



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# PUBLIC PETITIONS COMMITTEE

Tuesday 20 September 2011



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**PUBLIC PETITIONS COMMITTEE**  
**4<sup>th</sup> 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)

\*Mark McDonald (North East Scotland) (SNP)

Nanette Milne (North East Scotland) (Con)

\*Bill Walker (Dunfermline) (SNP)

\*John Wilson (Central Scotland) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Libby Anderson (OneKind)

Jan Čulík (University of Glasgow)

Nigel Don (Angus North and Mearns) (SNP)

Patrick Harvie (Glasgow) (Green)

Alex Johnstone (North East Scotland) (Con)

Ken Macintosh (Eastwood) (Lab)

Hugh McMahon

Elaine Murray (Dumfriesshire) (Lab)

Dr Freda Scott-Park (British Veterinary Association)

Sir Tom Stoppard

Liz Tyson (Captive Animals Protection Society)

**CLERK TO THE COMMITTEE**

Anne Peat

**LOCATION**

Committee Room 2



## Scottish Parliament

### Public Petitions Committee

*Tuesday 20 September 2011*

[The Convener *opened the meeting at 14:00*]

### Interests

**The Convener (David Stewart):** Good afternoon, ladies and gentlemen. I welcome you all to the fourth meeting of the Public Petitions Committee in the fourth session of the Scottish Parliament. I welcome, in particular, all the guests who are visiting the Parliament for the first time.

I remind everyone to switch off their mobile phones and any electronic devices. Apologies have been received from Nanette Milne MSP.

I welcome Mark McDonald MSP, who is a new member of the committee. He replaces Richard Lyle MSP. I put on record my thanks, and those of the committee, to Mr Lyle for the work that he has done with us.

The first item on our agenda is a declaration of interests by Mark McDonald. In accordance with section 3 of the code of conduct for members of the Scottish Parliament, I invite Mr McDonald to declare any interests that he has that are relevant to the committee's remit.

**Mark McDonald (North East Scotland) (SNP):** It may be that from time to time I will have to declare interests on individual petitions as they come forward but, at present, I think that the only interest that I need to declare is my membership of Aberdeen City Council.

**The Convener:** Thank you. That is duly recorded.

## New Petitions

### Lesser-taught Languages and Cultures (University Teaching Funding) (PE1395)

14:02

**The Convener:** We have two new petitions to consider, the first of which is PE1395, on targeted funding for lesser-taught languages and cultures at universities. Members will have the note by the clerk, the Scottish Parliament information centre briefing and the petition.

I welcome our three guests: the award-winning playwright Sir Tom Stoppard; Jan Čulík, senior lecturer in Czech studies at the University of Glasgow; and Hugh McMahon, who, as an ex-member of the European Parliament, an historian and a political adviser, is no stranger to the political scene. Just for the record, I have known Mr McMahon for a number of years.

We are joined by Ken Macintosh MSP and Patrick Harvie MSP, whom I intend to bring in after we have heard from Sir Tom. I would like the committee to ask a number of questions, as well.

I invite Sir Tom to address the committee for around five minutes. We are very grateful that you have given up your time to come and address us—thank you so much.

**Sir Tom Stoppard:** Indeed, sir, thank you for this privilege—it is a wonderful thing to find myself in this building. I appreciate that it is no small privilege.

I am here to support the move to try to save something that I believe to be rather precious, not least to this country. I know Scotland very well. That is not particularly relevant, but I have more than one emotional level of response to the request that I received. I was born in the Czech Republic, as you may know, but I have not spoken Czech since I was a small boy of four years old. I am not here with a narrow interest in Czech matters, although central to the petition is the saving of Czech, among other eastern European languages, as a language that can be taught—as it has been, but will be no longer—to degree level.

I am moved to be here, because the petition links my interests, my Czech background and the not negligible fact that I probably had about 100 holidays in Scotland and that my family lived in Milngavie for quite a while when I was young. The petition links Czech, Scotland, modern languages and, frankly, the fulfilled life. I did not go to university as, when I left school, I became a junior journalist. Four or five years later, I really began to mind not having been to university. I minded more and more because I began to understand that I

had missed a period, at a critical point in one's life, when one fills in the blanks of one's personality.

