



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 6 September 2011

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PUBLIC PETITIONS COMMITTEE
3rd Meeting 2011, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Neil Bibby (West Scotland) (Lab)
Richard Lyle (Central Scotland) (SNP)
Nanette Milne (North East Scotland) (Con)
*Bill Walker (Dunfermline) (SNP)
*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Mark Ballard (Barnardo's Scotland)
Martin Crewe (Barnardo's Scotland)
Daljeet Dagon (Barnardo's Scotland)
Graeme Dey (Angus South) (SNP)
Huw Francis (Stòras Uibhist)
Councillor Allan Henderson (Highland Council)
Lisa Hird (Staffordshire Rescue Scotland)
Professor Neil Kay
Dr Alison Kennedy (Perthshire Abandoned Dogs Society)
Angus MacMillan (Stòras Uibhist)
Ian Robb (Help for Abandoned Animals)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 6 September 2011

[The Convener *opened the meeting at 14:03*]

New Petitions

Child Sexual Exploitation (PE1393)

The Convener (David Stewart): Good afternoon, ladies and gentlemen. I welcome you all to this meeting of the Public Petitions Committee. We have received apologies from Richard Lyle—whose substitute Kevin Stewart will not be attending in his place—and from Nanette Milne. I remind everyone to keep their mobile phones switched off—that would be helpful.

Item 1 is consideration of new petitions. There are a number of new petitions for us to consider today.

The first new petition is PE1393, on tackling child sexual exploitation in Scotland. Members have a note from the clerk, the Scottish Parliament information centre briefing and a copy of the petition. I warmly welcome our guests from Barnardo's Scotland who are giving evidence today: Martin Crewe, the director; Mark Ballard, head of policy and an ex-member of the Scottish Parliament—I welcome him back to the Parliament; and Daljeet Dagon, children's services manager. I invite Mr Crewe to make a short presentation of no more than five minutes, after which we will move to questions.

Martin Crewe (Barnardo's Scotland): I thank members of the Public Petitions Committee for inviting Barnardo's Scotland to speak today in favour of our petition.

Child sexual exploitation is one of Scotland's biggest hidden child protection problems. It affects far too many of our children, and is a problem that we believe is on the increase in Scotland.

For clarity, child sexual exploitation is generally defined as any involvement of a child or young person below 18 in sexual activity for which a remuneration of cash or in kind is given to the child or young person or a third party or person. The perpetrator will have power over the young person by virtue of one or more of the following: age, emotional maturity, gender, physical strength and intellect.

Barnardo's is the United Kingdom's foremost authority on the issue of child sexual exploitation and has been leading a nationwide campaign to tackle the problem. In Scotland, our expertise

stretches back 20 years with the UK's first dedicated service designed to support victims and those who are in danger of sexual exploitation. We currently have two dedicated services—in Glasgow and Dundee—that deal directly with child sexual exploitation, but many of our 70 services throughout Scotland are picking up on these issues, too.

However, the overall picture of child sexual exploitation services throughout Scotland is patchy at best. Part of the reason for that is that no one knows the full extent of the problem. No Scottish research has been carried out, and the research that has been undertaken elsewhere in the UK does not give an indication of the full picture in Scotland.

From what we hear from our services on the ground, we know that exploitation is occurring throughout Scotland in towns and cities—including Edinburgh, Aberdeen and Perth—where there are currently no dedicated services. It is not confined to urban locations, but is happening in rural areas, too.

The nature of the crime is changing, too. It is becoming increasingly organised and is shifting from the streets to the internet, social networking sites and mobile phones. It is worth remembering how much those technologies have changed our lives over the past few years—for instance, Facebook has been in existence only since 2004. We believe that comprehensive research is needed in order to find out the full extent and nature of the problem so that we can work to ensure that Scotland is best placed to prevent it, as well as providing comprehensive support to the victims.

In our petition, we call for the 2003 guidelines that relate to child sexual exploitation to be updated and enforced. Those guidelines are outdated but vitally important. The new guidelines need to reflect recent changes in legislation and focus on all aspects of sexual exploitation. Local authorities need strong, robust protocols to ensure that professionals are aware of and can identify when young people are in danger of being exploited, and can then take appropriate action. We also need guidelines in place to support professionals to deal with new developments and advances in mobile technology and social media.

In our petition, we highlight an nfpSynergy poll, which found that 70 per cent of those who were asked said that they were concerned about child sexual exploitation. Since we submitted our petition, a ComRes poll has indicated that 46 per cent of Scottish parents believe that there are children being sexually exploited in their local area, which is a higher percentage than anywhere else in the UK. Since we submitted our petition, more than 1,200 people have registered their

support, either online or in one of our shops, with more to come. We will present a final list of signatories to the committee at a later date.

Our concerns are shared by members of this Parliament. Joe FitzPatrick, MSP for Dundee West, lodged a motion that backed our campaign and called for action. The motion has so far attracted support from 34 MSPs across all the political parties. We hope that the committee will agree that now is the time to step up our efforts to tackle the problem. We would like to see the petition as the first step, and for the committee to approach other key organisations, such as the police, local authorities, the national health service and the Scottish Government—all of which we work with on these issues—to gain their views so that we can agree on the best way forward.

We believe that what our petition calls for is both necessary and achievable by the Scottish Government. We also believe that it is essential if we are to protect Scotland's children from sexual exploitation.

The Convener: Thank you very much, Mr Crewe, and thank you for keeping within the time limit. Before I ask my colleagues to ask questions, I have a couple of points. I was interested to see that the petition calls for more research. Presumably the on-going problem of organised crime, and particularly its relationship with eastern European immigrants, is a growing problem for you. Have you picked up on that in your investigations?

Daljeet Dagon (Barnardo's Scotland): I am a service manager based in Glasgow, which is a dispersal area for asylum-seeking communities. We have recently been involved in a police investigation in Glasgow. Although it has not been concluded, we believe that a number of adult males from ethnic backgrounds that are different from that of the indigenous population of Scotland have been charged with offences against children. That is therefore one area—although not the only one—that we are concerned about.

The Convener: Thank you. I was a bit concerned to find in the briefing that there has been only one conviction under the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 for child sexual exploitation. That appears to be an extremely low rate. Have you any thoughts on why the conviction rate is so poor?

Martin Crewe: We have discussed the issue with the Association of Chief Police Officers in Scotland. The main reason is that a number of cases have had an element of child sexual exploitation, but the person has been charged with a different offence. Mark Ballard may want to say more on that.

Mark Ballard (Barnardo's Scotland): The evidence in that area is based on answers to a series of written questions to the Scottish Government. The Minister for Children and Young People, Angela Constance, highlighted that if a case is brought to trial where one of the charges is under the 2005 act but is a lesser charge, the courts will not record that charge and will record only the higher-tariff charge. Therefore, there may be cases in which charges are brought under the 2005 act but are simply not recorded.

However, we are speculating in this area, as is ACPOS. Research has not been carried out to enable us to say why the 2005 act does not appear to result in the number of prosecutions that were predicted when it was discussed in Parliament. We certainly hope that research will investigate that element and will perhaps lead to more post-legislative scrutiny of the 2005 act.

The Convener: Thank you. I have a final question before I ask my colleagues to come in. I understand that one of the huge issues in dealing with child abuse and, indeed, adult abuse is that there is a time bar of three years. I know that there has been discussion with the Scottish Government on that. Have you discussed the issue within Barnardo's?

Daljeet Dagon: Going back to your earlier question, which links to this question, I think that it is more about young people's understanding of what is happening to them. If they are not able to understand or recognise that they are being exploited and abused, they are not going to come forward. I suppose that the link to both your questions is about young people having greater awareness. It is important to have not only research but local protocols and procedures in every local authority that raise both professionals' awareness and young people's awareness of what is happening to them.

Sandra White (Glasgow Kelvin) (SNP): I welcome back Mark Ballard; I also welcome Martin Crewe and Daljeet Dagon, whom I met just last week in Barnardo's Glasgow office. I was very impressed by the work that Barnardo's does. Obviously, we are looking for more research and investigation to be done. You are right that young people's understanding is the important issue, Daljeet, because when we spoke last week, I saw examples that showed that some young people do not understand that they are being led along the road to being abused.

