



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 22 February 2011

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CONTENTS

	Col.
CURRENT PETITIONS	3419
School Bus Safety (PE1098 and PE1223)	3419
Social Rented Housing (Standards) (PE1189)	3422
Independent Vehicular Ferry Routes (PE1192)	3423
Fatal Accident Inquiries (PE1280)	3424
Male Victims of Domestic Abuse and Violence (PE1307)	3424
Medal Awards (PE1312)	3428
Compulsory Purchase (Derelict Properties) (PE1326)	3429
Adults with Incapacity (Scotland) Act 2000 (Role of Public Guardian) (PE1329)	3429
Parkinson's (Medication) (PE1331)	3429
Suspicious Deaths (Investigation) (PE1332)	3430
Cerebral Palsy/Acquired Brain Injury National Football Team (PE1335)	3431
Saltire (Edinburgh Castle) (PE1352)	3433
Kinship Care (Children's Needs) (PE1365)	3433
General Teaching Council for Scotland (Church Appointments) (PE1366)	3434
Mosquito Devices (PE1367)	3434
Leisure and Cultural Facilities (Young People) (PE1369)	3437
Hospital Education (PE1381)	3438
Schools Consultation (Scotland) Act 2010 (PE1382)	3439
Wild Land (Protection) (PE1383)	3441
Speech and Language Therapy (PE1384)	3441
Asthma (Children) (PE1385)	3442
Inshore Fisheries (Management) (PE1386)	3442
Battle of Prestonpans (Education Centre) (PE1387)	3444
Solicitors (Scotland) Act 1980 (Repeal) (PE1388)	3444

PUBLIC PETITIONS COMMITTEE

4th Meeting 2011, 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

Jamie Hepburn (Central Scotland) (SNP)

Jamie McGrigor (Highlands and Islands) (Con)

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

Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Rhoda Grant (Highlands and Islands) (Lab)

CLERK TO THE COMMITTEE

Fergus Cochrane

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 22 February 2011

[The Convener *opened the meeting at 14:06*]

Current Petitions

The Convener (Rhona Brankin): Good afternoon, everybody, and welcome to the fourth meeting in 2011 of the Public Petitions Committee. The only apologies are from Robin Harper. I ask everybody to ensure that their mobile phones and other electronic devices are switched off, please.

I remind everybody that we will focus on current petitions only in today's meeting and our subsequent meetings prior to dissolution. We have 25 current petitions to consider today, and I want to be clear that we have in our possession all the written responses relating to each of them. The papers for this meeting were issued last week, so we have had a good opportunity to consider the material carefully.

School Bus Safety (PE1098 and PE1223)

The Convener: Our first petitions today are on school bus safety. PE1098 was submitted by Lynn Merrifield, and PE1223 was submitted by Ron Beaty. What are members' views on how we should progress those petitions?

Bill Butler (Glasgow Anniesland) (Lab): PE1098 and PE1223 are important petitions. At the previous meeting at which we considered them, we wondered whether we would get an update from the Minister for Transport and Infrastructure, Keith Brown. Colleagues will know that, prior to this meeting, we received a letter from him in which he helpfully indicated that he spoke to his Westminster counterpart, Mr Mike Penning, on 8 February. Mr Brown said that, following that conversation, Mr Penning's office contacted his office

"regarding the next steps for a possible transfer of similar powers to the Scottish Parliament as have already been given to Wales."

I believe that Mr Brown is now in the process of formally requesting a transfer of powers in correspondence.

Given that things now seem to be moving, we could do two things. We could fit in a brief evidence session with the minister at our next meeting or at our final meeting on 8 March, and ask him for a further update so that we have in our possession the most detailed information relating to the two petitions. We could then consider

whether to include that information in our legacy paper so that the successor committee could continue to progress these two important petitions.

That is just a suggestion, but I hope that colleagues agree with it.

Nanette Milne (North East Scotland) (Con): Have soundings been taken on whether it will be possible to get a meeting with the minister?

Fergus Cochrane (Clerk): I have not taken any soundings, but I know from speaking to the clerks to the Transport, Infrastructure and Climate Change Committee that the minister is giving evidence to that committee on 8 March. We could invite the minister to come to the Public Petitions Committee after being at the Transport, Infrastructure and Climate Change Committee, if members were agreeable to that, and the likelihood is that he would do that. However, I have not spoken to the minister's office about it.

The Convener: It is a bit frustrating when we discover that the minister must write a letter requesting the transfer of powers. I agree that we should get Keith Brown to come to a meeting. It would not have to be a long session for him, because we just want him to update us. I am a bit frustrated about the time that it is taking to get action on this issue.

Anne McLaughlin (Glasgow) (SNP): Keith Brown said in his letter that he is going to write to formally request the transfer of powers, which is a step forward.

I do not know whether what I will suggest is possible, but I am sure that the clerk can tell us. For a number of petitions at our last meeting, we asked whether we should get a minister in quickly, given that we are running out of time before dissolution, and we might want to do that for even more petitions today. Can we put aside petitions for which we are thinking about bringing in the minister? If we have, say, five such petitions, we know that we cannot fit in five separate sessions. We could agree to bring in the minister for this petition, for example, but somebody could feel strongly about doing the same for another petition later when it would not be possible because we would not have any other dates in the diary. Can we identify whether there is more than one petition for which we want to bring in the minister?

I do not have a problem with inviting the minister to come to speak to the committee about this issue. However, he said that he would write to get a transfer of powers, and he could easily tell us about the response to that in a letter. I am worried that inviting the minister to speak to the committee on one petition when that is not necessarily required will mean that we will not have the option of inviting him to speak on other petitions. However, we could consider having an evidence

session on several petitions at the end. Does that make sense?

The Convener: I think so. The issue for us is how long we would want that meeting to last. My concern is to get as much progress as possible with petitions such as this one, which have been going on for a long time. I feel very frustrated that Westminster and the Scottish Government do not seem to be communicating very well over this issue. My view is that we should bring the minister here to get an update on the process and what the timescale is for something to happen, which would help to deal with our frustration over the issue and provide a bit of structure for the legacy work for the successor committee.