What we are talking about is pretty small fry; it is a risible sum of money and I do not think that the causes of our presence here are essentially financial at all. We have to live in the real world, where we pay our bills. As you know, there has been a tendency away from the humanities and the arts and towards something a little more pragmatic, if I may put it like that. It is an intelligible tendency, but, to me, for years now, Scotland—Glasgow in particular—has meant the place where eastern European languages are kept alive as an area of study.

Other people will tell you in a moment that there are practical advantages to teaching Scottish undergraduates Polish, for example, not only because a lot of Polish people live here now, but for business reasons and all kinds of pragmatic things. For me, Glasgow is an outpost of something important and enlightened happening, but I did not know that it is the only place outside London where these courses are taught. In a minute, it will be only London.

I have had my five minutes and I am grateful for them. Thank you.

**The Convener:** Thank you very much, Sir Tom. We are very impressed by your contribution and by the fact that you kept so strictly to time. You must have had some previous practice at that.

I will start by asking a couple of questions before I invite my colleagues and then Patrick Harvie to contribute.

The petition stresses the best practice that England has represented in its targeted support. I understand that an evaluation of that was carried out fairly recently. Perhaps Jan Čulík or Hugh McMahon might wish to comment on the importance of that evaluation. What did it pick up? Are there lessons for Scotland in it?

**Jan Čulík (University of Glasgow):** Scotland is obviously devolved so, as far as we know, Scotland is not part of the evaluation.

As late as August 2011, the Higher Education Funding Council for England earmarked another £1.3 million for such subjects. Prior to that, HEFCE provided a large sum of money for a whole gamut of what it sees as strategically important subjects. That sum is about £300 million, and it is for not only modern languages but engineering, mathematics and whatever. It is interesting that HEFCE seems to understand that the teaching of the languages and cultures of eastern Europe is an important strategic subject and it repeatedly lists that as one of its priorities.

You will know that in England there has been a vigorous debate about the importance of modern language teaching. It is interesting that in England they seem to be aware of the importance of links with, obviously, China, other Asian countries, the Arab world and also central and eastern Europe—a large part of which is now in the new Europe: the European Union. The Scottish Government is very much interested in pursuing links with, in particular, smaller countries in the European Union, and there is considerable economic potential in doing so. England seems to understand that.

**Hugh McMahon:** I will briefly answer the convener's question. I understand that the English funding council had the scheme evaluated and found it to be so successful that the council decided to provide an extra £1.2 million this year.

Glasgow has the Centre for Russian, Central and East European Studies, which is one of five language-based units in the UK. A German professor evaluated the centre in 2010 and recommended continued funding for it. The Economic and Social Research Council, the Arts and Humanities Research Council and the British Academy research council all agreed to continue their funding, but the Scottish Further and Higher Education Funding Council, which had initially contributed, decided not to continue its funding.

Our case is that our funding council in Scotland is not helping the University of Glasgow and the other universities that are involved. The centre is based in Glasgow, but it is an umbrella organisation for seven universities, including Newcastle University. The University of St Andrews participates in the centre. That university teaches Ukrainian—that is one of the languages that are involved.

The English evaluation was good, which is why additional cash was provided.

**Jan Čulík:** I do not wish to be critical, but surely Government policy should be consistent. If the funding councils of England and Scotland endow a centre of excellence with £4.7 million in 2006 and tell Glasgow university that that is seedcorn money to develop a centre but say in 2011, "What you've done is wonderful, but we're not going to give you any more money," what kind of policy is that?

**Sandra White (Glasgow Kelvin) (SNP):** I declare an interest: I know Hugh McMahon from many years ago in the Paisley area, I have met Jan Čulík many times and I have been involved in the issue with the university and with students. Hugh McMahon has hit the nail on the head: we are looking at the Scottish funding council and whether it will continue to provide money, compared with the funding provided by the Higher

Education Funding Council for England. That is the nub of the argument. I wrote to the Scottish funding council to ask it to consider the situation, given Glasgow university's particular interest and the languages situation there. Sir Tom made it plain that Britain has only two such centres. If we lose the one in Glasgow, Scotland will have none.

