the scheme in rural and island communities.

Finally, we should ask whether the Government and others are looking at the number of free ferry journeys per year. Both Katy Simmons and Scott Currie have argued that, in that way, the ferry price could be lowered and a better scheme provided. As others in the audience have said, the current scheme is not very attractive to people on Arran, although it might be pertinent to other island communities.

We should take forward those issues as a committee, with the caveat that we cannot

guarantee success for the petition. However, we can act as the parliamentary channel to transmit the petitioners' concerns, which they have eloquently stated this morning, to the Scottish Government and to the transport operators that I mentioned. I think that Katy and Scott made a great presentation. Well done.

**The Temporary Convener:** Do members have any further questions that we should put to the Government?

**Cathie Craigie:** I do not think that Bill Butler covered Kenny Gibson's point about the conditions of the scheme and the extent to which it is the responsibility of SPT. I suggest that we should also write to SPT to get information on that issue.

**Anne McLaughlin:** While the petition is ongoing—my comments are not directed at the committee—I encourage Katy Simmons and Scott Currie to approach bus operators on the island to make the commercial case for why they should act off their own bat. We are looking at the issue from a national perspective, but I encourage them to look into the issue locally. Both petitioners presented themselves very well, so they could make the bus operators at least sit up and listen to what they have to say.

**John Wilson:** Finally, one question that was raised is whether people understand their entitlement to concessionary fares. It might be worth our while to write to Young Scot to ensure that the message gets over to school students about the entitlement card, which should be made easily available to every young person in Scotland. I know that when my daughter lost her Young Scot card, it took a while to get a replacement, which caused problems with concessionary fares and the other entitlements that come with the card. We should ask how it gets its message over to young people. We could also ask Young Scot and, possibly, the Scottish Youth Parliament for their views on concessionary travel for young people throughout Scotland.

In the past, we have had petitions from young people about bus transport, but PE1355 is different because it addresses ferry transport as well. On the mainland, it is easy enough to say that we are talking about buses and trains, but on an island such as Arran it is clear that ferry transport must be considered, too. As the local councillor indicated, that is particularly the case with small rural islands, for whose young people Glasgow and Edinburgh are the mainstays of any entertainment, activities or shopping opportunities. The fact that, for many young people, the cost of getting to those places is prohibitive means that they are denied the cultural experience of going to the city to participate in the activities that are available there, or to shop in the megastores that

can be found there. I wish the petitioners all the best with their petition.

**The Temporary Convener:** It falls to me to sum up. The committee is agreed that we should write to the Scottish Government, the Confederation of Passenger Transport UK, Young Scot and a selection of transport operators in the terms that we have described during the discussion. I recommend to the committee that we ask the Government to accept the *Official Report* of this meeting and the petition as a contribution to the review of island ferry services that it is undertaking.

All the members of the committee who are present voted for the Climate Change (Scotland) Act 2009. It is clearly important that we encourage young people to use public transport, and we will not do so if we make it too expensive for them to take advantage of the services that already exist. If the Government takes up the petition, it could make an extremely important contribution to reducing the effects of climate change by getting young people on to buses more and more.

On behalf of the committee, I thank the petitioners very much for an excellent presentation that was extremely clear and well argued, so in a break with the normal rules and regulations on behaviour in the public gallery I invite everyone to applaud them. [*Applause.*]

That ends the part of the meeting on new petitions. I will allow a minute or so for people to move around a bit.

10:38

*Meeting suspended.*

10:39

*On resuming—*

## Current Petitions

### Acquired Brain Injury Services (PE1179)

**The Temporary Convener:** PE1179 calls on the Scottish Parliament to urge the Scottish Government to introduce a separate and distinct health and community care client category of acquired brain injury to ensure that people with acquired brain injury and their carers get the services and support that they need, and to ensure that agencies can plan and deliver services more effectively.

I invite observations from members.

**Bill Butler:** Members will note that we have received from the petitioner the suggestion that we suspend our consideration of the petition, given that in the continuing correspondence involving the petitioner, the Government and other interested parties, points are being repeated. In the petitioners' view, that would allow time for the Scottish Government and the Association of Directors of Social Work to further consider these serious matters. The petitioner is suggesting that, at that time, we could more productively come back to the main content of the petition. If members are minded to suspend our consideration, we should write to both the Scottish Government and the ADSW to tell them of the committee's decision.