Bill Butler: It would be an advantage to have the minister here, and he would not need to be here for too long. If he communicated with us in writing, we could not follow up points immediately. However, we could do that expeditiously with him at the meeting on 8 March. The clerk has already said that the minister will attend the Transport, Infrastructure and Climate Change Committee meeting on that date. I understand Anne McLaughlin's point, but we must deal with each petition on its merits and seriatim, so I do not want to hold back five or six petitions for consideration with the minister at the end. I hope that there will not be so many petitions in that situation.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): That is the point that I was going to make. Anne McLaughlin's suggestion is sensible and practical, but we could be accused of not having considered every petition on its merits if we looked at some collectively at the end, even if we had time to do that. I agree with Bill Butler's suggestion that we invite the minister and move forward on that basis.

14:15

Nigel Don (North East Scotland) (SNP): I will take us back from that discussion, because we know what we are doing, and look at the papers that are before us.

I commend Aberdeenshire Council for the work that it has done. It has led the way, for better or worse, and I am glad that it did, because somebody had to. I notice that it has not only done some things with signage but reviewed the signs and done what it can to evaluate them.

There are positive responses in the letter from the council, which is something to highlight. I hope that other councils will watch what is going on and follow suit. I also hope that they will not need Scottish Government guidance before they realise that there is an issue that they could address.

Having said that, I think that the faster we get the issues devolved to Scotland, the better. That has nothing to do with any other political issues. If we can get the minister to the committee, that might help the process, so that is what we should try to do.

The Convener: With an election coming up in May, the danger is that, whoever is the next transport minister—it may or may not be Keith Brown—there could be quite a hiatus in the programme. We should try to progress the matter as far down the track as possible. If the request for the relevant powers to be devolved is made, the process for dealing with it will be set in train at Westminster.

Are members content to ask the minister to come and give evidence on 8 March?

Members indicated agreement.

Social Rented Housing (Standards) (PE1189)

The Convener: The next petition, PE1189, is from Anne Lear, on behalf of Govanhill Housing Association, and relates to standards of social rented housing. I seek the committee's views on how we should proceed with it.

Anne McLaughlin: The petitioner has given a number of reasons why the petition should stay open. I understand her concerns but, if we look at the wording of the petition, I am not sure that much of what she suggests is reason enough for us to keep it open.

I hope that the Private Rented Housing (Scotland) Bill, which is going through the Parliament, will have a major impact on the outcome of the petition. However, am I right in thinking that we are not certain that the bill will get to stage 3 before dissolution?

The Convener: I do not have that information.

Anne McLaughlin: The briefing paper says that the bill

"could complete its parliamentary consideration before dissolution",

but I do not know whether that "could" is because MSPs might vote against it or because we might run out of time.

Fergus Cochrane: John Wilson will be able to keep me right on this, but I think that the first day of stage 2 is tomorrow.

John Wilson (Central Scotland) (SNP): Yes.

Fergus Cochrane: I do not know what the Local Government and Communities Committee's timetable is for the whole of stage 2.

John Wilson: I think that we have set two days aside for stage 2. The Local Government and Communities Committee's intention is to try to get the bill to stage 3 before the dissolution of Parliament on 22 March.

Anne McLaughlin: The committee knows that I am one for closing petitions. However, if it is the Local Government and Communities Committee's intention to get the bill to stage 3 but that is not guaranteed, I would rather keep the petition open because, if the bill were not to complete its passage, there would be issues that we would need to consider and the petition would still be relevant. I do not feel terribly keen to close it when we do not know whether the bill will get to stage 3.

Cathie Craigie: I support Anne McLaughlin's comments. We have problems with irresponsible private landlords, not only in large cities but throughout Scotland. There is hope that the bill will make a difference and help the situation, so I would be very concerned if we got to the end of the parliamentary session and it had not been passed. Therefore, it would be in the public's interest and the committee's to keep the petition open until such time as the legislation is in place to do what the petitioner asks.

John Wilson: I will sound a note of caution. The bill that is going through the Parliament will not do everything that the petitioner wants because, in her latest correspondence, she asks for things that are not within the bill's scope. For instance, she requests that additional funding goes to Glasgow and Govanhill in particular. The bill will not deliver that, so we have to decide how we will address some of the issues that the petitioner has raised through the petition, and how we ensure that adequate resources are put into Govanhill via Glasgow City Council or in some other way to try to address those issues. The bill is one avenue that the Government is using to try to resolve the issue of the operation of private landlords in areas such as Govanhill.

Anne McLaughlin: The petitioner has raised a number of issues in her last letter. If the bill had been passed by now, I would have suggested that we close the petition and that we, as MSPs, could work with Govanhill Housing Association and other housing associations on the issues. However, the bill has not gone through yet.

The Convener: On that basis, do we agree to continue with the petition?

Members indicated agreement.

Independent Vehicular Ferry Routes (PE1192)

The Convener: PE1192, by Donald Ewen Darroch, is on the promotion of independent

vehicular ferry routes. Do members have a view on how we should deal with the petition? We have a note from the clerk, but we have still not had a report from the Scottish Government.

Fergus Cochrane: No, but I spoke to Scottish Government officials before the meeting today. The ferries report is expected to be published within the next few days.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I see that there is a consultation period of six weeks after the ferries report comes out.

The Convener: Yes, that is right.

John Farquhar Munro: That will give ample opportunity for responses to come in. In those circumstances, perhaps we should keep the petition open.

John Wilson: I support John Farquhar Munro. Given the information that we have in front of us and the fact that the report is coming out only this month and there will be a further six-week consultation, we have no option but to continue the petition. It might form part of our legacy paper. We will not know what the issues are before the close of the parliamentary session, so I suggest that we continue the petition and put it into our legacy paper for the next committee.

The Convener: Is that agreed?

Members indicated agreement.

Fatal Accident Inquiries (PE1280)

The Convener: PE1280, by Dr Kenneth Faulds and Julie Love, is on the requirement for fatal accident inquiries. How should we deal with the petition? Again, we have a note from the clerk.

Bill Butler: It would be sensible to include the petition in the legacy paper. The successor committee could then consider what action to take once whoever is in government has responded to the review of fatal accident inquiry legislation by Lord Cullen. That would be the most sensible way to proceed. I do not think that there is anything else that we in the present committee can do other than leave the petition in the legacy paper.

The Convener: Is the committee content to put the petition in the legacy paper?

Members indicated agreement.

Male Victims of Domestic Abuse and Violence (PE1307)

The Convener: The next petition, PE1307, is by Alison Waugh and Jackie Walls and is on the issue of male victims of domestic abuse and violence. What are members' views on how we should deal with the petition?