I will ask about comments that some people have made. The Scottish funding council says that Scottish universities have more independence in how they spend their moneys. Will Jan Čulík or others comment on that? It is important that people in the public gallery and members know exactly what we will lose, which is not just the teaching of the Polish, Czech and Slovak languages. Many people of that ilk live in this country but, for Scotland to succeed on the international stage, it must succeed all over, and we have particular links with eastern Europe.

I throw the discussion open. What do you say to people who suggest that going down the lines of the funding council for England would mean that Scottish universities had less independence in spending their moneys? What will Glasgow university lose?

**Jan Čulík:** I do not wish to criticise my employer, Glasgow university, but I flag up the fact that the issue is connected with the separate question of university governance and management accountability, which is being dealt with—Mike Russell has ordered an inquiry into it.

My academic colleagues fully support the retention and development of the east European centre in Glasgow. Members might know that the University of Glasgow's senate strongly recommended at its meeting in May that the Slavonic studies programme should be kept.

14:15

According to law, the senate is responsible for academic decisions and, as a result, I was startled to find that the university court, which is responsible for financial matters, decided to cut the programme in defiance of the senate's recommendations.

While I am on the subject of university governance, certain critics, mostly from the University and College Union, have highlighted the issue of having a private firm whose managers are accountable to the board of governors and shareholders. Indeed, the point was raised when the union lobbied the Parliament in May. I am not saying that I agree with them, but certain voices are arguing that the management of Scottish universities seems to be accountable to no one. In Europe, the academic community elects university principals. The question of accountability certainly needs to be addressed.

Why should the Scottish Government interfere with management's strategic decision making? I fully accept that Glasgow university has to make good financial decisions, that it must not go bankrupt and that it must earn money. However, Glasgow university's concerns are somewhat different from the concerns and demands of Scotland as a whole. I submit that the university fulfils a certain social, economic and strategic role that is applicable to the whole nation. Given that it receives considerable amounts of state money, if it makes decisions that affect the nation's wellbeing, that is a matter of political concern and it should at least be debated.

**The Convener:** You have made your points very well, Mr Čulík.

**Bill Walker (Dunfermline) (SNP):** I was very lucky in my previous working life to have travelled extensively in central and eastern Europe, including, more recently, the Baltic countries, and I have a very strong affinity with that area of the world. Of course, Scotland has a long history of connections with the Baltic area in particular—indeed, it goes all the way back to the time of the Hanseatic league—and recently I have become aware of and have actually helped with the growing links with the smaller Baltic countries.

I am sure that our three guests will be familiar with the fact that Scotland, too, has an ancient yet modern language called Gaelic. I have two questions. I regard this to be a priority, but the problem of course is that everything can become a priority. How might these very valuable modern languages—and, indeed, cultures—link in with Scottish people's demands for maintaining Gaelic?

Secondly, given Sir Tom Stoppard's experience of the commercial world, do you see any way in which not just the university but the Government might be able to raise funding for the centre through a different route—say, through business opportunities—and not just through the Scottish funding council?

**Hugh McMahon:** On the question of Gaelic, I should perhaps explain how this scheme with the English funding council started. To do so, I need to go back to before devolution—in fact, we need to go back to the days when John Major was Prime Minister. In about 1991, the old University Grants Commission was wound up and replaced with the Higher Education Funding Council, whose two bodies administered Scotland and England. The English council continued an agreement under which certain minority subjects would receive targeted funding and the subjects that benefited from this special fund included Celtic studies; Czech and Polish, which were primarily taught at Glasgow; and Russian. When the Higher Education Funding Council became something else and the bodies in England and Scotland

separated—which happened, I should remind members, before the Scottish Parliament was created—the people running the Scottish Higher Education Funding Council dropped the targeted allowance for Gaelic, Polish, Czech and so on. However, the English continued the funding—indeed, the English funding council is actually continuing a policy that it has had in place since John Major was Prime Minister. Assistance for Gaelic is not at variance with assistance for these minority languages.

**Jan Čulík:** On other possible sources of funding, I need to research this but I understand that Gaelic recently received funding through the National Heritage (Scotland) Act 1985 in co-operation, apparently, with the Scottish funding council. If the council cannot provide funding directly, we should investigate whether the 1985 act, whose definitions are fairly broad, can be used to save this centre.