**The Temporary Convener:** Thank you. Are there any other comments?

**John Wilson:** I think that it is with some disappointment that we will suspend the petition for so long. As the petitioners have indicated, they are extremely disappointed by the responses that they have received on the matter from the Scottish Government and other agencies.

I have to put it on the record that I am disappointed, given the seriousness of ABI, that it has taken so long and that we seem to be at an impasse. I support Bill Butler's recommendation that we suspend our consideration of the petition at present, but I would like to think that as a committee we could urge the Scottish Government and other agencies to try to resolve the issue as quickly as possible and not to allow it to drag on for too long, because clearly we need to get these issues resolved for sufferers and carers and to take forward delivery of services for those with ABI.

**The Temporary Convener:** Is the committee content that we reflect the concerns that John Wilson has expressed about the dragging of feet?

**Members** *indicated agreement.*

**The Temporary Convener:** I assume that we are agreed that we write in the terms described to say that we are disappointed by the lack of progress and to note that this does not mean the end of progress on the issue by the committee as we would expect our successor committee in the next session of Parliament to take up the matter. There is a history of a few other petitions being kept going in the face of adversity in the hope that we eventually get the result that the petitioner would like.

### **Fire (Scotland) Act 2005 (PE1254)**

10:45

**The Temporary Convener:** PE1254 calls on the Scottish Parliament to urge the Scottish Government to amend section 51 of the Fire (Scotland) Act 2005 to allow flexibility in order that an employee of a fire and rescue authority can also be employed as a special constable. I invite comments.

**Bill Butler:** We have a wee bit of a problem in that both the Scottish Government and the Fire Brigades Union, the two major players, are against the proposal in the petition. However, I think that it is still worth our while to press a little bit more.

Perhaps we could put to the Scottish Government the point that the petitioner suggests we put to it: that, given the current economic climate, perhaps such a relaxation of section 51 of the Fire (Scotland) Act 2005 would be sensible in economic terms. I do not know, frankly, whether that would persuade the Scottish Government or the FBU to change their positions and support the petition, but it is worth conveying that suggestion from the petitioner to both the Scottish Government and the FBU to see what response we get.

**The Temporary Convener:** As there are no other comments from the committee, we propose to continue the petition and to write to the Scottish Government in the terms that are suggested by Bill Butler.

### **Houses in Multiple Occupation (Regulation) (PE1261)**

**The Temporary Convener:** PE1261, by David Middleton, on behalf of Sustainable Communities (Scotland), which is otherwise known as SUSCOMS, calls on the Scottish Parliament to urge the Scottish Government to promote better regulation of houses in multiple occupation by the following: by giving licensing authorities clear powers to refuse to grant HMO licences where they would affect the amenity of the local area, or

would breach planning policy or the requirement for planning permission; by ensuring that planning permission is a prior condition for all HMO licensing; and by introducing more rigorous enforcement of penalties for illegally operated HMOs, including powers of closure and substantial financial penalties to contribute to the cost of enforcement.

**Anne McLaughlin:** We understand that, after our most recent discussion of the petition, the Government offered to meet the petitioner and the meeting took place at the end of August. At that meeting, the Government agreed to review the guidance on planning permission in relation to HMOs. We also know that a further housing bill is to be introduced shortly. I understand that an update meeting between the Scottish Government and the petitioner is scheduled for the end of 2010. I suggest that we keep the petition open but suspend consideration of it until early 2011, when that meeting will have taken place.

**Cathie Craigie:** I have a different suggestion. The Government plans to introduce a private sector housing bill, so if the points that the petitioner raises are to be addressed, it is important that the committee that will be dealing with the bill is aware of them. It is hoped that the bill will be published towards the end of October, so the committee that will scrutinise it will start to pick that up pretty soon. I suggest that we write to the appropriate parliamentary committee and send it details of the concerns that have been raised.

**The Temporary Convener:** Do members agree that we should continue the petition at least until that time? In other words, we will not suspend it but simply continue it until we know which committee is going to deal with the forthcoming bill. That will be our interim position.

**John Wilson:** I can clarify that the committee that will deal with the bill is the Local Government and Communities Committee. As a member of that committee, I confirm that we will be considering two pieces of housing legislation. One is the Housing (Scotland) Bill and the other is the private sector housing bill that is to be published later in the year.

It might be worth our while to seek clarification from the Government of exactly what it intends to put in the private sector housing bill in relation to HMOs. I know that there has been some discussion about tweaking the bill and it might be that certain aspects that were intended will not be included. As Cathie Craigie said, we should also refer the petition to the Local Government and Communities Committee so that it is aware of the issues that the petitioner has raised. It might be that the petitioner can help to influence and shape some of the discussion within that committee, as well.