Nanette Milne: The committee cannot do much more with the petition at this stage. Awareness has been raised significantly as a result of the petition. As we know, funding for the men's advice line will continue until next year, and the Government has taken a number of actions. I am not sure that the committee can do anything right now, so I suggest that we close the petition. However, we should make it plain to the petitioners that we accept that not everything has been done yet, and we should leave it open to them to raise the matter again in future if need be.

Nigel Don: I concur with Nanette Milne. We should not pretend that everything that needs to be done has been done, but we are at the stage when we need either to close the petition or to put it in a legacy paper. There is no justification for putting the petition in a legacy paper other than the fact that not everything has been done. There is nothing outstanding as such, and if we were to worry over whether every i had been dotted and every t had been crossed, no petition would ever be closed.

I suggest that we close the petition, while acknowledging that awareness has been raised a great deal. The Government has begun to move in the right direction, and the petitioners have made some valid points that I hope we can draw to the Government's attention. We will see how things progress in the years ahead.

Anne McLaughlin: That was what I was going to suggest. The petitioners know that there has been progress, but they are not happy about a number of things and have raised a number of points.

In closing the petition, would it be possible for us to send the most recent response from the petitioners to the Scottish Government? I know that the Government has contacted Abused Men in Scotland to try to take matters forward; and I am sure that the Government will be made aware of instances in which it has missed opportunities. However, as Nigel Don said, the Government is definitely keen to do what the petitioners are calling for. We should pass on to the Government the information that the petitioners have given us.

The Convener: That seems sensible.

John Wilson: I suggest that we do not close the petition. I do not think that Government action has gone far enough on the issue identified in the original petition. The original petition called for

"publicly funded action ... on domestic abuse/violence ... to fully ... address the needs of male victims and their children."

What the Government has suggested and the action that it has taken to date have clearly identified some of the issues. The Government has said that it will put new information on its

website along with information on domestic violence and abuse; it will clearly specify where male victims can be identified in such situations. However, in their original argument, the petitioners tried to make clear that what was required was that similar services—although not identical services—should be made available for male victims of domestic violence as are currently available for female victims of domestic violence.

Information from Abused Men in Scotland shows clearly that, although the Government has moved some way in its attempts to address the issues, it has not moved fully towards ensuring that local authorities and other service providers take full cognisance of the issues that are faced by male victims of domestic violence. That is the direction that I would like the Government to take. Such victims should not be persecuted. At the moment, male victims of domestic violence can be persecuted not only by the police but by local authorities and other agencies. If a male is a victim of domestic violence, it is the male who is taken out of the domestic scenario. We have to get the Government and other agencies to fully address the issues that have been raised by the petition. I respectfully suggest that we keep the petition open.

The Government has committed additional funding for the men's advice line, but that advice line is based in England. It is not in Scotland and it can only advise male victims of domestic violence—it cannot signpost them on to other agencies. At the moment, many of those other agencies do not fully acknowledge that there are male victims of domestic violence and that their needs must be addressed as well.

14:30

Bill Butler: I am inclined to say that there is not much more that we can do. I am encouraged by the fact that there will be further educational material on domestic abuse from the Scottish Government that will include the experiences of women, men and children. We all agree that domestic abuse and violence are unacceptable in any circumstance.

If John Wilson is suggesting that we can keep the petition open by including it in the legacy paper, I think that that is all that we can do. It would then be up to the successor committee to decide whether the Scottish Government had done enough or whether that committee could raise something else with the successor Government. I am inclined to agree with Nanette Milne, Anne McLaughlin and Nigel Don that there is not too much more that we can do, although I suppose that, rather than have a division on such a serious issue, I would be prepared to support the option of including the petition in the legacy paper,

but not the committee doing anything else, I am afraid.

The Convener: The petition is one of those difficult ones. It could go on and on. I suppose that it depends on whether it is thought that there has been sufficient movement on the issue by the Government. Are there any other views on how we should progress the matter?

Anne McLaughlin: I sound another note of caution. There are probably very few of the petitions that we are considering today that we could not do more about. I understand what John Wilson said, but we could probably argue that everything in the garden is not rosy with respect to each petition that is front of us and that it will not achieve 100 per cent what the petitioners wanted to achieve. Although I completely understand what John Wilson said, we need to be careful. I am thinking about other petitions and our proposals not being exactly what the petitioners wanted, although there is movement in the right direction.

The Convener: The key issue is whether the committee thinks that it has a further role to play in where we see the petition going.

Nigel Don: That is my point. I take on board everything that John Wilson said and agree with it. This is not the end of the road for the matter; it should not be, and we should not pretend that it is. However, I do not see anything specific that we can do other than ask the same questions again and try to carry on nudging progress. Anne McLaughlin has made the point that we can do that with every petition that is before us for ever, almost. We should not leave a legacy that is not very nice because it has so much stuff to do. Of course that stuff would be important—we would not have worked on it otherwise—but if it is not clear what the next step should be, we may simply have to trust the incoming Government to pick up the issues; otherwise, we will be an on-going audit committee for ever, and I am not sure that that is our function or the function that we want to give our successors.

Cathie Craigie: I entirely accept what John Wilson said, but I agree with Nigel Don's assessment. We have taken this as far as we can as a committee. The issue of male victims of domestic abuse has been highlighted, and there is much more public awareness of it. We must ensure that awareness of it remains high among politicians and the Government. However, we have received full answers from the Government, and we should close the petition, although that is not to say that we or people in the Parliament should close our minds on the issue's importance.

The Convener: I think that the committee is moving towards deciding to close the petition. Is any member otherwise minded?

John Wilson: As the person who suggested that it be continued, I am prepared to accept the majority view that the committee has expressed.

I reiterate the point that Cathie Craigie made, which is that it is up to parliamentarians and others to ensure that the next Government not only continues with the legacy that will have been left to it by the present Government but builds on it to ensure that we do not lose sight of the seriousness of the issue of male victims of domestic violence and abuse. I hope that, regardless of its political colours, the next Government will continue some of the steps that have moved us towards a greater acceptance of the issue.

The Convener: That is helpful. There has been a policy shift on this issue and, as you say, there is a question about maintaining the momentum.

Do we agree to close the petition?

Members *indicated agreement.*

Medal Awards (PE1312)

The Convener: PE1312, by William Leitch, calls for an investigation into the medal awards system for the 1949 Yangtze campaign. I seek members' views.