I forgot to answer Sandra White's question on the centre's importance and uniqueness. I understand that the SNP Government is about to map provision in Scottish universities and formulate a policy for retaining unique subjects in at least one place in Scotland. As Ms White pointed out, this is not necessarily about preserving Czech and Polish studies, languages and cultures; however, ladies and gentlemen, what is unique about Glasgow is its synergy. There are Russian departments up and down the country but Glasgow provides cultural, language-based, social science studies of Russia, the Czech Republic, Poland, the Baltic countries and Hungary. As the students, many of whom are here today, can testify, they can study Hungarian economics, Polish philosophical thinking and Czech cinema while specialising in a particular language.

I do not want to waste the committee's time, but the fact is that we get quite a lot of interest in these subjects. I will quote very briefly from an e-mail that I received at midnight yesterday from a student of Polish origin, who says:

"I am registered as a Police Interpreter with two agencies. Despite the fact that I told them clearly that I won't be available due to my full time"

studies

"they were calling me on a regular basis as they are desperate for interpreters in Polish.

Moreover, they found in my CV that I study Czech and they were trying on several occasions to give me a job as a Czech translator, despite my explanations that it will take a few years before I would ever consider that job. Yet they are so desperate that they will take on anyone who went to Prague on a Stag Night and managed to order beer in local language.

It's really silly, that they want to shut our department, when they run so many French departments for example."

I make it clear, though, that I am not speaking against French departments. The student goes on to say:

"During last year I had two flatmates, they both graduated in French after our uni and they could not find any job involving French ..."

However,

"there is such demand for speakers of our languages"

and yet

"they want to shut it".

I rest my case, ladies and gentlemen.  
[Applause.]

**The Convener:** Thank you again. I call Patrick Harvie.

**Patrick Harvie (Glasgow) (Green):** Thank you, convener, for making me follow that. As a non-member of the committee, I am grateful to you for the opportunity to make a brief comment.

I simply want to help to demonstrate the breadth of concern about this issue. Indeed, members have only to look at the turnout in the public gallery as well as listen to the witnesses' comments. This is all part of a broader context and I am glad that that very point was made earlier.

Events at Glasgow University over the past year or so have deeply damaged its morale and ethos and there is a great deal of anger at the way in which certain proposals for cuts have been put forward. However, this particular issue also relates to the wider debate about the governance of our higher education institutions and, before and after the election, all the political parties recognised the need for a review of governance. No matter whether we hope in the months or years to come to revive or reform the kind of democratic governance that one or two witnesses have mentioned, we should not allow any further damage to be done to immensely valuable parts of the higher education sector while we debate those longer-term issues.

If cuts are needed at the University of Glasgow—I dispute that they are—they must be made in a way that does the least possible damage. That means that the students as well as the academics must be brought in to make a shared decision, and that those in the university's leadership must act in a way that fulfils their role as leaders of a community rather than simply as managers of a business.

Whether the economic priorities or the social, cultural and intellectual priorities are put at the fore—I argue that higher education is about much more than economic priorities—it is recognised across the political spectrum that Scotland is and must increasingly be an internationalist society. If we do not invest in languages, we will be at a



huge disadvantage in trying to fulfil that role for ourselves.

Members of the committee have an opportunity, through progressing the petition and taking it as seriously as I hope that they wish to take it, to help to turn some of the anger about how the cuts have been proposed into a positive force for change to protect the specific language courses that the petitioners have mentioned. They also have the opportunity to put the debate on higher education governance in this country on to a positive footing in which more than just a short-termist approach to economic priorities, and deeper, broader and more meaningful aspects of what higher education can offer us in Scotland are recognised.

I thank the convener for the opportunity to speak to the petition.

**The Convener:** I thank Mr Harvie for his comments.

**Ken Macintosh (Eastwood) (Lab):** I thank all the members of the committee for allowing another interloper. That shows the level of interest in the issue and in what is happening to the department in Glasgow. The petitioners have made a strong case for the economic, cultural and social necessity of having the whole department, but my colleague Patrick Harvie mentioned the broader issues. Scotland's internationalist reputation is also at stake. We are talking about strategic matters that should not be decided simply by the University of Glasgow; they are matters for the Scottish Parliament and the Scottish Government.