I have a couple of questions. According to our briefing paper, the minister, Angela Constance, has said that the 2003 guidance was revised in 2010, but you have commented that there has been no update—nor any firm commitment. If we continue the petition and write to the minister, what exactly would you be asking for, apart from

the three issues that you have raised in the petition? Do you want the Government to commission research, or local authorities to become involved in a partnership? I would like you to elaborate on that. I am rather concerned that we have had no firm commitment from the Government and I am very concerned about the online grooming aspect—I hope to come back in on that later, if the convener allows me to.

14:15

Mark Ballard: We would look for a commitment to research because, as I indicated in response to the convener's question, we cannot give you the answers—we simply do not have the research evidence in place. So research is one element.

There are important action points in the 2003 guidance—relating to local protocols, for example, which Daljeet Dagon mentioned—that are not happening but which need to happen, so the second issue involves taking some of those forward.

The 2010 national child protection guidance refers to child sexual exploitation, but in the context of investigations into organised abuse of children, so it does not deal with the full spectrum. We feel that dedicated guidance is needed for this particular area, in which there is a lack of awareness among a broad swathe of practitioners—whether they are teachers, social workers or health professionals—who work with children and young people. New guidance would build on the 2010 guidance and give the additional detail that is required.

All three of those elements link together, and we are seeking the whole package from the Government.

Sandra White: You are absolutely right. Should the guidance be expanded to address online grooming too, so that teachers and others are made aware of it?

Daljeet Dagon: It would have to be. From our experience over 20 years, Barnardo's has identified three different models that relate to how young people become involved in sexual exploitation. They range from an inappropriate relationship with one adult—usually a peer who is a few years older—to organised crime. As a service, we are working increasingly with young people who have become involved in an inappropriate relationship with someone they have met via Facebook or other social networking sites, so we would have to cover that.

In the course of our work in schools in Glasgow, we are increasingly asked about online grooming. As part of the model that we use in schools, we emphasise to young people that it is happening in

their own cities and communities, not just somewhere else. The issue is very visible in our media today, so we need to ensure that teachers are well prepared to deal with it.

Mark Ballard: In addition, as Martin Crewe mentioned in his opening statement, the 2003 guidelines—although they contain a lot of useful material—do not deal with Facebook, which was born a year after they were brought in. That is another reason why the guidelines need to be refreshed and updated.

Neil Bibby (West Scotland) (Lab): Thank you for coming to give evidence and for sending me a copy of your annual report for 2010-11. Martin Crewe said earlier that action is patchy among different local authorities, and noted the good work that has been done in Glasgow and Dundee. I note from the petition that

“A number of these action points”

for local protocols to be implemented by local authorities

“have yet to be achieved in full and ... should be revisited”.

How many of the 32 local authorities in Scotland have implemented the local protocols?

Daljeet Dagon: I am aware of about six. When local protocols and guidelines were established in England, there was a follow-up process by which someone was commissioned to check whether local authorities had actioned them and to find out what action had resulted, but we had no such process. Glasgow established such protocols before the 2003 guidelines came in, followed by Edinburgh, Aberdeen, Dundee, North Ayrshire and Renfrewshire.

Neil Bibby: It is obvious that updating the guidelines is a major part of what you are suggesting. However, you are also calling for greater follow-up, as there is no point in having guidelines unless local authorities take action. Are you calling for specific mechanisms to ensure that local authorities implement the protocols and the agreed guidelines?

Daljeet Dagon: Given that in 2003 each local authority was left to its own devices to decide whether to progress the issue, and that only six—that we are aware of—have done so, it is critical that protocols are followed up to find out what actions are being taken.

Bill Walker (Dunfermline) (SNP): Hello, Mr Crewe and colleagues. It is nice to meet you. A recent development that concerns me is the growth in electronic and social media. MSPs can receive some pretty abusive, and even intimidating, e-mails and other stuff. That kind of thing, for adolescent girls in particular, must be pretty difficult. New legislation could not be too

specific—as your colleague said, Facebook had not even been invented in 2003. I hope that new legislation will be wide and will refer simply to communication channels and so on.

Perhaps you will confirm that it is no good telling young people not to use their mobile phones—they have to use them. I hope that changes will be wide ranging, but we cannot be too specific about particular technologies.

More generally, this committee can do various things. Would you like us to ask for more evidence, or would you prefer us to refer the issue to the specific parliamentary committee into whose remit this petition appears to fall?

Martin Crewe: One reason why we are concentrating on guidance rather than legislation is that the issue is fast moving. We have to understand how young people actually behave. In 20 years of work, we have seen major changes in the way in which the problem manifests itself. Guidance must have a built-in ability to be refreshed fairly regularly.

Mark Ballard will answer your second question.

Mark Ballard: Our three broad requests—on new research; on the requirement for local authorities to report back on the extent to which they are delivering on the commitments and action points in the 2003 guidance; and on the refreshing of the 2003 guidance—all fall within the powers of Scottish ministers. Ideally, we would like the committee to take further evidence from other statutory organisations. We think that such evidence would confirm our position that the concern is not one that only Barnardo's is working on but one that is held more broadly by other organisations such as ACPOS and child protection committees. Intervention could then be sought from the minister in securing action by the Scottish Government.

Other areas would also be interesting to explore—such as post-legislative scrutiny of the 2005 act. As the convener has said, the 2005 act does not seem to have resulted in the expected number of prosecutions. We hope that such scrutiny would follow on from research being commissioned by the Scottish Government, and that a committee would be allowed to consider the research and the evidence, as well as elements of the bill that might need to be revised. Without that research, we feel that any committee would be working in the dark.

John Wilson (Central Scotland) (SNP): Good afternoon. I welcome the petition. You have requested that the Scottish Government carry out research into this issue. Why can Barnardo's, or similar organisations, not undertake research and produce findings that could be presented to the Government for action? I know that other

organisations in the voluntary sector carry out their own research, produce findings and ask for action to be taken.

Mark Ballard: Barnardo's has carried out research in this area. In particular, there has been recent research into the links between child sexual exploitation and criminality, and into the economic impacts of child sexual exploitation. We are limited in that we can work only with the young people with whom we come into contact through our services. Research by the Scottish Government would allow work to be done with police forces around the country, with ACPOS and with health services and social work departments. We are carrying out research ourselves, but broader research would allow us to gain a fuller picture, and the Scottish Government is in a position to commission such research. For example, detailed information on court records would not normally be available to voluntary sector researchers.

John Wilson: I welcome Mr Ballard's response with regard to Barnardo's research and he is right to say that a wider scoping exercise involving other organisations, particularly statutory ones, would be very useful in finding out what is happening out there.

Where are the 2010 guidelines failing? The Scottish Government has already reviewed them and you have indicated your wish for a set of dedicated guidelines in this area. How would such guidelines differ from those issued in 2010, which were supposed to take account of some of the changes resulting from the 2005 legislation?

Mark Ballard: Further to my previous answer, I think that it is worth bearing in mind that we want the Scottish Government to take a lead in commissioning research and opening the doors to researchers from academia or other areas. It should not be limited to the Scottish Government's own internal research capability.

On your second question, although, as I have said, the 2010 guidance makes passing references to child sexual exploitation, it does not deal with the issue in any depth. For example, the guidance refers to child sexual exploitation not in a specific section but simply as a safeguarding issue for children and young people where there is serious or organised abuse of children. As a result, the guidance does not meet the need for a dedicated set of guidelines in this area, particularly, as Daljeet Dagon has highlighted, for professionals.

Daljeet Dagon: The guidance dedicates one paragraph to sexual exploitation, and focuses only on online exploitation. The 2003 guidance identified some of the triggers and indicators and was helpful in providing professionals with the tools to understand some of the issues and how

they might support young people. The 2010 guidance does not do that. Moreover, the vast majority of young people who are or who have been sexually exploited do not come under child protection guidance—or, at least, not in my experience.

The Convener: I am conscious of the time so I ask members to conclude their questioning and to move on to discuss how we might take forward the petition. In light of the evidence that we have heard from our three guests, I recommend that we continue the petition and seek further information in line with the clerk's paper, in particular the views of the Scottish Government, ACPOS and the child exploitation and online protection centre. Are members agreed on that way forward?