Bill Butler: This is one of those petitions in relation to which we cannot do anything more. We have already had a reply from the Ministry of Defence, which stated that there are no plans to reconsider the qualifying criteria for this award, and the Scottish Government has done its best—it has raised the matter with the Ministry of Defence, as requested—but it confirmed in its letter of 17 January that it has no power to do any more on this issue. We have to be honest with the petitioner and say, with regret, that having received those replies there is nothing more that the Public Petitions Committee can do. I suggest that we close the petition.

The Convener: It is important that the committee recognises the amount of work that the petitioner has done and the commitment that he has shown on this issue. The petition taught committee members a lot. It is frustrating but, as Bill Butler explained, we are not in a position to take this matter any further, even though we think that it is a worthwhile cause.

Anne McLaughlin: We should encourage the petitioner to keep campaigning on the issue. There is nothing more that this committee can do, but he has run a brilliant campaign and we should encourage him to continue with it, as the British Government may yet change its mind.

The Convener: Absolutely. Do we agree to close the petition?

Members indicated agreement.

Compulsory Purchase (Derelict Properties) (PE1326)

The 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.

Nanette Milne: We can confidently close the petition, as the Government has taken action on the main points that the petitioner raised, and the petitioner has stated that she is reassured that her main points have been addressed.

The Convener: Is that agreed?

Members indicated agreement.

Adults with Incapacity (Scotland) Act 2000 (Role of Public Guardian) (PE1329)

The Convener: PE1329, by Robert Adamson, is on the public guardian's responsibilities under the Adults with Incapacity (Scotland) Act 2000. Can I have members' views on the petition?

Bill Butler: I do not think that there is much more that the Public Petitions Committee can do. The Minister for Community Safety has already confirmed that the Government has no plans to review the legislation. In saying that, we should note that the Scottish Government says that it has carefully noted the suggestions that were set out during the consideration of the petition and that they will be taken into account when any review is carried out.

Additionally, the minister has confirmed that the Scottish Government will ensure that the code of practice for welfare and continuing attorneys makes it clear that the public guardian does not carry out investigations when the adult has died. Having said that, I do not see that we have much option but to close the petition.

The Convener: Do members agree to close the petition?

Members indicated agreement.

Parkinson's (Medication) (PE1331)

The Convener: PE1331, by Tanith Muller, on behalf of Parkinson's UK, is on Parkinson's medication and the need to

"get it on time, every time".

I seek members' views on how to deal with the petition.

Nanette Milne: The Government has taken significant actions with health boards to ensure that they meet standards on the treatment of

Parkinson's. On top of that, the Royal Pharmaceutical Society is working in partnership with Parkinson's UK to draw up guidelines to improve awareness of the needs of people with Parkinson's. The new pharmacy chronic medication service will help community pharmacists to manage the care of people with Parkinson's. Awareness has been raised and pharmacy people are well aware of what needs to be done.

The Convener: So your suggestion is to close the petition.

Anne McLaughlin: But does that mean that the petitioner has got what she called for? The main issue was about people in hospital not getting their medication for Parkinson's on time. When you have Parkinson's, you have to get your medication on time. The Government is meeting the petitioner tomorrow, very helpfully. While I do not like to prolong things, I would like to know, after that meeting, that the Government has done everything that it can and that the petitioner is satisfied. Could we get an update from the petitioner at our next meeting?

Parkinson's UK has run a great campaign. I know people with Parkinson's and I know what happens to them if they do not get their medication on time. The issue is crucial. I want to be certain that Parkinson's UK has got everything that it has called for.

Nanette Milne: I am happy to go along with what Anne McLaughlin suggests. The Government has taken action with the health boards, and if the health boards are meeting the required standards, Parkinson's patients in hospital should be getting their medication on time. I do not disagree, though, that it might be helpful to know straight away, after the meeting, what is happening.

The Convener: Okay. Are we happy to come back to the petition at our next meeting, on 8 March?

Members indicated agreement.

Suspicious Deaths (Investigation) (PE1332)

The Convener: PE1332, by Guje Börjesson, is on investigating deaths in suspicious circumstances. I seek members' views on how to deal with the petition.

Bill Butler: To be frank, the committee has no further locus on the petition. We have heard from the Crown Office and Procurator Fiscal Service, which has confirmed its duty to investigate all suspicious deaths if there is any new evidence, including any that is brought by the bereaved or any that did not form part of the original investigation. That is regardless of whether a fatal

accident inquiry was held into the original circumstances of the death.

The 2009 report by Lord Cullen is being considered by the Scottish Government, which will announce its response in due course. We should note that and say that that is as far as we can go on the petition. I suggest to colleagues that we close the petition.

Nigel Don: I agree with Bill Butler. However, the last paragraph of the petitioner's letter of 7 February says that the reason why the petitioners referred to the three cases was

"to raise awareness that there are several historic cases where the relatives have reasonably demonstrated that the circumstances of the deaths are suspicious and no action has been forthcoming by the Scottish Authorities."

That is important. However, although I, for one, respect that as their view and cannot disagree with them on that, we as a committee have no locus to disagree with the Lord Advocate's discretion to investigate. It is important that we note that.

The issue is simply outwith our remit. I understand that the petitioners are not happy with the result, but I want to put on the record that, constitutionally, there is nothing that we can do. We have flagged up the issues and asked the questions, but we cannot interfere in those particular cases, sad though they are. We need to put that on the record so that it is clear that we are not, in a sense, washing our hands of those individual cases. We simply do not have the capacity to deal with them within the constitution that we have.

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

Members *indicated agreement.*

Cerebral Palsy/Acquired Brain Injury National Football Team (PE1335)

14:45

The Convener: The next petition is PE1335, from Maggie Tervit and other parents, on behalf of football players with cerebral palsy or acquired brain injury. I seek members' views on how we should deal with the petition.

Anne McLaughlin: Am I right in thinking that the Scottish Football Association has said that it does not plan to do what has been proposed? We cannot force it to do that, so I am not sure what we can do now with the petition. I think that the only option that is open to us is to close the petition, as the SFA has clearly said that it has no plans to do what has been proposed. Unfortunately for the petitioners, there is not a lot that we can do about that.

The Convener: Is that agreed?

John Wilson: My colleague Anne McLaughlin referred to the SFA's response, which I find disappointing. In particular, I find its tone disappointing and clearly not in the spirit of the petitioners' intention.