Scotland has a rather unfortunate reputation as a monolingual country; we do not have a great reputation for mastering other languages. I thought that all the political parties were willing to address that matter, but it appears that a step is being taken in the opposite direction.

I have two questions for the petitioners. The first builds on a point that Mr Čulík made. There is not just the economic importance of the courses; there is also the very difficult situation in which graduates find themselves at the moment. There is high and increasing graduate unemployment, but the e-mail that Mr Čulík read out seems to confirm my impression that graduates of these particular courses have no difficulty in finding employment. In other words, the courses are not only an educational benefit; they are a very good employability test.

To help with the recommendations that the committee will deliberate on, my second question is about the urgency of the situation. There is an on-going governance review and legislation is expected next year. The process is quite slow and I am worried about pinning our hopes on it. How urgent is getting a decision from the Government?

**Hugh McMahon:** I will deal with the question about employment opportunities. On the European recruitment website for language graduates in February this year, there were 91 vacancies for graduates with a Russian degree, 1,981 vacancies for graduates in German, 93 vacancies for graduates in Polish, 88 vacancies for graduates in Czech, and 73 vacancies for graduates with Hungarian. Opportunities exist.

We have a very valuable resource in Scotland that has given our graduates a competitive advantage against others, and there are jobs. People will not do a degree in modern languages and then work in Starbucks or McDonalds, for example.

I think that Jan Čulík will comment on the urgency of the situation.

14:30

**Jan Čulík:** Our graduates are snapped up for jobs here and elsewhere. For example, a top executive of Johnson & Johnson was one of our Scottish graduates in Czech who used her expertise in the language to gatecrash Czech hospitals to talk to surgeons and sell her company's wares. She increased turnover by about £5 million initially and rose spectacularly up the ladder. There is other anecdotal evidence like that. However, it is a fact that our graduates have never had problems finding jobs.

On the question of urgency, the problem is that as we speak the management of the University of Glasgow has barred students from entering degree courses in Czech and Polish as of this September. Those languages can be studied for one or two years and then the student would have to do something else. That is like someone coming to do physics at university and being told that they can do it for only one year and not as a full degree. There is therefore a certain amount of urgency about the situation.

We also have a highly popular intercultural course called Slavonic studies—more than 100 students are enrolled on it. We were inspired to introduce the course around 2000 on the example of what Latin and ancient Greek departments have done, because not many people can read the languages in the original, although we were afraid that we were dumbing down. However, we introduced an English language course on the cinema, history, politics and so on of eastern Europe, which has been highly popular. People who have studied on it come back to us and boost the real courses, as it were. Young people are very interested in that part of the world and they realise that they want to study the subject for real.

Unfortunately, the university court—in its wisdom and in defiance of the university senate,

which recommended that the Slavonic studies cultural course be retained—has barred entry to the course from next September. People were still allowed on to the course this September, but no one will be able to do it next year.

I repeat that Czech and Polish cannot be studied to degree level now and that the Slavonic studies course, which is the framework that underpins everything, will be barred to students from next autumn. So it is a matter of some urgency.

**The Convener:** Thank you for that contribution. I am afraid that we are a bit short of time, so I ask questioners and witnesses to keep their remarks short and sweet.

**Neil Bibby (West Scotland) (Lab):** I, too, declare that I know Hugh—or should I call you Mr McMahon? I have known him for many years.

The points about the economic and cultural benefits of knowing eastern European languages and cultures are well made. If Scotland is truly to be a multinational, multicultural country, those features need to be represented in our universities, as currently happens in the University of Glasgow. I note that the petition states that 72 per cent of UK international trade is with non-English speaking countries, which is also an important point.

There was reference to the small sum from the funding council budget that would be required to protect the studies. Can you give us an estimate of that figure? There was also discussion about graduate employment. Hugh McMahon gave the figure for graduates and Jan Čulík said that six universities benefit from their studies. Can you give us a rough estimate of the number of students across Scotland who benefit from these studies?

You said that the University of Glasgow is the only university outside London that runs eastern European courses. If the London courses were not protected by HEFCE south of the border, would there be a danger of having no such courses across the UK?

**The Convener:** Before our witnesses answer, can Mark McDonald and Bill Walker briefly contribute? After that, the witnesses can provide a final set of answers to all the questions.