John Wilson: I would like to add to the list of organisations from which we might seek information. The panel indicated a number of other organisations that we should contact, including some local authorities, and I suggest that we contact Glasgow, Edinburgh and possibly one of the Highlands authorities just to get a mix of views on what is happening out there. We should also contact some of the NHS boards to find out how they are dealing with this issue and what they are doing to identify the issues that have been highlighted.

I also suggest that, when we ask ACPOS for its views, we should also find out how particular offences have been dealt with. The panel has quite rightly pointed out that there was only one recognised prosecution in Scotland, despite the fact that there were more than 6,000 reports in the UK, according to the last year of recorded data. The figure for prosecutions normally translates to 10 per cent for Scotland. Clearly, we are nowhere near that.

It would be useful to ask ACPOS what offences people are being charged with and how they are being dealt with in the courts if they are not being dealt with under child sexual exploitation legislation, so that we can get an idea of whether the offences that they are being charged with are deemed more serious than what we are dealing with in terms of the petition.

14:30

The Convener: John Wilson makes some very helpful comments. In continuing the petition, does the committee agree to add those extra agencies on to the list?

Members indicated agreement.

The Convener: Thanks for that. I thank Mr Ballard, Mr Crewe and Ms Dagon for coming along today. It has been very helpful.

Lochboisdale-Mallaig Ferry Service (Reintroduction) (PE1394)

The Convener: PE1394 deals with the reintroduction of the Lochboisdale to Mallaig ferry service. Members will have the note by the clerk, the Scottish Parliament information centre briefing and the petition.

I welcome our guests. We have with us Huw Francis, chief executive, and Angus MacMillan, chairman, of Stòras Uibhist; and I would particularly like to welcome Councillor Allan Henderson, the provost of Lochaber, from Highland Council.

I invite Mr Francis to make a short presentation of no more than five minutes, after which we will move to questions. For the record, I should say that in my previous existence as a member of the Transport, Infrastructure and Climate Change Committee, I was involved in initiating the ferry inquiry, which took evidence on the strong case for this particular ferry service.

Huw Francis (Stòras Uibhist): Thank you for inviting us here today; we are pleased to be here. The islands of Eriskay, Benbecula and South Uist are some of the most remote and economically fragile areas of Scotland. In the 21st century, it is unacceptable that the only direct ferry service from South Uist to the mainland of Scotland operates only four days a week and can take up to 7.5 hours to reach Oban—the worst provision of any lifeline ferry service in Scotland.

It is the stated policy of the Scottish Government to reduce regional inequality and create a fairer, healthier society for its population. The islands of Eriskay, Benbecula and South Uist have seen a sustained reduction in transport links and services for generations, which has resulted in economic decline and depopulation, as well as rural deprivation and high levels of fuel poverty.

Improved transport links will support the local economy and boost the committed efforts of an island community that has been working towards its own economic regeneration by taking ownership of the South Uist estate in 2006. Since the community purchase of the island estate, Stòras Uibhist, in partnership with Comhairle nan Eilean Siar, Highlands and Islands Enterprise and the Scottish Government, has directly secured more than £20 million of investment from the public and private sectors. Further investment from local, national and international companies has also supported the local economy.

However, the poor transport links continue to constrain the benefits that would be brought to the islands from that investment. The highly successful implementation of the road equivalent tariff has boosted visitor numbers to the Hebrides

but has resulted in ferry services being stretched and potential passengers being turned away by Caledonian MacBrayne when ferries are booked to capacity.

Frequently, the constraint on capacity results in potential ferry users being deterred from travelling to the Western Isles at all because desired sailings are fully booked. Hotel operators regularly report bookings being cancelled because potential guests cannot book a ferry to reach the islands. With a frequent, daily ferry service to Lochboisdale, the constraints on the tourism sector would be significantly reduced, particularly on the important Saturday changeover day.

Island residents and business users find that, for many sailings, CalMac ferries will not take further bookings, particularly at short notice, because the sailings are booked to capacity. That impacts on economic activity and the quality of life for island residents. A Lochboisdale-Mallaig ferry service would significantly cut travel times for business users, tourist visitors and residents on all the major routes to Glasgow, Edinburgh and Inverness. That would not only bring economic and social benefits to the islands, but contribute significantly to the Scottish economy and the Scottish Government's emissions targets.

Historically, Mallaig harbour has operated services to Lochboisdale. However, despite the fact that the Fort William to Mallaig road has been upgraded at the cost of millions of pounds and is billed as the road to the isles, there is no ferry service operating to the Western Isles at all. The reintroduction of a Lochboisdale-Mallaig ferry service would significantly boost the economy of Mallaig and the surrounding area, through increased footfall and spend in the local economy. Previous experience of introducing ferry routes has demonstrated that there would be an uplift in users across the range of ferry services. The interisland services between Barra and South Uist and Berneray and Harris are prime examples of that.

The Scottish Government recently purchased the MV Finlaggan for Caledonian MacBrayne Ltd to operate on the service to the island of Islay, so an additional vessel is now available in the fleet to improve services to the residents of Scottish islands. It would be a betrayal of the island communities if that spare boat was sold or tied up and left idle when it could be working for the people of Scotland.

Comhairle nan Eilean Siar recently completed another consultation on ferry service provision. The overwhelming response from the people of South Uist and Eriskay was for the reintroduction of the Lochboisdale-Mallaig ferry service. The community of Benbecula, Eriskay and South Uist call on the Scottish Government to make best use

of its assets in the current economically difficult times to support the people of Scotland's islands as they strive for economic and social regeneration in one of Scotland's poorest regions. The reintroduction of the Lochboisdale-Mallaig ferry service in the summer of 2012 should be a priority for the Scottish Government.

The Convener: Thank you for that presentation. From reading the briefing on your petition, I see that the Scottish transport appraisal guidance—STAG—assessment, which is the mechanism that the Scottish Government uses to assess routes, was positive. One issue, which has been raised by the petitioners, is the lack of suitable vessels. My understanding is that Caledonian Maritime Assets Ltd—CMAL—is responsible for searching for and acquiring vessels and providing them to CalMac. Is that your understanding? Will you say more about what a suitable vessel would be? It is clear that getting the right type of vessel for the route is vital for economic development.

Huw Francis: You are correct that the STAG appraisal cited a requirement for a new vessel. CalMac included the provision of the service to Lochboisdale from Mallaig as part of the tender for the Clyde and Hebrides ferries contract, but it cited the need for a new boat. With the Finlaggan now in the CalMac fleet, there is capacity available. We believe that that capacity should be used on the Lochboisdale-Mallaig route.

The Convener: Would there be a strong market for pedestrians on the route, or is it predominantly a vehicle service that you have in mind?

Angus MacMillan (Stòras Uibhist): It is both. The route is essentially for passengers, but it is also for freight and the tourism industry. Over the years, we have been served at two ends of the islands by triangular routes, which have failed all the communities. The essential thing in delivering ferry services is the time at which they depart, particularly from the island port. That is what supports the fishing, fish farming, tourism and, even more important, the Hebrides range, which has just been given further investment through the United Kingdom Ministry of Defence. All those things are being stifled. For example, people are trying to sell fish four days a week, but that just does not work. We are trying to attract tourists, but they do not know on which day or when the ferry will sail. Those are the essential impediments that are causing difficulties.

The Convener: On freight, you make the important point that time is crucial. As you will well know, the long-awaited and welcome upgrade of the Mallaig road makes a big difference to the timings involved for freight.

Huw Francis: For freight, the timing implications are obviously huge. The shelf life of

fish and shellfish is hugely important and the quicker the product gets to market, the more valuable it is. A lot of the shellfish caught on the islands go for export, which boosts Scotland's export potential. That is important for the Scottish economy as well as for the island economy.

Bill Walker: It is nice to meet you, and thank you for coming. I am a great backer of ferries. Obviously, like most Scots, I love your part of the world. Is the reason for the ferry not being reintroduced simply—to put it crudely—a lack of money from the public or private sector, or have rational reasons been given for why it is not a good idea?

Angus MacMillan: There are no rational reasons for it. In fact, it is irrational that the ferry has not been introduced. A journey time of seven and a half hours from Oban is a nonsense in this day and age, as is a service on four days a week. A three-hour service between Lochboisdale and Mallaig would serve not only South Uist, Eriskay and Benbecula but the whole Outer Hebrides chain, because it would allow other ferry activity. It would increase opportunities in the mainland areas of Lochaber as well.