On the references to being suspended by FIFA if the SFA were to be guided by the Scottish Government in actions that it takes in particular areas in providing support for particular groups, the petitioner has highlighted that Scotland seems to be out of kilter with the rest of the United Kingdom and Ireland in the provision of football facilities for people who suffer from brain injuries. I express my disappointment, and I hope that the SFA will see the error of its ways at some later date. If we want to allow facilities to be made available so that everyone can participate in sport in general, and football in particular, the SFA should play its role. We will close the petition with regret, but I needed to express my concern about the SFA's attitude on the issue.

The Convener: Hear, hear.

Bill Butler: I echo what John Wilson has said. It seems to me that the SFA's response is extremely disappointing and overly bureaucratic, to say the least. We have no option but to close the petition, but I hope that a similar petition with similar intent will be submitted in the next parliamentary session to our successor committee, and that whoever is in government at that stage will urge the SFA to work in partnership. No one is saying that the Government is trying to interfere. Working in partnership with a governing body is not the same as directing it—heaven forbid. However, the governing body must be more sympathetic in responding.

This is not simply a matter of an SFA sub-committee writing to another SFA sub-committee, and it is not simply about rules, although rules are important; it is about people, partnership and listening. I hope that if a petition with the same intent comes before our successor committee, the successor Government will work in partnership with the SFA to achieve a response that is human, not bureaucratic.

The Convener: I share the member's concerns about the SFA and its responses, which I think have been disappointing and very defensive. Indeed, the comment in the latest letter from the chief executive that the proposal could lead to FIFA sanctions is overstated and inappropriate. Its approach certainly stands in marked contrast to that of the two football teams that gave evidence to the committee.

Do members agree to close the petition?

Members *indicated agreement.*

Saltire (Edinburgh Castle) (PE1352)

The Convener: PE1352, by Mark Hirst, is on flying a saltire on Edinburgh castle. I seek members' views on how we might deal with this petition.

Bill Butler: I think that there is more mileage in this petition. It would, for example, be reasonable to write to Historic Scotland, asking for a note of its recent meeting with the petitioner and for its views on the petitioner's suggestion in his recent response of a review to establish the legal status of flag flying at Edinburgh castle and a consultation on establishing a new and binding flag policy. I think that that falls within our remit and that Historic Scotland should answer such questions.

John Wilson: As Bill Butler has pointed out, Historic Scotland still has questions to answer, and I think that we should ask the Scottish Government similar questions about the petitioner's requests and the legal status of flag flying. I was also quite interested to read the response from the former lieutenant colonel of Edinburgh barracks, who said that in the late 1960s and early 1970s, when the Army was going through a period of recruitment, the saltire was more of a recruiting tool than the union jack. Clearly, there are those in the Army who have a view about the benefits of flying the saltire rather than the union jack at barracks. There are still issues to be addressed and questions to be answered and, following Bill Butler's point about writing to Historic Scotland, I think that we should also write to the Scottish Government for its views on the petition.

The Convener: Do members agree to continue the petition?

Members indicated agreement.

Kinship Care (Children's Needs) (PE1365)

The Convener: PE1365, by Martin Johnstone, on behalf of the Poverty Truth Commission, is on the needs of kinship care children. How should we deal with the petition?

Anne McLaughlin: The petitioners had asked for a meeting with the Scottish Government to discuss the issues highlighted in the petition. I know that the meeting was positive; indeed, the petitioners themselves said that the hosting of the meeting represented success in itself and that the kinship carers who were present were pleased at some of the progress that had been made and the commitment that different partners had shown.

The petitioners have asked the committee to keep a watching brief, but I believe that the whole Parliament should be doing the same. I feel very strongly about this issue, and although the

evidence session that we had on this petition was not the first time that I had sat down with kinship carers I was struck by their evidence. We can, of course, close the petition, because it has achieved what it asked for. However, although the petitioners and other kinship carers are quite positive about the progress that has been and will continue to be made, we should encourage them to keep a watching brief themselves and to come back to the successor Public Petitions Committee if any issues arise or if they feel that progress has been halted in any way. Would that be an acceptable way forward?

The Convener: Are we happy with that?

Members indicated agreement.

The Convener: Okay, the petition will be closed, on the basis that parliamentarians will want to keep a watching brief on it now that they are aware of the importance of the issue and the evidence that has been submitted.

General Teaching Council for Scotland (Church Appointments) (PE1366)

The Convener: PE1366, by James Forbes, is on the abolition of church appointments to the General Teaching Council for Scotland. Can I have members' views, please?

Bill Butler: I do not know if I have to declare my interest, but I was registered with the GTCS, although I am no longer, because seven years have passed.

I do not think that the committee can do much more work on the petition. It is pretty clear that the Scottish Government has stated that it has no plans to remove the GTCS seats that are reserved for the Church of Scotland and the Roman Catholic Church. Additionally, the Government has made it clear that both should retain their seats.

The point has been made that the members who are appointed by the churches do not actively represent their parent bodies in decisions about individual teachers. It is commonly accepted that they exercise their judgment objectively using their experience and expertise. There is no evidence to suggest that members of the GTCS who have been appointed by the churches have approached their work in anything but a professional manner. Given all that, I do not think that we have any locus for the petition. We have done all that we can do and we should close it.

The Convener: Does the committee agree?

Members indicated agreement.

Mosquito Devices (PE1367)

The Convener: PE1367, by Andrew Deans MSYP, on behalf of the Scottish Youth Parliament,

seeks to ban the use of Mosquito devices. What are members' views on how we should deal with the petition?

Anne McLaughlin: It is progress of a sort that the Scottish Government has said that it will consider carefully all the arguments about the devices, the submissions that have been made to the committee and the proposals that members of the Scottish Youth Parliament have made. I would just rather hear that the Government has considered the issue and it is going to ban the devices.

I do not really see who benefits from having the devices. I do not see who will cause trouble for the Government if it bans them. I do not see what the issue is. I would not like the current parliamentary session to end without the petitioner being successful with the petition. I would like to get a straight answer from the Government. It has had time to consider the petition. We have all considered it, and I do not think that anyone has a problem with banning the devices. Local authorities do not seem to have a problem, nor does the Association of Chief Police Officers in Scotland.

Perhaps this is another petition on which we could bring in the minister and say to him, "You have had the evidence. Are you going to ban them?"