**The Temporary Convener:** We will continue the petition, write to the Scottish Government for clarification of the contents of the forthcoming bill and write to the Local Government and Communities Committee presenting it with the contents of the petition and our discussions of it so far. Do those proposals meet with the agreement of the committee?

**Members** *indicated agreement.*

### **Dairy Farmers (Human Rights) (PE1263)**

**The Temporary 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 that is 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 among farmers, and to avoid market and competition distortion.

I draw the committee's attention to the extra information that we have received from Jamie McGrigor MSP and Peter Peacock MSP in relation to the petition. Do members have any suggestions on a way forward?

**Bill Butler:** I certainly face a wee bit of a quandary. Until we received the late submissions from Mr McGrigor and Mr Peacock, my thoughts were that the committee should say that we sympathise with the situation that the petitioners face, but that there is not much more we can do.

The Scottish Government has responded to questions about the balance between human rights and the public interest, and it does not accept that any farmer has lost the ability to earn a living as a direct consequence of the milk quota ring-fencing arrangements. The committee can continue a petition only if we have other issues to raise that have not been addressed in the responses that we have received from the Scottish Government or from other organisations or agencies.

However, I have briefly looked at the letters from both MSPs, and it may be that we could simply forward the letters, which contain continuing concerns, to the Scottish Government to see whether it would be willing to listen to the pleas that the MSPs make on the matter. I have my doubts, but I think that we should continue simply on that basis, and we will get a response from the Scottish Government in due course. I am not optimistic about that response, but it is the committee's duty to act as a channel for the continuing concerns of the two MSPs to whom I have referred.

**The Temporary Convener:** As there are no more observations, let us decide whether to continue or close the petition.

We have had a proposal to continue. For the record, to clarify the reason for that, I will quote from Peter Peacock's letter. It states:

"As the Committee will be aware, the petitioner firmly believes that human rights have been breached in the circumstances of the petition, they are in a state of very considerable distress over the issues and it seems to me they are looking to the Petitions Committee, and deserve, to secure a more specific answer".

That is the point that we are making to Government: we seek a more specific answer and an insight into the issue of human rights breaches prior to any consideration of closing the petition. That makes our position clear.

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

**The Temporary 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.

Do members have any observations?

**Bill Butler:** I think that we have come to the end of the road on this one. Unless colleagues are otherwise minded—I will listen attentively—there is not really anything more that we can do. There are already provisions that allow for some judicial office-holders under the age of 75 to be redeployed.

Additionally, the Scottish Government is—according to my information—willing to revisit the question once the current consideration of the issue is examined by the United Kingdom Government and that review is complete. At this stage, I say with regret that there is not much more that the committee can do. We could ask the Scottish Government to keep the petitioner up to date once the review commences, but that is really all we can do at this stage.

**Anne McLaughlin:** I agree with Bill Butler. I am always concerned when the Scottish Government—particularly an SNP Government—says, "We'll wait and see what the United Kingdom Government does about this and then we'll think about what we're going to do." However, that is the position. The UK Government is considering the matter and, when it has finished doing so, the Scottish Government will consider it again. As Bill Butler said, in that situation there is nothing more we can do other than ask the Scottish Government to keep the petitioner informed.

**John Wilson:** My understanding is that the reason why we have to wait for the UK

Government's decision on the matter is that there might be an impact on some employment issues in terms of those judicial offices, and employment law is a UK matter. Because of the European Commission rules, if the UK Government decides to increase the retirement age, the Scottish Government might have to follow suit. A major debate is taking place at the moment in relation to many people in employment—not only judicial postholders.

I agree with my colleague's point in general, but this is one of those areas in which we must be guided by changes and decisions that are made at UK level that have an impact in Scotland. Judicial postholders are employees and are covered by the same employment rights as others.

**The Temporary Convener:** Do we agree to close the petition, under rule 15.7 of the standing orders, as we have done as much as we can and the Government has no intention, pro tem, of removing the compulsory retirement age on judicial officers but will be guided by any changes that are imposed by the UK Government?

*Members indicated agreement.*

### **Charities Funding (PE1304)**

**The Temporary Convener:** The next petition, 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 their jobs and services, many of which are carried out on behalf of public bodies, and to outline how it will address any funding shortfall as a result of the current financial difficulties that banks and other sectors face.