Sandra White: I very much support shorter journeys, which would enable me to get from Glasgow to the Western Isles or beyond more quickly.

I have a couple of questions because, unlike the convener, I am not familiar with the ferry situation. You mention in your submission that there was a proposal in 2008 for the reintroduction of the ferry link and that the minister said that £1 million would be available to facilitate that. However, the proposed vessel—I do not know what it was—was apparently not suitable for the route. What was the matter with the proposed vessel? What happened to the £1 million? Is it still available?

Huw Francis: The proposed vessel was a former CalMac vessel that operated the route many years ago. It was privately owned and we wanted to bring it back on to the route. The minister told us that money was available, so we made our proposal. However, it was deemed that, due to some new legislation, the vessel was not suitable and it seemed that the money would not be available by the time a new vessel came along.

Sandra White: I hope that we can raise that issue with the minister. I want to clarify another point. You said that your proposed service could be incorporated in the CalMac service. Does that mean that you would not necessarily need another vessel? You point out in your submission that a ship has become available. Does that mean that you could utilise that ship rather than existing ferries?

Huw Francis: Since we submitted a proposal in 2008, a new vessel—the MV Finlaggan—has come into the CalMac fleet. That replaced the boat that was being used on the route. The MV Finlaggan has gone back into the fleet and its capacity is available for use.

The Convener: My experience from the ferry review by the Transport, Infrastructure and Climate Change Committee is that there is a gap concerning who is responsible in the public sector for locating and developing new routes. Certainly, when I met the CalMac board, they referred me to Caledonian Maritime Assets Ltd. When I spoke to them, they referred me back to the operator. So, there is a gap there. I know that a route such as Gill's bay has a private sector operator. Perhaps the Scottish Government's ferry review could develop something on how we proceed on the issue of that gap. The wider question, which we do not have time to explore today, concerns the acquisition of new vessels. Certainly, in the past, there was a long lead-in time for that because of the shortage of engine parts. However, I think that the situation has changed. For example, the provision of the new CalMac vessel took three to four years from start to end. It is clearly important to get the right vessel for the right route.

14:45

Angus MacMillan: We are asking for the matter to be referred to the minister because he has the ability to decide on a new route and because clearly it is up to him to include this route in what he asks Caledonian Maritime Assets Limited and CalMac to do. That is our understanding. I hope that that helps.

The Convener: That is very helpful.

Councillor Allan Henderson (Highland Council): I realise that in your case, convener, I am preaching to the converted, because you were very much involved in the initial stages. So much money has been spent on the improvements to the A830, for which we are very thankful, and we now have great links between Mallaig and Fort William. It really has become a transport hub for the whole of the west coast. Traditionally in the islands you would have had fishermen—deep sea men, actually—coming through Mallaig and then going south to their jobs; now we have workers in the offshore oil industry, who are heading for the east coast, and such hubs will be quite important in ensuring a much quicker direct journey from Lochboisdale to Mallaig, then to Fort William and on to the east coast. People could pick up buses, which run frequently—indeed, every two hours—either to Inverness or, if they wanted to go south, to Glasgow.

On the back of the investment in the A830, we already have a new marina in Mallaig, which we did not have before. Moreover, we have had a complete turnaround in the way of thinking of the Mallaig Harbour Authority, which always had a presumption in favour of fish because the dues on that side were higher. As everyone knows, the fishing industry is struggling and, as Angus MacMillan pointed out, people have to get their stuff to market as quickly as possible, especially if they are coming from the Western Isles. They do not want it to be on the road for too long.

Mallaig now sees that it has to diversify from the fishing industry as well as embrace the tourism industry. We have also had investment from the fish-farming industry because, as it moves offshore, it will be taking more and more stuff through the west coast and Mallaig and will need to be able to get it out to its new west coast locations.

Bill Walker: I think that our guests have put forward a very impressive case, which, broadly speaking, I support. Indeed, I am concerned that nothing has been done about it. I might be jumping the gun a bit, but I hope that we will refer the petition to the minister.

The Convener: It was certainly my thought that we should continue the petition and seek views from the Scottish Government in light of the recommendations in the clerk's paper. That would be useful.

If members have no other comments, I ask the committee whether the suggested course of action is agreed.

Members indicated agreement.

The Convener: I thank Councillor Henderson, Mr Francis and Mr MacMillan for attending the meeting and giving us very helpful evidence. We will continue the petition and seek further information from the Scottish Government with regard to the suggestions that were made earlier.

I suspend the meeting for two minutes for a changeover of witnesses.

14:48

Meeting suspended.

14:49

On resuming—

Staffordshire Bull Terriers (PE1396)

The Convener: PE1396 is on the overbreeding and abandonment of Staffordshire bull terriers. Members have the clerk's note, the Scottish Parliament information centre briefing and the

petition. I welcome the petitioners: Ian Robb is the vice-chairman of Help for Abandoned Animals in Arbroath, Dr Alison Kennedy is the chair of the Perthshire Abandoned Dogs Society, and Lisa Hird is treasurer of Staffordshire Rescue Scotland.

I also welcome Graeme Dey MSP, the member for Angus South, who is here to support the petitioners. Mr Dey, if you would like to make some comments after we have taken evidence you are welcome to do so—just let me know. Dr Kennedy will make a short presentation.

Dr Alison Kennedy (Perthshire Abandoned Dogs Society): Our statement to the Public Petitions Committee is on the issue of the overbreeding, ill treatment and abandonment of Staffordshire bull terriers in Scotland. Thank you for allowing us to present the petition to the committee today.

We are here to ask the committee to help us to find a solution to a serious and escalating animal welfare problem that now exists in Scotland. A measure of the progressive nature and compassion of any country is the way in which it treats its animals. Our mission today is to speak up for some creatures that desperately need our protection. They are the many Staffordshire bull terriers, or Staffies, that have in recent times been abused, beaten, neglected, starved and abandoned. They have been trained by certain sections of society to attack, threaten and intimidate, and as a result of that, the Staffie now has a reputation as the devil dog and is shunned and feared by mainstream society.

All that is taking place at the same time as the animals are being overbred and cross-bred in large numbers by certain sections of society who either cannot or will not care for them properly and who are interested only in any money that they can make from their sale. We are witnessing a crisis of animal welfare and the reduction of what was a fine breed of dog to pariah status. The Staffie, known for a century as the perfect family pet and the nanny dog because of its love of children and desire to protect them from harm, is now unwanted and seen as something to fear rather than something to love and trust.

At the sharp end of the mounting crisis are animal shelters, small and large, all over Scotland. Those charities are under great emotional and financial pressure to cope with the ever-increasing numbers of abandoned Staffies. There are three reasons for that. First, some of the dogs have been so abused and traumatised that they cannot be rehomed and must be put to sleep. When that happens time after time, it can cause great distress, even to experienced staff. Secondly, because of their undesired devil dog reputation, it can take months to rehome those that can be given a second chance. It can take five or six

times longer to rehome a Staffie than other breeds or cross-breeds. Thirdly, the sheer number of abandoned Staffies in circulation because of thoughtless overbreeding by irresponsible people is flooding animal rescue kennels to bursting point.

All that is happening at a time when the number of strays of all breeds is also rising steeply. The following statistics were gathered in different ways over various time periods, but they give us a clear view of what is happening all over the country. Small animal charities can no longer accept unwanted dogs from members of the public; they are able only to deal with animals that are in serious distress. That is happening at Brown Street Kennels in Dundee, where staff have recorded a 56 per cent increase in the intake of Staffies during the past four years. Similarly, in Fife, Haven Dog Rescue, Second Chance Kennels and Langdyke Boarding Kennels have recorded increases of 70, 50 and 60 per cent respectively during the same period. They all now have to be selective about the dogs that they take in, which means that many animals will suffer neglect and abandonment in the streets as strays. In Oban, Argyll Animal Aid is taking many more Staffies than it ever did, with 10 per cent of its intake now consisting of this beleaguered breed.

As for Staffie rescue organisations in Scotland, they are simply swamped with unwanted dogs. One chairperson, Lady Kay Hamilton, has confirmed that the situation that they face is absolutely terrible and they are now able to take in only emergency cases to foster until new homes are found. She believes that legislation for animal welfare should consider Staffies as a special case.