**Mark McDonald:** A lot of what I was thinking about saying has been covered in one way or another. You said that there is a great deal of support throughout the university for what you are trying to do. What efforts are being made to try to link qualifications in terms of joint degrees and so on? It strikes me that what we are trying to do—and what the cabinet secretary has spoken about—is have employers and institutions work

together to ensure that qualifications are of relevance. We talked about the importance that eastern European languages will have as we try to develop links with those countries. What work has been done with your colleagues to try to offer joint degrees for courses where studying an eastern European language could add value to that qualification?

**The Convener:** I invite Bill Walker to ask a final question.

**Bill Walker:** Thank you for allowing me back in, convener. In my experience of education I have been told regularly that a lot of school pupils do not go forward to study hard science and mathematics because they are difficult or to study modern languages because they are difficult. I just have a feeling that we are following the wrong sort of education somehow. Clearly there is a demand for the output that you produce, but it is obviously not being funded properly one way or the other. Without having a command economy, I do not quite know how we are going to sort that one out.

I want to expand a bit on my first question. Obviously, money is at the bottom of all this. Is it possible to get funding through the private route from big corporations? That would be rather like the American model. There might be a way to get such funding for your school, rather than always looking for public funding.

**Hugh McMahon:** I do not know whether you are thinking along the lines of talking to the chairman or owner of Hearts to get your private sector funding. There are joint degrees, such as politics and Russian. Lots of courses are joint courses. People were able to do Czech honours with something else, but they cannot do that any more. The value of people studying for a joint degree with politics and economics, for example, is that it helps their politics—there is cross-fertilisation of ideas.

**Jan Čulík:** The University of Glasgow has been quite well known for the fact that you can study basically anything with anything there, so joint degrees do exist, but there is scope for development. There are now very successful masters courses in business studies and there is scope for doing those courses with Russian because, obviously, Russia is a vast market.

One of the previous questions was about the impact of the £4.7 million funding. The reason why that money was instituted was that the funding councils in England and Scotland came to the conclusion that there were so few specialists in this area that there should be postgraduates. The grant has produced about 25 or 30 PhD scholarships, which are now coming to fruition—those people are becoming international scholars. The grant also produced a fairly large number of

masters, so it has produced a whole new generation of specialists. The idea was to have people who are specialists if there is a crisis in eastern Europe, which there may well be, because those countries are not particularly politically stable regimes.

Somebody else asked how many students we have. In the Slavonic studies section of the school of modern languages and cultures at the university we have probably about 350 students in all. It has to be said that the bulk of them take the Slavonic studies course and Russian. There is a huge demand for Russian these days, and no wonder. There is a student sitting behind me here who translates legal documents from the Russian supreme court for the European Court of Human Rights. How many other students do such serious work in their final year of study? That is proof that there is huge demand for the subject.

On other courses, such as Czech studies and Polish studies, the numbers are smaller. In the first year you have perhaps 10, 12 or 15 students, but Scotland does not need millions of graduates in Czech—although it does need some, if you see what I mean.

You asked about something else, but I cannot remember what it was.

**The Convener:** Thank you. Sir Tom, do you have any final comments?

**Sir Tom Stoppard:** I would like to pick up on what Mr Macintosh said about internationalism. For someone like me who comes from outside, Scotland had a reputation for teaching languages in general, and eastern European languages in particular, and it gave the University of Glasgow and, by reflection, the country a distinction that I equate with the distinction given to it by the Citizen's Theatre. It made it a place to be reckoned with everywhere. Well, that is on its way out. It will be gone.

I am not making a sentimental point. Underneath those perceptions, there is a bedrock and the ramifications and consequences of having a group of certain disciplines, however limited in scale, go on like an echo. The reputation of that university and its languages teaching has echoed through my life for at least four decades.

**The Convener:** That is a poignant point on which to conclude. Before I thank the witnesses, it is the committee's turn to decide on the next step. We will start with Sandra White.

**Sandra White:** Thank you, convener, and I thank the witnesses for their evidence. It has been absolutely excellent. Jan Čulík certainly knows his subject very well. I thank Hugh McMahon for the numbers. It was enlightening to hear about the number of people who can get jobs.

We should continue the petition. We should write to the Scottish funding council, the Scottish Government and the University of Glasgow. We could even call representatives from the university as witnesses if they are available. We must continue the petition and write to those three specific organisations.