**Bill Butler:** Members will be aware that since the committee last considered this petition, Lloyds Banking Group has served notice that it is terminating the organisation's covenant. The foundation is carrying out its grant-making programme at a reduced level, which highlights its commitment to Scotland's charities. The decision of Lloyds Banking Group to terminate the covenant is to be regretted. I think that it was the wrong decision. Some might even call it a mean-spirited and irrational decision, and I would not disagree.

I do not think that we should close this petition, on the basis of the petitioner's recent request to the committee. In a letter of 22 August 2010, the petitioner requested that we ask the Scottish Government to consider providing further financial support to the third sector. We should convey that request to the Scottish Government.

*Members indicated agreement.*

11:00

**The Temporary Convener:** I see nods of agreement all round.

**John Wilson:** I agree with Bill Butler that we should write to the Scottish Government, but the Government and, possibly, the Scottish Council for Voluntary Organisations must be asked a much wider question about the extent of the shortfall in funding for the voluntary sector in Scotland that may exist in the next financial year. Although the petitioner is concerned about Lloyds Banking Group's decision to end the covenant with the Lloyds TSB Foundation for Scotland, there are wider issues during the period of financial constraint for many organisations, especially charitable organisations.

We should ask the Government and SCVO for an indication of what the shortfall in delivering the current level of voluntary sector services could be. It is fine for organisations to say that the Government should meet any shortfall, but that shortfall may be massive. We may end up having to make decisions about funding for particular organisations based on the circumstances at the time, as local authorities and other organisations do on a yearly basis. We need to be aware of how making demands or applications for particular groups to retain their funding may impact on other organisations that may be doing an equally good or better job than the organisations that are making cases at present.

**The Temporary Convener:** Is that agreed?

*Members indicated agreement.*

**The Temporary Convener:** We shall write to the Scottish Government and SCVO in the terms expressed. The petition will be continued.

### **Vulnerable Livestock (PE1309)**

**The Temporary Convener:** PE1309, on the protection of vulnerable livestock, from Farquhar Macbeath, calls on the Scottish Parliament to urge the Scottish Government to amend relevant legislation to remove the protection that is given to sea eagles and other predators such as foxes, badgers and ravens to allow farmers and crofters, in certain situations, to kill such predators to protect their livestock from injury and death that are incurred by attack. I declare an interest in that I am a member of several relevant organisations, including the RSPB Scotland and the Scottish Wildlife Trust. I invite responses from the committee.

**Anne McLaughlin:** I remember the petitioner well, because he gave evidence to us. As a city MSP, I was very struck by his comments. However, we have written to a wide range of organisations, none of which agrees with him.

I draw attention to a couple of points that the NFU Scotland has made in its submission. First, it was suggested that predation by sea eagles is the most significant reason for low lambing figures, but the NFUS states:

“There are many reasons why these flocks lamb at only 60 or 70%, and only a small fraction of that can be directly accounted for by predation by eagles.”

Secondly, the NFUS points out that sea eagles and golden eagles are given the highest protected status under the European Union birds directive, so European law governs the issue. Any attempt by Scotland not to comply with the directive would result in infraction proceedings and disallowance, which would affect farmers and crofters right across Scotland. The NFUS also says that it is working with the Scottish Government and SNH on practical and adequately funded mitigation measures where highly protected species such as sea eagles, golden eagles and so on clearly cause agricultural losses.

I know that it has been difficult to obtain proper figures, but when such a breadth of organisations says that the petitioner is not correct and when the NFUS tells us that we cannot do what the petition proposes because it will breach European law—which will have a knock-on effect for all farmers in Scotland—I am simply not sure what else we can do with the petition. Unless anyone else sees any further mileage in it, I suggest that we close it.

**The Temporary Convener:** We have a proposal for closure. Does anyone else wish to comment?

**Bill Butler:** I agree with my colleague Anne McLaughlin that we have no option but to close the petition. I think that I am right in saying that everyone we contacted—the Scottish Government, Scottish Natural Heritage, the Scottish Gamekeepers Association and so on—is against the petition and the requests contained therein. Indeed, the Scottish Gamekeepers Association considers existing legislation to provide an adequate framework for all interested parties. More seriously, I take Anne McLaughlin’s point that we really cannot stray into areas in which we will be in contravention of EU law. For all those reasons, I do not think that there is further mileage in the petition and I agree with Anne McLaughlin’s recommendation that we close it.