The story is the same with larger charities. The Scottish Society for the Prevention of Cruelty to Animals reports that five years ago, in 2006, it took six Staffies into its shelters, whereas last year the number was 529. The SSPCA estimates that 40 per cent of dogs in care in west of Scotland shelters at any one time are Staffies, and that in the east Staffies make up 25 per cent of the total. In the Edinburgh Dog and Cat Home, where it takes three to four months to find a new home for each dog, 35 per cent of all dogs taken into kennel care are Staffies.

United Kingdom-wide charities, such as Dogs Trust, also cite a marked increase in the numbers of abandoned Staffies in their Glasgow and West Calder rescue centres. In the first eight months of this year alone, 86 Staffies and crosses of the same breed were taken into the Scottish centres, reflecting the same trend in the rest of the UK.

The statistics do not tell all the story. In the Perthshire Abandoned Dogs Society rescue kennels at Forteviot, where around 20 per cent of the intake are Staffies, we witnessed the tragedy of two beautiful dogs, who had been taken away

from drug dealers. The animals were so traumatised by cruel attempts to make them aggressive and intimidating that in rage and fear they persistently huddled against kennel bars and walls. Eventually they had to be put to sleep, to end their agony and distress. No nation that cares about animal welfare and legislates to protect animals should permit that to happen.

In a recent letter to Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment, Angus Council's chief executive, Richard Stiff, registered his concern about the recent increase in the number of Staffordshire bull terriers being abandoned in his area. He predicted that if overbreeding is allowed to continue, the only outcome will be that dogs are destroyed in large numbers—in other words, a cull. That is already happening in some English cities and I am sure that we do not want to see it repeated in Scotland.

The solution that Mr Stiff suggested is to amend existing legislation or introduce new legislation to control the overbreeding of Staffordshire bull terriers. I am certain that everyone who is concerned with animal welfare in general and the sad case of the Staffie in particular would wholeheartedly agree with him. A solution must be found before the issue disgraces our progressive and compassionate nation.

May I leave the committee with a final statistic? On one free advertising website only last week, we counted the advertisements for Staffies and Staffie puppies as follows: under "For stud" there were 31; under "Wanted Staffies" there were 13; and under "For sale" there were 415. We need the Parliament's help. We do not want to see these lovely dogs overbred and born to die.

The Convener: Thank you very much, Dr Kennedy, for your helpful presentation.

Graeme Dey (Angus South) (SNP): Prior to my visit to Help for Abandoned Animals at Kinaldie in May, I guess that in common with most people I viewed Staffies with considerable suspicion. However, half an hour at the kennels in the company of Ian Robb changed my outlook, not because he suddenly convinced me that Staffies are cute and cuddly but because I found myself beginning to look at not the dog but the individual at the other end of the lead. I forecast that many members will start to do the same thing after today's meeting. You will come to realise that the case that has been made today is compelling.

No one wants to stereotype, but Staffies have become a fashion accessory for people who lead chaotic lifestyles, many of whom would not hesitate to mistreat or abandon their dog. The problem is undoubtedly growing. In May, six out of every 10 dogs that made their way to HFAA were Staffies; the proportion is now about 75 per cent.

In the Angus Council area there has been an increase of 100 per cent in the number of abandoned Staffordshire bull terriers since 2006.

15:00

It is obvious that the accompanying cost to the rescue centres is extremely oppressive. Help for Abandoned Animals receives from Angus Council £100 per dog that it takes in. So far, that working agreement has brought in £5,400 this year for the centre, which is not an inconsiderable sum, but the vet bills for the Staffies alone over the past 10 weeks have run to £2,100. It costs £160 a time to have a dog neutered or spayed. Of course, as has been said, because of the stigma surrounding this particular breed, it can take in excess of three months to rehome a Staffie—if in fact it can be rehomed.

The fear, which was articulated earlier, is that if no action is taken to address this growing crisis, ultimately we could face a culling of the breed, which I do not think that anybody wants. I fully appreciate the challenges that would exist in legislating effectively to tackle the issue, but I contend that a way to tackle it has to be found.

The Convener: Thank you very much for that presentation. I now throw it open to the committee to ask questions or raise points on the evidence that we have heard.

Bill Walker: Thank you very much for coming to see us today. I am very much a dog lover, despite having two cats in the house. Over the years I have had several Alsatis or German shepherds, which in the past have suffered from having a bit of a reputation—although, fortunately, they have now recovered from that.

Your submission confirms to me that there are very few bad dogs, but there are an awful lot of bad people breeding them and abusing them. If we could wave a magic wand, I would like to license every breeder and so on, but it is probably impractical to do all that sort of stuff.

I have met a few Staffies, which, when treated properly, are very pleasant dogs.

I will ask what is becoming a standard question, if the convener does not mind. Would you rather that the Public Petitions Committee continued the petition and called for further evidence, or that we asked one of our parliamentary committees to look at it immediately? What would be your preference?

Ian Robb (Help for Abandoned Animals): I would prefer the committee to look at the petition in more depth. You will have to excuse me, because I am losing my voice from all the talking that I have been doing on this subject. Graeme Dey came out to our kennels and I feel that if

MSPs went out into their communities to see exactly what was going on in all the rescues throughout Scotland, they would get a proper feel for the situation regarding the Staffordshire bull terriers. We are at crisis point at the moment; the rescue centres are totally full up with the dogs and they are just looking for some help to get out of this situation before it is too late.

Bill Walker: Thank you.

Sandra White: Thank you for your very moving presentation. Obviously you are talking about Staffies, but we have also heard from rescues about greyhounds and lots of other unfortunate breeds of dog that have just been used and abused. I noted that in your submission you suggest that we should look at local authorities carrying out investigations or the Government making legislation to chip puppies as they come along. I also noted what you said about dog registration, which we do not have here in Scotland. If we did have it, would that help? Obviously, the problem is that we have unscrupulous breeders. Nobody knows where they are—well, people know where they are, but the authorities certainly do not appear to know where they are or do anything about it.

Dr Kennedy: I know that this is a very difficult area. We are a long way from the old dog licence days and it is very hard to enforce these things, but I really do think that the Staffie should be treated as a special case. The number of these animals coming on to the market, as it were—the rescue market—is becoming quite frightening. Is there some way that, through local authority enforcement, there could be some curtailment of illegal breeding of Staffies and Staffie crosses? They are a special case; no other breed of dog is being bred in such large numbers by people who are not breeders. There will be an animal welfare catastrophe if something is not done.

The Convener: Would any of our other witnesses care to contribute at this stage?

Lisa Hird (Staffordshire Rescue Scotland): For every dog that we manage to find a home for, there are another 10 waiting to come in. There is just a constant stream of dogs. There are simply not enough homes out there.

Ian Robb: Until the Government and local councils get to grips with the people who are causing this problem, there will never be a solution. There must be a way of targeting the individuals who have caused this massive problem; I cannot accept that a Scottish Government or local councils cannot get to grips with them to deal with this crisis. It is only one group in society that is affecting this breed, so I cannot understand why that group cannot be

targeted in order to cut out the overbreeding of Staffordshire bull terriers.

The Convener: Mr Dey, do you have anything to add?

Graeme Dey: No—the petitioners have articulated the argument very well.

The Convener: Are there any further questions from other committee members?

Neil Bibby: I thank the petitioners for giving us evidence. Before you came along, I was not fully aware of this issue. Should there be much more public awareness? The Scottish Government or others could look into raising awareness of this issue.

Dr Kennedy: There should be more awareness. Only by raising public awareness, and by giving the Staffie a makeover, will we be able to reduce the problem.

Earlier, we spoke about a cull. Committee members may or may not have seen the story in *The Herald* today. There has been a 130 per cent rise in the number of stray dogs being destroyed—despite there being a 9 per cent fall in the number of stray dogs being collected by wardens last year. I do not know whether that has anything to do with the Staffie situation, but I suspect that it does. Some dogs are so traumatised that they cannot be rehomed, and it takes a long time to rehome a Staffie, so more of them may be being put to sleep. Despite a general decrease in the number of stray dogs, more dogs are sharing the fate of being put to sleep.

John Wilson: I thank the petitioners for coming along and highlighting the plight of Staffordshire bull terriers. If memory serves, we have come through a cycle of the overbreeding of certain breeds. A number of years ago it was Border collies, and action has been taken to deal with puppy farms where breeders were overbreeding and inbreeding certain breeds, causing health problems.