**Bill Walker:** I support what Sandra White has said and I add the question that I have put but which no one seems to want to answer. Is there another possible source of funding through the private sector?

**Neil Bibby:** I agree with making representation to the Scottish funding council and the Scottish Government. The benefits of eastern European studies are clear and we should be seeking the views of the Scottish funding council and the Scottish Government on the petition.

**The Convener:** Thank you. It is clear that the committee has found the evidence to be very strong indeed. We wish to continue the petition and seek further information from the Scottish Government, the Scottish funding council and the University of Glasgow. We will discuss the practicalities in due course.

I thank our witnesses, Mr Čulík, Sir Tom Stoppard, and Hugh McMahon. I also thank Patrick Harvie and Ken Macintosh for providing supporting fire. The evidence was first class and we appreciate all the work that you have done on this vital issue. Thank you.

We will suspend for two minutes to allow the witnesses and, I am sure, most of the audience to leave.

14:43

*Meeting suspended.*

14:46

*On resuming—*

### **Wild Animals in Circuses (Ban) (PE1400)**

**The Convener:** I reconvene the meeting. We are now looking at PE1400, which seeks a ban on the use of wild animals in circuses. Members have the note by the clerk, the SPICe briefing and the petition. I welcome our witnesses: Libby Anderson is the policy director of OneKind—I have dealt with her in a number of campaigns over the years; Liz Tyson is the director of the Captive Animals Protection Society; and Dr Freda Scott-Park is the past president of the British Veterinary Association.

I invite Libby Anderson to make a short presentation of around five minutes, although it is perfectly acceptable if it is less than that.

**Libby Anderson (OneKind):** I will do my best.

Ladies and gentlemen, as our petition says, there are no circuses with wild animals based in Scotland, so you might well ask why we are so keen for them to be banned in this country.

There are three reasons. First, circuses with wild animals travel to Scotland. As the debate over wild animal use in England continues, some circuses might well decide to relocate here. Secondly, at this stage, we have an opportunity to highlight the issues that are being looked at south of the border and to dispose of some that are not so relevant and will not help animal welfare. Thirdly, because there are fewer vested economic interests in Scotland, a ban might be simpler to achieve and could lead the way for the rest of the UK.

I would like to give an example of a circus that travelled to Scotland. Back in 1997, an Italian travelling circus arrived near Edinburgh, bringing with it a rhinoceros, a hippopotamus, a giraffe, three elephants, five camels, two bison and an enormous boa constrictor. I went to that show and it struck me as less than glamorous. One performer stood on the rhinoceros's back as it ran around the ring. The giraffe was paraded. The giant snake was carried around on the shoulders of some of the performers. For that, those animals spent months and months every year on the road, travelling and living in cramped beast wagons in conditions that provoked numerous complaints from the public.

Almost 10 years later, in 2006, CAPS carried out a survey of wild animal circuses in Ireland. It found a rhinoceros and a hippo that had been bought from an Italian circus—the same animals that we saw in Scotland all those years before. As in Scotland, their conditions were very poor. The hippo had a small tank of filthy water that was laden with faeces, and it could not submerge itself. The rhino was in a small pen without a scratching post or wallow, both of which are vital for their physical and behavioural health.

The thing about travelling circuses is that we see the wild animals when they are here today and they are gone in a few weeks, but the animals spend long, miserable years being deprived of their basic behavioural and physical needs. They are subjected to constant travelling, close confinement and unnatural stresses. They are made to perform unnatural tricks that can frighten and injure them. Their boredom and frustration are expressed in stereotypical habits such as pacing and head-bobbing.

There is at least a strand of outright cruelty. We cannot measure that because it takes place out of sight, but we gave some examples of it in our

petition, and there are other cases that we can speak of if you like.

Animals are used not for years but for decades. We mentioned the case of Anne the elephant, who was taken from the wild at the age of five and travelled around Britain with the Bobby Roberts Super Circus for more than half a century. Much of her life was spent in a trailer or a menagerie tent. She was shackled for very long periods and made to shuffle into the ring for photographs even after arthritis and old age made it difficult for her.