Nanette Milne: The letter from the petitioner highlights the three proposals that Scotland's Commissioner for Children and Young People raised:

"To work with the UK Government, who have control over regulation of goods, to achieve a ban ... To review whether public sector organisations have responsibility under the Public Sector Equality Duty to prevent the use of the Mosquito, in relation to it discriminating against children and young people ... To review whether the Mosquito constitutes a noise nuisance under the Antisocial Behaviour (Scotland) Act 2004."

The letter proposes that those suggestions could be taken forward. We could write to the Government to say that the response so far has been a little bit vague and ask if it will undertake to go forward with those three concerns. We should keep the petition open.

Bill Butler: I agree that we should keep the petition open. Nanette Milne is correct that the petitioner's letter mentions three specific areas, and we need clarity and an assertion from the Government that it will do all that it can do on those three areas to move things along. The sooner that these devices are banned, the better.

The Convener: Okay.

15:00

Nigel Don: I have now met one of the devices. I take it that it had been slightly mis-set, because I could hear it. I was not supposed to be able to do that.

The Convener: What were you up to?

Nigel Don: I will not tell you where I was; I will be happy to tell you and the Government privately, but I will not put it on the record. I well remember where I was. I was out delivering, as we are wont to do this close to an election, and was suddenly aware of a high-pitched noise that was not very pleasant. As I moved around what turned out to be a bit of a cul-de-sac, it became obvious that the device was in a particular place, because it was not as loud when I was in the lee of a house. I know roughly where it was, although I did not work it out precisely, in part because it was not at all pleasant to get close to it. In case anyone knows me well enough to know that I wear a hearing aid, I did not have it in, so the noise was not a radio effect. The devices are extremely unpleasant.

When we discussed the issue previously, I commented on how the devices might affect young children and babies who were not in a position to respond. I can only reinforce that point now. Youngsters who are not in a position to get out of the way can have a miserable time if they are left anywhere near one of these things; it is just not pleasant. Perhaps members should go to the area in question; I will give them the address. If they do, they will realise just how unpleasant the devices can be. They play no rightful role in a modern society and should simply be banned. Now that I have met one, I think that they are an absolute disgrace.

The Convener: I think that the committee agrees that we should continue the petition.

Anne McLaughlin: How will we continue it? Is there a justification for asking the minister to appear before us? The petition has not been going as long as those that we discussed earlier, but the Parliament could reasonably get it sorted out before dissolution on 22 March. Again, a long session would not be needed. I do not mind if we do not resolve the matter before dissolution, but I would like to be clear about the next step.

Bill Butler: We should resolve it, if that is practicable and can be arranged. I do not see why it should not be, because the Scottish Youth Parliament has identified the three main areas on which we should focus. It would be good to hear that the Government will be bold.

The Convener: Is Fergus Ewing the responsible minister?

Fergus Cochrane: Yes. I have been looking at the proposed agenda for 8 March. Provisionally, it

includes about the same number of petitions as are on today's agenda. An oral evidence session with the Cabinet Secretary for Rural Affairs and the Environment has already been arranged, but the committee has indicated that that may not take long. It has been suggested that the committee also take evidence from the Minister for Transport and Infrastructure and the Minister for Community Safety. If discussions are quite precise, they need not take long, so they can be accommodated on the agenda for 8 March.

The Convener: Yes—with the proviso that we give ministers a copy of the questions that we want to ask, as they relate to specific areas. I note that the letter that we have received from a civil servant indicates that the Government intends to consult councils on the issue. Again, the real challenge is to keep up a bit of momentum, given that we are entering an election period, and to put in place something that will ensure that work continues. It will probably end up as part of our legacy paper, but it would be helpful if we could at least see some progress.

Anne McLaughlin: It will not need to go in our legacy paper if the minister comes here and agrees to the proposal. We have already consulted local authorities, so I do not think that the Scottish Government needs to do that—we have given it enough information. Today we have heard from Nigel Don, who is probably the only person in the room who has experienced—or met, as he put it—such a device.

I suspect that the Scottish Government will agree to the terms of the petition. The letter may just be civil servant-speak—I apologise to the civil servants who are here. The quickest and most decisive way of proceeding is to have the minister sit in front of us and to ask him the questions that we need to ask.

The Convener: Do members agree to ask the minister to appear before the committee?

Members indicated agreement.

The Convener: Thank you for that suggestion.

Leisure and Cultural Facilities (Young People) (PE1369)

The Convener: PE1369, by Jodie McCoy on behalf of South Ayrshire youth forum, is on having regard to young people's views on the provision of leisure and cultural facilities. How should we deal with the petition? I note that no response has been received from the Convention of Scottish Local Authorities.

John Wilson: I suggest that we continue the petition. The petitioners have provided us with additional questions to ask and suggested that we write to ask the Scottish Government and COSLA

how many local authorities and community planning partnerships have used the visioning outcomes in community engagement—VOICE—consultation tool, which the Scottish Community Development Centre developed, for consultation and engagement with young people. That system was introduced in 2008, but the petitioners have no idea how widely it has been used for consultation.

It would also be useful to ask what information the Scottish Government and COSLA have on local authorities' use of the children's rights impact assessments that Scotland's Commissioner for Children and Young People has developed. What consultation is taking place on the issues that the petition raises?

I again commend the petitioners for their work. They have raised additional questions about why local authorities are not using the consultation criteria that have been in place since 2008.

I am disappointed that COSLA has not responded—as the convener said—to the committee's questions about consultation. We are entering a period of closures of and reductions in services throughout Scotland. It is right that the committee asks all the agencies that are involved, the Scottish Government and local authorities to ensure that consultation exercises are meaningful and do not take place after decisions to close facilities have been made.

The young people who lodged the petition have identified that facility closures will have an impact not just in this year, next year or the year after, but for decades to come. A disservice is being done to consultation with and the needs of young people in the affected communities.

The Convener: Do we agree to continue the petition?

Members indicated agreement.

Hospital Education (PE1381)

The Convener: PE1381, by Gwen Garner on behalf of Action for Sick Children (Scotland), is on education provision for children and young people who are absent from school because of illness. What are members' views on how to proceed with the petition?

Bill Butler: We should continue the petition to pursue several issues that it raises, although I do not think that we will have enough time to consider it again in this session. If colleagues agree, we could also include the petition in the legacy paper.