**The Temporary Convener:** Does the committee agree to close the petition under rule 15.7 of standing orders? We have consulted very widely and there is unanimity on all sides that the petition should not be continued.

**Members indicated agreement.**

## **Birds of Prey (Illegal Killing) (PE1315)**

**The Temporary Convener:** PE1315, by Stuart Housden on behalf of RSPB Scotland, calls on the Scottish Parliament to urge the Scottish Government to increase its efforts to stop the illegal killing of birds of prey. Again, I must declare an interest as a member of the RSPB.

I invite responses from members. I call Bill Butler.

**Bill Butler:** Your pause caught me out there, convener.

I do not know how colleagues are minded, but I think that we should continue this petition which, after all, relates to a concerning issue. One avenue that we can explore is to ask the Scottish Government whether, as the petitioner suggests, it is willing to amend the Wildlife and Natural Environment (Scotland) Bill in respect of

“vicarious liability on managers and employers of wildlife criminals”.

**The Temporary Convener:** Do other members have any opinions? I call John Wilson.

**Kenneth Gibson:** Thank you for letting me speak on this petition, convener, which is related to Arran. First I point out that, although the previous petitioner was in effect requesting a reduction in the protection that is given to predators, and this petition calls on the Scottish Government to increase its efforts to stop the illegal killing of birds of prey, I do not think that the petitions are as at odds as they might appear.

We certainly have to stop the illegal killing of birds of prey but, on Arran, there is an issue of ravens attacking livestock. The mitigations that are available to farmers are not as effective as they should be and, indeed, are very restrictive. The birds have been able to breed very extensively and are causing considerable damage, and the measures that have been put in place are simply moving the problem from one farm to another.

There have been many discussions involving the local NFU, individual farmers and Scottish Natural Heritage about things that farmers can do. In particular, they can reduce the attractiveness of the feed that they put out. They can also keep it in more sheltered places, so that birds cannot get access to it.

There are considerable restrictions on shooting licences. I do not think that anyone here would want there to be any illegal killing at all, but there is an element of frustration that the legal path is more restricted than it should be. That point should be considered further. I am glad that the petition is being examined in a little more detail.

**The Temporary Convener:** For the record, I called John Wilson, rather than Kenny Gibson.

**Kenneth Gibson:** I apologise, convener.

**John Wilson:** Like you, convener, I have to declare an interest: I am a member of the RSPB.

It is with some disappointment that I join the discussion about this petition. While the petition has been before us we have received more reports of illegal killing of birds of prey in Scotland. Kenneth Gibson has referred to the previous petition on curtailing sea eagles. There are still birds of prey that are being persecuted, and we have to deal with that.

Many organisations, including the Scottish Wildlife Trust, Scottish Natural Heritage and the RSPB, are trying to reintroduce birds of prey to mainland Scotland. There is no point in trying to reintroduce sea eagles or other birds of prey at the same time as individuals are bent on destroying those populations. In most such cases, poisoned traps are being set for the birds of prey.

Kenneth Gibson is right—we have to consider the matter in the round and find out what evidence exists. We need to resolve the position where lambs and various other farmyard animals are being attacked.

The RSPB's petition is about the illegal killing of birds of prey, and we have to stamp it out. I would be very surprised if the NFU and other organisations actually said that they were in favour of the illegal killing of birds of prey—that would be to promote, within a certain industry and among certain individuals, the continued use of poisoned traps or poisoned bait to kill birds of prey. The challenge is to get the Government to come up with the answers.

We need to include the other responses that we have received, including those from the Scottish Police Federation and the Association of Chief Police Officers in Scotland, to help to establish that prosecution is the best way forward for stopping these illegal acts. As recent reports have shown, there are still people who are using poisoned bait to target birds of prey. Those birds are heavily protected under the law, but some individuals still seem to feel free to use such baits and to target those birds without fear of serious prosecution. We need to ask the Government and others about what is being done to stop such illegal actions. How can we end this vile trade in the poisoning of birds of prey?

**Anne McLaughlin:** We wrote to different organisations including ACPOS, the Scottish Police Federation, the NFU and the Scottish Gamekeepers Association. We asked them what action needs to be taken on the issue, and what would be on their shopping lists to the Scottish Government. It is worth sending those shopping lists to the Scottish Government and asking it for its response.