I am interested in tackling this issue. Yesterday, when covering a similar story nationally, the BBC highlighted the plight of greyhounds. Breeders and trainers often abandon greyhounds, with horrendous consequences. Because greyhounds are tattooed inside their ears when they are bred in Ireland, owners in the United Kingdom cut off the dogs' ears before abandoning them—so that they cannot be identified by their tattoos. How far should we go in chipping dogs? How can we ensure responsible ownership and breeding of dogs?

Staffordshire bull terriers are described as “devil dogs” in some articles, but people in certain sections of society will move on to other breeds. How can we curtail that? Staffordshire bull terriers

might be covered by legislation or by action from the authorities, but people will move on to something else and then continue to abuse the breeding of other dogs. I am trying to remember the name of some of the breeds when legislation on the control of dogs was going through. Certain breeds are now in vogue among certain sections of society—breeds that are bigger, more powerful or more alarming looking.

How does the panel think that we should deal with this, so that people do not just move on to another breed and so that we can resolve once and for all the overbreeding of certain breeds?

Ian Robb: I think that there should be a national register of people who want to breed each breed of dog. Every puppy that is born should be microchipped; the breeder who is making all the money from the sale of the puppies should be made to microchip every puppy before it is sold. There is a database with all the microchipped numbers on it, so this should work in the same way as the documentation for a car. When every puppy is microchipped, its registration number is there. When the owner sells it on, they should be held responsible for ensuring that the registration passes to the new owner. If they do not inform the microchip company, so that the puppy can be reregistered, they should be liable to be given a spot fine, which would make them accountable for passing on or selling the dog without notifying the microchip company. That is the way forward.

The Convener: That certainly seems a sensible solution. Thank you for that. I am afraid that we are running out of time, so if there are no further questions from my colleagues, I ask them to consider how they wish to take forward the petition. The options available to us are set out in the note by the clerk.

Sandra White: There are a number of options open to us. There is the suggestion that Bill Walker made. The remit of one of the parliamentary committees—the Rural Affairs, Climate Change and Environment Committee—covers animal welfare. I do not know what the timescale is and we will have to ask the clerks whether that committee is carrying out other investigations, but it has the power to investigate. I do not know how much of a backlog that committee has, given its other work.

The Convener: My understanding from the clerk is that we do not think that it is doing any work in that particular area. So, the suggestion is that we refer the petition to the Rural Affairs, Climate Change and Environment Committee. What is the view of other committee members?

John Wilson: I suggest that we tackle this issue on our own before we refer it on to another committee. There are questions to ask the

Scottish Government about the issues that the petitioners raise. We really need to get the Scottish Government to look at the issues and we should find out whether there are any proposals to extend the Control of Dogs (Scotland) Act 2010. That legislation is part of this, because it is not just about the handling and control of dogs in public but about how they are dealt with in private. Clearly, the overbreeding of dogs that is taking place is taking place in private, where a lot of the issues are being hidden. I suggest that we refer the matter to the Scottish Government.

The Convener: That of course does not rule out our referring the petition to the Rural Affairs, Climate Change and Environment Committee in the longer term, but I think that you are suggesting that we do a bit more homework first.

John Wilson: Yes.

Bill Walker: I agree with John Wilson. I do not want to make this a bigger project, but there is an issue about the registration of all dogs. I was perhaps a bit flippant in saying how expensive that would be earlier on, but the system could be self-financing through a levy on the breeders. Where the issue starts is with the uncontrolled breeding of all dogs. In a couple of years' time, the problem could be with another breed of dog. My colleague John Wilson is not as old as me, but I remember dog licences. I thought at the time that it was crazy to do away with the dog licence. However, technology moves on and perhaps we can use it in a system that is self-funding.

The Convener: Do committee members agree to continue the petition in line with the clerk's paper and the additional points that John Wilson made?

Members indicated agreement.

The Convener: I thank the committee for that recommendation. I also thank our witnesses—Mr Robb, Dr Kennedy, Ms Hird and Mr Dey—for attending and giving evidence.

We will suspend for two minutes to allow new witnesses to come aboard.

15:14

Meeting suspended.

15:16

On resuming—

In Care Survivors Service Scotland (PE1397)

The Convener: Our fourth new petition today is PE1397, on the future support of and funding for In Care Survivors Service Scotland. Members

have copies of a note from the clerk, a briefing from the Scottish Parliament information centre, and the petition.

Sandra White: I studied the petition carefully and want to ask a number of questions. However, because of the breadth of the petition, and new legislation that has come through, I would like to write to the minister and the Scottish Government to ask for views on the petition, and to ask whether the Scottish Government intends to fund services for care survivors. I know that funding was promised for only three years, but we are now considering having health services and social services working closely together. I wonder whether a joint approach could be taken.

Neil Bibby: I agree with Sandra White's suggestion to write to the minister for views on the petition.

John Wilson: May I suggest that when we consider this petition in the future, we join it with petition PE1351? If memory serves, the committee has dealt with PE1351 and the issue of future funding was raised. Things were left in abeyance because of the Shaw report. Because of that report, a number of petitioners had concerns about future funding for this type of work. Instead of having two petitions running in parallel, we should join them together and ask the Government for its views. I have no doubt that we will soon be asking the Government how it intends to make progress with the recommendations in the Shaw report. One of those recommendations was for continued funding for services that had been provided during the time to be heard inquiry.

The Convener: That is a useful point. We may be able to take up both the suggestions that have been made—we may be able to get information from the Scottish Government, and then tie both petitions together. Are committee members happy with that?

Sandra White: I do not necessarily disagree, but petition PE1351 might be slightly different from petition PE1397. It is incumbent on us to ask the petitioners whether it would be okay with them for us to join the two petitions together. We should not be presumptuous.

The Convener: I see no problem with that.

Neil Bibby: I agree with that suggestion. If the petitions were not joined together but followed each other on the agenda, so that we would consider both at a similar time, that would be another option.

The Convener: Without being pedantic about this, it is possible to have both petitions on the agenda at the same time—perhaps following each other—rather than physically to link them. We can

liaise with the clerk to make sure that the committee's views are reflected in future agendas.

Are members happy for us to move on?

Members *indicated agreement.*

Current Petitions

Essential Ferry Services (Governance) (PE1390)

15:20

The Convener: The first current petition is PE1390, concerning the governance of essential ferry services. Members have the note by the clerk. For the record, in the past four years I have been involved in this issue. I have had communications on a number of occasions with Neil Kay and shared a platform with him at an event on this matter, on which I have also recently lodged a number of parliamentary questions.

I welcome Professor Neil Kay to the table and invite him to make a short presentation of around five minutes, after which we will move to questions.

Professor Neil Kay: Thank you for your invitation, which I appreciate. I will keep my presentation brief. My petition is about the appointment—which would be desirable—of an expert task force to advise Parliament and the Government on the regulatory oversight of ferry services in Scotland.

I have experience of this. I think that I first suggested it to a transport committee of the Parliament in 2000-01, to which I gave invited evidence. In the second session of Parliament, I again documented the failures of governance to another transport committee of the Parliament, and in the third session I again gave evidence to a transport committee of the Parliament, in which I repeated those failures in governance. On other occasions, I have advised parliamentarians and ministers that the appointment of such a task force would require only modest resources but could have a tremendous impact. I hope that this committee will at least give me credit for persistence, if not for success.

The purpose of my brief presentation is, I hope, to try to put the arguments in context. You have in the documentation evidence of why there have been successive failures in governance as far as ferry services are concerned. The petition is not about whether we should have public or private ferries; it is not about policy. However, to put it in context, I would like to mention two current areas of policy in which failures in governance can have a major impact on the public interest in Scotland. Both relate to cherry picking, or the dangers of cherry picking.

As an economist, I should say that cherry picking is not necessarily bad, but you have to have ways of governing it. You have to prevent it, to regulate it or to find ways of dealing with it, such

as having competition among cherry pickers. The Government decided to deal with cherry picking by bundling routes. One policy development in the northern isles, which might be followed in the area where CalMac Ferries Ltd operates, relates to single-route tendering, which again raises the issue of potential cherry picking.