We should write to ask the Scottish Government for its response to the points that the petitioner has made in her latest letter, with the emphasis on instances in which the 2001 guidance is applied

differently—for example, in Yorkhill hospital—and the fact that local authorities fund hospital teachers to teach only if a child has certain chronic conditions, whereas a hospital must seek authorities' permission to teach children with other conditions, which causes delays. That seems to show a lack of consistency.

On that basis, we should continue the petition and ask the Government questions.

Nigel Don: Regardless of how far we get in the next few weeks, we might not only leave the petition in the legacy paper but somehow flag it up to the next education committee. I remember that, immediately after the election four years ago, the newly-formed committees did not have legislation to consider. That is a period when committees could conduct an inquiry and this issue might be one that the education committee in the next session could consider.

The Convener: Certainly, under very recent legislation children who require education in hospitals would be described as children who have additional support needs. In some cases, for example when the child has a chronic condition, that may require the establishment of a co-ordinated support plan. The issue would be considered as part of the review of that legislation, although it may be a few years before it is reviewed again. It seems to be a classic example of the quality of service that is provided being dependent on where someone is in Scotland, which is totally unsatisfactory.

Is it agreed that we keep the petition open and that it is one that we continue now but that may well go into a legacy paper for the next committee to consider where it goes and, if appropriate, it may go to the next education committee?

Members indicated agreement.

Schools Consultation (Scotland) Act 2010 (PE1382)

The Convener: PE1382, by Laurence Slavin, seeks to review and strengthen the Schools Consultation (Scotland) Act 2010 and accompanying guidance. I seek members' views on how we should deal with the petition.

Bill Butler: This is another petition on which the Public Petitions Committee has gone as far as it can. We know that the Scottish Government has no plans to amend the act. It has established a short-life working group to examine the guidance issued to local authorities and other pertinent matters, including some of the issues raised in the petition. My information is that the group will report in due course and will make any necessary recommendations. That is the situation and I do not think that the committee can do anything further, but perhaps colleagues have other views.

John Wilson: I support the closure of the petition. It raised a very important issue in relation to previous school consultation procedures. A number of issues were raised early in 2010 about the consultation procedures used by North Lanarkshire Council for school closures. The Government has acknowledged that there is some concern about the legislation on consultation on school closures, which is why it set up the working group to look at the implementation of the legislation. How parents and others are consulted on potential school closures will become more crucial as time goes on.

Similarly to Bill Butler, I suggest that we submit to the working group all our paperwork and all the responses that we have received as part of our consideration of the petition, so that it can look at them.

I am not surprised that local authorities have not fully endorsed or supported what the petitioner requests. The issues are similar to those that we raised in a previous discussion on consultation: how the consultation is carried out and whether it is full and meaningful. Anything that we can do to strengthen the role of consultation and participation in decision-making processes in local authorities and in Government should be welcomed. As we close the petition, there is hope that the Scottish Government will strengthen the regulations and guidance given to local authorities on potential school closures so that parents and others can feel fully engaged in the process and that the right decisions are reached for the right reasons.

15:15

Nigel Don: I endorse what John Wilson and Bill Butler said. It is important that we draw to the attention of the Government and the working group the submissions that we have received. The third paragraph of the petitioner's submission makes the point that, although an appeal can be made to the Government, it is at the tail-end of the process, which is the wrong place to put it. An example is given from Argyll and Bute Council in which it was only because a motion was introduced by councillors that incorrect information had to be replaced with correct information. The petitioner is still making substantial points that need to be pressed on the Government. We can close the petition, as there is nothing more that we can do, but those issues have yet to be addressed.

The Convener: Do members agree that we should close the petition?

Members indicated agreement.

Wild Land (Protection) (PE1383)

The Convener: PE1383, by Helen McDade on behalf of the John Muir Trust, is in relation to better protection for wild land. I seek members' views on how we deal with the petition.

Nanette Milne: The committee will not be able to deal with the petition completely, so I suggest that we put it in the legacy paper. Most of the responses seem to be in favour of the proposals, apart from that from the Scottish Rural Property and Business Association, which thinks that the proposals would be overly bureaucratic. Work is on-going to prepare detailed maps of wild land along with a report, which is to be finished in the next few months. After that, the Government will consider the issue. I suggest that we refer the petition to our successor committee to consider once the Government has had a look at the work that is being done.

The Convener: That seems sensible. Is that agreed?

Members indicated agreement.

Speech and Language Therapy (PE1384)

The Convener: PE1384, by Kim Hartley on behalf of the Royal College of Speech and Language Therapists, is entitled "Giving Voice—speech and language therapy transforms lives". I seek members' views on how we deal with the petition.

Bill Butler: There are still questions to ask. We could write to the Scottish Government asking for its response to the point that NHS Lothian has made on dispute resolution. We could ask whether the Government will act on that and seek the Government's response to the detailed points and questions that the petitioner raises. We can continue the petition, but I suggest handing it on via the legacy paper to our successor committee. My information is that we will not get all the responses back in as detailed a fashion as necessary before dissolution, so we should continue the petition, write to the Scottish Government and consider putting the petition in our legacy paper.

Nanette Milne: I agree. Communication and swallowing difficulties are important for people's welfare. There are concerns that speech and language therapy is not readily available throughout Scotland. The committee should not try to rush the petition to a conclusion. I support Bill Butler's suggestion that we should continue the petition and include it in our legacy paper.

The Convener: Do members agree with those suggestions?

Members indicated agreement.

Asthma (Children) (PE1385)

The Convener: PE1385, by Shona Haslam on behalf of Asthma UK Scotland youth ambassadors, is on improving the lives of children with asthma across Scotland. I seek members' views on how we deal with the petition.

Nanette Milne: I declare an interest as the convener of the cross-party group in the Scottish Parliament on asthma. It is important that young people who live with asthma have appropriate treatment in schools and that school policy ensures that they are not discriminated against in any way. It would not be costly to make things right. We should keep the petition open and refer it to the successor committee.

The Convener: Is it agreed that the petition should continue as legacy work?

Members indicated agreement.

John Wilson: Nanette Milne did not mention asking the Scottish Government to meet the petitioner to discuss some of the issues that she has raised and to allow it to respond to those issues. That could form part of the legacy work. In other words, the petition can be the subject of on-going work as well as being included in our legacy paper.

The Convener: Thanks, John. That was helpful.

Inshore Fisheries (Management) (PE1386)

The Convener: PE1386, by Richard Munday on behalf of the Torridon nephrops management group, is on the establishment of further static gear only inshore fisheries. I see that Rhoda Grant is here. Do you want to say a few words?