**The Temporary Convener:** The committee has expressed its wish for the Government to update us on the implementation of the recommendations in the “Natural Justice” report and on its timetable. We will also ask for the Government's reactions to the shopping list that has been mentioned and ask whether it will amend the Wildlife and Natural Environment (Scotland) Bill to establish vicarious liability on managers and employers of wildlife criminals, as proposed by the petitioner. If there are no other suggestions, we will write to the Government in those terms and continue PE1315.

### **Compulsory Purchase (Derelict Properties) (PE1326)**

11:15

**The Temporary Convener:** PE1326, from Moyra Beattie, 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, of which there is a fair amount in Scotland. I invite responses. If there is any derelict land in Arran, I invite Kenny Gibson to respond on that.

**Bill Butler:** The issue of the compulsory purchase powers of local authorities in relation to derelict properties or land is a serious one. All members of the committee will want to congratulate the Scottish Government on the action that it intends to take to revise the guidance in the area. The committee should consider writing to the Scottish Government to welcome its commitment to a comprehensive programme of work in the area and to ask it to take into account the various responses that the committee has received on the subject.

The petitioner picks up a point that was made by the Development Trusts Association Scotland regarding communities having the ability to lease compulsorily purchased land and/or assets for the benefit of the local community. We should ask for the Scottish Government's view on that suggestion, which seems to me to be eminently sensible and rational, and could have advantages in respect of what is a serious problem in many areas throughout Scotland.

**The Temporary Convener:** As there are no other responses, the committee would like to continue the petition and write to the Scottish Government to seek its responses to the responses that we have received. We will send those to the Scottish Government en bloc.

### **Emergency Services (Rural Patients) (PE1327)**

**The Temporary Convener:** PE1327 is on helping emergency services to save the lives of at-

risk rural patients. It calls on the Scottish Parliament to urge the Scottish Government to promote and support the use of the grid reference identification project—otherwise known as GRIP—and to encourage general practitioners to invite vulnerable rural patients to take part in the initiative. I invite responses from the committee.

**Bill Butler:** We should continue the petition. The issue is a serious one and is to do with the usefulness of the grid reference identification project. It has to be an effective way of proceeding, for obvious reasons.

The petitioner has commented on the submissions that have been received and has, I believe, raised a number of pertinent points in support of GRIP, which I think we should investigate further. They include the condition of the terrain, data protection, local drivers, cases in which not all the at-risk patients who phone 999 are known, the restriction on the location of patients in rural areas to those who suffer only from asthma, and the emphasis on satellite navigation. Those are all points that we should pursue on behalf of the petitioner, and I think that we should continue the petition on that basis.

**The Temporary Convener:** It might be useful for the sake of the record to mention submissions PE1327/B, PE1327/C, PE1327/D and PE1327/E, and to ask the Government whether it endorses the comments of Grampian Fire and Rescue Service, Highlands and Islands Fire and Rescue Service and the Royal College of General Practitioners on the value of GRIP. That should serve to continue the petition effectively.

That ends our consideration of current petitions.

## New Petitions (Notification)

11:22

**The Temporary Convener:** We now move on to notification of new petitions, on which Anne McLaughlin has a point to make.

**Anne McLaughlin:** We have a new petition before us that seems to be almost identical to one that is already going through the system; it might even be by the same person. Why do we have a new petition that seems to be the same as a current petition?

**The Temporary Convener:** I will have to consult the clerk about that.

**Fergus Cochrane (Clerk):** Two petitions have already come before the committee on Gypsies/Travellers. The one that Anne McLaughlin is talking about is the third, and there is a fourth one, which I think is still on the e-petitions site. Some of the components of the petitions are similar, but they are unique—they are from different people and are on different issues. It is interesting that a number of petitions on the issue have all come forward at the same time.

**Anne McLaughlin:** Right.

**The Temporary Convener:** At this point, I simply ask members whether they agree to note the new petitions for future reference. Is that agreed?

**Members indicated agreement.**

**The Temporary Convener:** Before I close the meeting, I would like to record our deep appreciation for everything that has been done to make the meeting possible. I thank the headteacher, Douglas Auld, and all the staff here at the high school, and I congratulate Katy Simmons and Scott Currie on their presentations. Well done.

Satisfaction surveys have been placed on the public seats. It would be useful and interesting for us to know what you thought of today's meeting, so please give us your thoughts or—those of you who are bloggers—post a comment on our blog. You can be assured that your comments will be read.

The committee's next meeting will be in Edinburgh on Tuesday 5 October.

*Meeting closed at 11:24.*



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