Cherry picking in the context of ferry services is not about routes but about particular services on routes, especially the high-value services such as ferrying vehicles and freight. The evidence in Scotland is that single-route tendering has not delivered—there is quite a bit of evidence of that. It has failed to deliver in the cases of the Campbeltown-Ballycastle and Gourock-Dunoon routes, it was resisted by three quarters of the respondents to the consultation exercise on the northern isles routes, and there is no economic case for it. If there were, we would see ScotRail services being tendered route by route. So, single-route tendering causes issues that have to be addressed by the governance structure. It has to be said that at the moment, the governance structure is not set up to deal with that and will fail to deliver. Parliament should be aware of that.

The second policy issue that I want to raise, which relates to governance issues or potential failures of governance, is the road-equivalent tariff, which members might know has been piloted in the Western Isles. Crudely put, it involves setting much lower fares than have previously been set by the CalMac ferry service—roughly half the level of fares that prevailed before. The pilot that is currently running was due to finish before, or just after, the previous election. It has again been extended and is due to finish next year. At the moment, there is pressure for decisions to be made as to whether RET is to be extended to the rest of the network. If you read *The Herald* last week, you would have seen that pressure is coming largely from commercial enterprises, whose interests are in making sure that RET is not extended to the rest of the network because it would, at a stroke, remove all possibility of cherry picking because it would be impossible to undercut the RET fares.

Whether to allow cherry picking, and which policy decisions to enact, are issues for Parliament and the Government. However, the present governance structures are not really set up to deal with the issues. I hope that, in tandem with policy that is in train just now, Parliament can set up a task force to give advice on the options and the dangers that may be involved in these policy issues.

The northern isles tender will go out next year, and the CalMac tender will go out soon after. There is therefore a window of opportunity during which the Parliament will, I hope, do what has not

been done in previous years, which is take from people with experience of regulatory oversight of other essential services expert advice on how to deal with the options that are before Parliament and the Government.

The Convener: I thank Professor Kay for his presentation and for keeping within time. I will ask a couple of questions before I invite my colleagues to come in.

A possible solution to some of the problems that you have raised is, of course, to have a regulator. I think that you have said in evidence that we have to be careful, because there is no point in having a referee if we do not know what the rules are. Would you say a little more about the development of a regulator? Alex Neil gave a positive answer to a question of mine about having a regulator, but I would welcome your thoughts.

Professor Kay: In the documentation that the committee has before it, I raise a number of issues that could be considered. The answer to the question of what the role and responsibility of a regulator should be can be gained from other regulated industries. Other essential services have dealt with the problems of operator of last resort, of exclusivity, of cherry picking, and so on. They are not unusual problems; they are standard problems. Therefore, the agenda that a regulator would face, and the issues that a task force would attend to, are really the issues that have appeared time and again in other regulated essential services. For example, exclusivity—the issue of whether there should be just one operator on a route, or whether free entry should be allowed—has raised its head time and again, but it has never been properly solved.

Over the previous three sessions, the preoccupation of Parliament has been with the European Commission. However, the European Commission has narrow interests in such areas. It is interested in non-discriminatory tendering, in open access to other EU operators, and in there being no overcompensation. However, issues such as operators of last resort are left for national authorities to deal with. Such missing areas, which other essential services have dealt with, should be fully on the Parliament's agenda.

The Convener: In my experience, it is very easy to blame Europe, when sometimes the problems are more internal. I would welcome your views on whether public service obligations and public service contracts can be used. They have been used in vital air services, but little used in vital ferry services.

Professor Kay: The answer to that is straightforward. An analogy that I have used before is that public service obligations and public service contracts are like a knife and fork: you

might use a knife independently of a fork, or you might use a fork independently of a knife, but sometimes you might wish to use them together. So it is with public service obligations and public service contracts: sometimes it is sufficient to have a public service obligation without a contract, and sometimes you might wish to have a contract without a public service obligation. The Commission's investigation was sparked when the possibility of state aid to CalMac and the northern isles ferry services came in. Sometimes, when you have public service contracts, you have to have clearly defined public service obligations as well. Sometimes they are alternatives, but sometimes they are complementary.

Sandra White: Good afternoon, Professor Kay. I am not familiar with the petition, so my questions will come from a layperson's background. The petition is on the governance of essential ferry services, and in your introduction you mentioned policy issues, the road equivalent tariff and that type of thing. You have also commented on a ferry regulator and public service contracts, and best value and other issues have been considered. Who would sit on an expert group considering such issues? The reply from the minister says that a comprehensive field of experts, ferry operators, local councils and so on are looking at the issue and that that is the best way to go forward. Who would be on the group that you propose?

You say that you are in favour of a ferry regulator, but you would not like it alone to have the power to regulate. You also mentioned Europe, although the issue would involve Westminster, and I noted your comments about Westminster and putting the cart before the horse. The paper that we have seen and the minister's reply state that there is a group considering the matter, and it is all-encompassing and taking advice from everyone. The Government is sympathetic to the idea of a ferry regulator and will have the final say on that so, in your eyes, why will that not work?

15:30

Professor Kay: Essentially, the evidence on that is documented in the petition. During the past 10 or 11 years, I and others have tried to advise on the issues that are documented in the petition on which there have been genuine failures. Indeed, as I have said in my response to it, I do not feel that Transport Scotland's response to the petition was adequate or dealt with the issues. That is part of the answer.

We are talking about skills and competences here, and we are dealing with what is effectively the only distinctively Scottish service that is essential and major. If we think of other essential services such as gas, electricity, water—which is a

special case—and rail, they all have UK dimensions and the experience in how to regulate them and the problems that have been dealt with have been embodied at UK level. One of the things that I said in 2000-01 was that there was an abundance of expertise in the Department for Transport and Industry and other UK agencies on how to regulate for the particular issues—cherry picking, exclusivity, bundling of routes, operator of last resort—that are so important in practice.

I will give two more examples of that, if I may. I raised the question of a regulator in 2000-01, and the attitude to the suggestion was that we already had a regulator in the Maritime and Coastguard Agency, but that is a safety regulator. There was no real understanding of the notion of an economic regulator because such issues were dealt with at UK level.

The other matter is operator of last resort. Over three parliamentary sessions, I and others have tried to communicate how important it is to have an operator of last resort if we have competitive tendering. That is a standard solution in every other essential service. If the operator goes bankrupt or fails on technical or financial grounds, the service has to have a backup. That issue was on the agenda for at least the first two sessions of Parliament but it has disappeared now. There are genuine problems with the suggestion, but it has just been brushed under the carpet. It is important for such genuinely important issues to be put on the agenda and dealt with by people who know how to deal with them. Those who know how to deal with such issues are those from other regulated essential services.

Sandra White: I know that other members want to come in, but I have a tiny follow-up question. Your submissions mention how, on numerous occasions, you and others have "tried to advise". Can you tell me how you have done that?

Professor Kay: Well, there were the three invitations to appear before the various transport committees, and there have been numerous letters to ministers and to parliamentarians. We have made repeated efforts over the years. Would you like me to mention my "Newsnight Scotland" appearances?

Sandra White: I must have missed those, but never mind. I know that other members have questions, but I might come back with more later.

John Wilson: Professor Kay, your reply to the Scottish Government's response to the petition mentions the independent expert group. Who do you envisage should sit on that independent expert group? You have clearly indicated that you do not expect such a group to make the final decisions. You have told the committee that you gave evidence in sessions 1, 2 and 3. You said to

my colleague Sandra White that you have had numerous appearances on “Newsnight Scotland”.

Professor Kay: They were not “numerous”.

John Wilson: I thought that you suggested that the appearances were numerous.

The clear question is how the independent expert group would influence the Scottish Government or the Parliament, when you seem to say that you have failed to influence the Government’s decisions since 1999.

Professor Kay: I hope that the group’s existence and its members’ credibility, which would be critical, would give proposals momentum and credibility. Ultimately, that would benefit not just the public and the Parliament but the Government.

In the ferries review, the transport directorate has heard the voices of vested interests. I read the consultant’s report. Having been a consultant, I will say that consultants’ reports are good—there is no problem with them. However, consultants respond to terms of reference, and the answers depend on the questions that are asked. In this case, Transport Scotland has determined the questions. In terms of reference for consultants, questions are not being set about known soft and vulnerable areas. In the ferries review, the vested interests have their own agendas. We need an authoritative task force with credibility. The group that is appointed should reflect credibility and expertise in the areas that I have described. I hope that that would create a voice with the influence that others—such as me—have not had over the years.