Rhoda Grant (Highlands and Islands) (Lab): Yes, please.

First, I put on record the petitioners' thanks to the convener for her brave decision to close the loch to trawling in the first place.

The Convener: That brings back memories.

Rhoda Grant: I got a terrible row after the last time that I spoke to the petition because I did not put it on record that you were responsible for getting the petitioners this far.

I have spoken to the petitioners and am aware of their thoughts on the responses. They have provided good feedback to the committee on what they believe to be the way forward. Given that the Scottish Government has been asked to do something about the issue since 2003 and nothing has happened, I do not think that the petition should be closed. Bodies such as inshore fisheries groups have the aim of managing local fisheries for local communities but, without the teeth to

make the system work, all the legislation and thought that have gone into the issue will be lost.

I am loth to suggest to the committee what it should do, but it might want its successor committee to ask the new Government for evidence on the issue or to refer the petition to the Rural Affairs and Environment Committee, if that is still its name after the election. It might be too close to the election to do anything meaningful before then—I am in your hands on that—but someone needs to conduct an inquiry and carry out a review of the legislation surrounding the issue to see how it can be changed to give people the power to manage such fisheries. It is about more than the theory of managing them; it is necessary to have the ability to put in place measures to manage the effort.

The petitioners are very keen to work with other sectors and the like to ensure that all types of fishery and all communities are involved, but if there is not a set of rules that people have to abide by, those efforts will be absolutely useless because other fishermen will be able to come in and disturb the set-up.

Nigel Don: I am grateful for what Rhoda Grant has just said, because it was my reading of what we need to do. There is not much that we can do in the next few weeks.

I am conscious that this is not the only fishing petition that we have before us. There are petitions about salmon farming. In one sense, that is a very different issue but, in another, it is exactly the same. It is about who controls what, who makes the rules and how we do different things on different parts of our coast, where different fishing communities have different agendas. That needs to be resolved and it is not obviously being resolved in any meaningful way.

I am not sure to what extent we can continue the petition, but I am entirely clear that it needs to go in the legacy paper. It is a classic example of a petition that should at least be steered towards the appropriate committee—the Rural Affairs and Environment Committee, or whatever it is called after the election—with the thought that it might like to pick it up. I suspect that it will be far better placed to do so than our successor committee would be. There are a number of other petitions with which we should do the same.

John Wilson: The petitioner has made a helpful further submission in response to the replies that we have had to the questions that we asked the relevant organisations. It would help with the legacy work to forward the petitioner's response to the Government so that it does not rest on its laurels and wait until the legacy paper has been produced and the new committee established, because a number of important questions have

been raised that could begin to be addressed almost immediately. Whatever shape or form the new Government takes, it should be in a position to respond within a matter of months and, I hope, resolve the issue on which the petitioners have campaigned. As Nigel Don indicated, we should get a clearer way forward in terms of how we deal with this issue as well as other fisheries and land and sea-use issues.

The Convener: This is clearly a live issue. The committee's view seems to be that we should include it in the legacy paper. Is that agreed?

Members indicated agreement.

Battle of Prestonpans (Education Centre) (PE1387)

The Convener: PE1387, by Herbert Coutts, Gareth Jones, Arran Johnston and Kristine Cunningham on behalf of the Battle of Prestonpans Heritage Trust, seeks support for the interpretation of the battle of Prestonpans. I seek members' views on how to deal with the petition.

Bill Butler: I think that we can close the petition, because it seems that real progress has been made. The petitioners have said that they welcome the positive responses from Historic Scotland and the Scottish Government, and East Lothian Council is willing to assist the petitioners in progressing their objectives. We can safely close the petition and note that the petitioners seem satisfied with the outcome.

John Wilson: I agree with Bill Butler. This petition has shown the success of the Public Petitions Committee in getting people to look at an issue that was raised with various organisations. It was not until the petition was presented to the committee that organisations seemed to reassess their approach to the issues raised and, by all accounts, exceeded the wishes of the petitioners to provide funding and support for the interpretation boards for the battle of Prestonpans. That is not only a success for the petitioners; it once again shows the value of the Public Petitions Committee and its role.

The Convener: Thank you. Do we agree to close the petition?

Members indicated agreement.

Solicitors (Scotland) Act 1980 (Repeal) (PE1388)

The Convener: Our last petition today is PE1388, by William Burns on behalf of the crusade for the protection of true democracy, on the repeal of the Solicitors (Scotland) Act 1980. I seek members' views on how to deal with the petition.

Bill Butler: It seems to me that, if we are honest, there is nothing much more that the Public Petitions Committee can do, because the terms of the petition are very precise: it calls for the repeal of the Solicitors (Scotland) Act 1980. The Scottish Government has told us that it has no plans to repeal the act. Given that there does not seem any chance that it will change its position any time soon, we have to be honest with the petitioners and say that there is nothing else that the committee can do. On that basis, I suggest that we close the petition.

John Wilson: In light of recent reports regarding the resignation of a member of the Law Society of Scotland council, it might be worth writing to the Government to seek its views on that resignation. The headlines that were associated with that resignation and the allegations that were made should cause concern to many people. I would like to continue the petition and ask the Scottish Government for its views on the public statements made by a leading member of the Glasgow Bar Association on this issue.

The petitioner has raised a number of issues and the Scottish Government has responded to the petitioner. However, given the public statements that have been made, there is a need to continue the petition and seek assurances from the Government that it is looking into the allegations made by the individual who resigned.

The Convener: In essence, you want to ask whether the Government thinks that that incident has implications.

John Wilson: Yes—whether it has wider implications for the Law Society council.

Bill Butler: Having heard what John Wilson said, I have no objection to our writing again to the Scottish Government in the terms that he described. However, if the Government simply sticks to what it has been saying up until now, there will come a point at which there is nothing else that we can do. I have no objection to our continuing the petition in the terms that John Wilson has described. Perhaps we will get something back that will mean that we can progress the petition.

The Convener: If it is possible to e-mail the Government and explain that we need a prompt response, that would be helpful.

That concludes our meeting. I thank members for their efforts in tackling all the petitions before us today. The next meeting will be in one week's time on Tuesday 1 March at 2 pm. I look forward to seeing you all at the debate in the chamber tomorrow.

Meeting closed at 15:30.

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