John Wilson: You talked about “an authoritative task force”. Would that be the same body as your independent expert group?

Professor Kay: Yes.

John Wilson: I return to my earlier question: who would be members of the independent expert group or authoritative task force? An expert group or task force can make recommendations, but whoever is in power and whoever makes the decisions can sideline them.

You kept on referring to vested interests and to a Government agency—Transport Scotland. Do you assert that Transport Scotland has been overly influenced by vested-interest groups?

We need to be clear about how we progress the debate as a committee and as individual members. I could read into what you say—although you might not be implying it—the idea that the vested-interest groups have unduly influenced decisions that Transport Scotland makes or recommendations to ministers.

Professor Kay: That is exactly what I imply. In case it is being suggested that purely private interests are unduly influencing matters, I add that CalMac—or the David MacBrayne Ltd holding company—and NorthLink Ferries Ltd have vested interests. If several voices have particular agendas, making a coherent story can be difficult. The responsibility of the task force or expert group—the terms are synonymous; I have used the same phrases at different times—would be to advise and give an overview from its expertise, which is missing at the moment.

Bill Walker: It is nice to meet you—I have read much about you.

As an engineer, I am interested in the issue from a business and an engineering point of view. I know that vessels are to be ordered in the relatively near future—in shipbuilding terms—and I am concerned about matching that up. Would the expert group be involved in decisions about vessels, designs and sourcing? Ships can last 25 or 30 years—or longer, hopefully. I would like to see such vessels, but that is a side issue. If we had a regulator, how would the lengths of contracts match the lifetimes of vessels? We cannot just dispense with a vessel after 10 years.

Professor Kay: In the past few days, I have been in discussions with an operator who said that going for a six-year contract on their particular route would not be on. CalMac used to plan for a 20-year lifespan for its vessels, but some of its vessels are now well over 30 years old. A role therefore arises for a public body such as Caledonian Maritime Assets Ltd, which can consider long-term investments that private operators would not. Under European Commission law, it is quite legitimate to build vessels for a route and then to lease them to operators under competitive tender. That leads to a separation of the long timeframes that are required for building capital assets from the relatively short timeframes for contracts, such as those of six years.

This goes outside my petition, but the six-year time horizon has been heavily criticised by many people. It is not long enough to allow a sensible contractual basis. However, one way of dealing with that is to have CMAL—a state-owned company—building vessels under EC law, and under competitive tendering itself, and then leasing the vessels on the routes for which they were designed.

The Convener: Possible options for how the committee will deal with the petition are laid out in the note by the clerk.

Sandra White: Would Professor Kay like to be on that committee?

Professor Kay: No. Absolutely not.

The Convener: Do members have any suggestions on what we should do with the petition?

Sandra White: I think that we should refer it to the Infrastructure and Capital Investment Committee.

The Convener: As members will know, that committee is responsible for transport matters. Do members agree with the recommendation?

Members indicated agreement.

The Convener: Professor Kay, we will refer the petition to the Infrastructure and Capital Investment Committee, under rule 15.6.2, for further consideration under that committee's remit. Thank you again for coming along today, making a presentation, and answering our questions.

Professor Kay: Thank you for your time and consideration.

15:42

Meeting suspended.

15:43

On resuming—

Social Rented Housing (Standards) (PE1189)

The Convener: Petition PE1189 is on standards in social rented housing. It is the second current petition to come under our consideration today. Members have a note from the clerk on the petition, in paper PPC/S4/11/3/6. In the previous session of Parliament, John Wilson visited Govanhill with our predecessor committee.

John Wilson: The petition came before the Public Petitions Committee during the previous session, and a couple of committee members took the opportunity to visit Govanhill. We saw at first hand some of the conditions that were being experienced by residents, tenants and others. Before the election, committee members wondered whether the Scottish Government would be able to get the legislation through in time to allow it to be enacted and have the impact that we wanted to see in Govanhill. The legislation did indeed go through before the election, and we now have reports before us on the actions that have been taken by the Scottish Government, Glasgow City Council and other agencies to try to tackle some of the worst effects in the area. The issues have not been resolved completely, but a number of agencies have made a commitment on paper to tackle the issues that were identified in the original petition.

The Scottish Government introduced legislation that will take account of the private rented sector. On that basis, I am happy to propose that we now close the petition and look forward to the issues that have been identified being resolved through an interagency and multi-agency approach to Govanhill. The petition was well thought out and it has seen some good conclusions in relation to the issues that it identified.

15:45

The Convener: Thank you, Mr Wilson. The recommendation is that we close the petition for the reasons that have been identified. Does the committee agree?

Members indicated agreement.

Fire (Scotland) Act 2005 (PE1254)

The Convener: We come to petition PE1254, which seeks an amendment to section 1 of the Fire (Scotland) Act 2005. Members have the note by the clerk, which is paper PPC/S4/11/3/7. I invite contributions.

Sandra White: This was quite a worthwhile petition. I was not on the Public Petitions Committee at the time, but I know that the petition did throw up a couple of anomalies and there was an investigation into it. I think that the Scottish Government has undertaken to look at the issues raised as part of a wider consultation. With that in mind, I believe that the petition has achieved what it can and it should therefore be closed.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: So, we agree to close the petition under rule 15.7. The reason is identified in Sandra White's contribution: the Scottish Government has undertaken the actions called for.

Dance (Schools and Colleges) (PE1322)

The Convener: PE1322 is on dance teaching and coaching in schools and colleges. Members have the note by the clerk, which is paper PPC/S4/11/3/8. Again, I invite contributions.

Sandra White: The petition relates to a fairly famous dance school in the Glasgow area, which is at Knightswood—although there is residential accommodation elsewhere. There was an on-going problem with the cost for people to stay at and attend the Knightswood dance school, simply because Glasgow City Council was the only one that would pay for the residential accommodation. It appears that Glasgow City Council has confirmed that it is taking forward plans to build a new residential facility in partnership with the parents committee. The petition was very

worthwhile and raised a lot of issues, but I think a number of them have been looked at. Suffice it to say that local government is not necessarily the remit of the Public Petitions Committee, although we do look at issues pertaining to local government. Things are moving on and people are working in partnership. I think that the petition can now be closed.

The Convener: Is that recommendation agreed to?

Members indicated agreement.

The Convener: We will close the petition under rule 15.7. Again, the reason for that was identified by Sandra White: the Scottish Government and Glasgow City Council have indicated that they are committed to ensuring the future viability of dance teaching and coaching.

Wild Salmon and Sea Trout (Protection) (PE1336)

The Convener: Petition PE1336 is on saving our west Highland wild salmon and sea trout. Members have a note by the clerk, which is paper PPC/S4/11/3/9. My view is that this is a worthwhile petition and that it is worth referring it to the Rural Affairs, Climate Change and Environment Committee. Is that agreed?

Members indicated agreement.

Coastguard Stations (Closure) (PE1389)

The Convener: Our final petition is PE1389, concerning the adverse impact of coastguard station closures. Members have a note by the clerk, which is paper PPC/S4/11/3/10. I have been involved in some of the debates about this issue. There is probably an argument for our asking the Scottish Government to respond to the UK Government's consultation. I think that it is probably in the process of doing that, but if not, perhaps we could ask what work it is carrying out in advance of formulating a response.

Sandra White: I very much agree, convener.

Bill Walker: I very much agree, because this is a very sad situation. It is not about saying, "Oh, it's Scottish. We mustn't touch it." This is a really big issue relating to maritime policy and safety and so on. We should encourage—if that is the right word—our Government to push on and lobby the UK Government on it. It is a very big issue and we should pursue it.

Neil Bibby: I certainly agree. I know that there was talk of some coastguard stations being protected as part of the review, but some, particularly the Clyde station, are under threat. We should continue to lobby the UK Government on that important issue.

The Convener: Do members agree that we should ask the Scottish Government to respond in the terms identified?

Members indicated agreement.

The Convener: I thank members of the committee and members of the public for their attendance. The *Official Report* of this afternoon's meeting should be available on Monday 12 September. The next meeting of this committee is scheduled for Tuesday 20 September.

Meeting closed at 15:50.

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