Anne was released only this year after an exposé by Animal Defenders International that proved that she was beaten by a circus worker in the circus's winter quarters. It was Anne's story that prompted the current petition by OneKind. The public was outraged when they saw what was happening, and we felt that despite all the lobbying and monitoring that we had undertaken, and the complaints that we had made to local authorities, we had not yet done enough to protect Anne and others like her from that sort of treatment.

In Scotland, the Minister for Environment and Climate Change has said that the Scottish Government will look at the issue, advised by information from Westminster. That raises some concerns for us. Looking at an issue is not progress, and the information from Westminster is confusing and, we believe, in some respects misguided. In particular, we believe that there are confusing messages about a potential case in the Austrian courts, which is mentioned in the clerk's note; we can discuss that in more detail if you would like us to.

Paradoxically, the UK proposal to license circuses could increase the number of animals that are being used—the Association of Circus Proprietors of Great Britain has said that licensing could open the way for circuses to acquire more animals. That is why we do not support licensing.

Other reasons that the UK Government has cited for not banning wild animal circuses include the European Union services directive and the rights to private life and peaceful enjoyment of possessions under the European convention on human rights. We are not lawyers, but we find that rather far-fetched.

I stress that we are opposed not to circuses but to the use of wild animals in circuses. Despite all the activity in England, and the members' business debate that Elaine Murray introduced in June, there has been no announcement in the Government's legislative programme. We would be grateful if the committee asked the Scottish Government what its plans are and sought further scrutiny of the issue.

Scotland could lead the way in the UK and send a signal to audiences around Europe that this

country understands what animals need for a decent natural life, which does not include decades of suffering in the name of entertainment.

My colleague from the British Veterinary Association is very knowledgeable about veterinary health and welfare, and my colleague from CAPS can tell you about the industry and what is happening south of the border.

**The Convener:** Thank you for your helpful introduction. I will ask the first question and then bring in my colleagues. I will also invite Elaine Murray to contribute, as she has a long track record on the issue.

You touched on the Austrian case. From my reading of the situation, it appears that the European Commission has had a change of heart and allowed Austria to introduce a ban—you can correct me if that is the wrong interpretation. What is your understanding of the current position?

**Libby Anderson:** That is substantially correct. The EC proceedings have been resolved, and there is no further challenge. Liz Tyson will correct me if I am wrong, but I believe that the Secretary of State for Environment, Food and Rural Affairs has referred to a potential domestic challenge in the Austrian constitutional court. I believe that Liz has more information about where that currently stands.

**Liz Tyson (Captive Animals Protection Society):** The on-going Austrian court case was mentioned in the original debates back in April and May, but the reference was actually to a press release from the European Circus Association. It threatened action, but there was no case in the courts at that time.

Austria brought in a ban, which still stands. It was challenged, and the challenge reached the European courts, but it was not successful, and the case was officially closed in 2009. Since then, we have met the relevant European commissioner in London, who has confirmed to us that the EC does not believe that it should get involved in the issue of legislating on wild animals in circuses, as it is an issue for member states.

Furthermore, in the past few days, we have heard from a contact in Austria that the Austrian case still has not been brought. It is speculation to link the two events, but although there was no case at all, not even in the pipeline, when reference was made to the Austrian case in the debate, after it was mentioned discussion of a court case suddenly came about—forgive me for mentioning that, but it was suggested that the ban could hinge on the issue. We believe that there is now a case in the pipeline, but we do not know how long it will stay in the pipeline. Our contacts in Austria strongly believe that the case might well not succeed, even in the Austrian courts. That is

not an issue for other domestic legislators, anyway.

**The Convener:** So you are saying that the issue is for nation states and not for the European Commission to deal with.

**Liz Tyson:** That is certainly our understanding.

**Mark McDonald:** I thank the petitioners for bringing the petition before us. I recall, when I was young, watching a documentary about caged zoo animals and the effect that being caged has on an animal's mental health and wellbeing. I attended the members' business debate on the issue, at which my colleague Kevin Stewart mentioned a study by Stephen Harris of the University of Bristol on the impact of travel and the caged environment on animals' stress levels. Will you comment on that?

Aberdeen City Council, of which I am a member, has implemented a ban on wild animals in circuses, but I do not know whether other local authorities have done the same. Do you have information on which local authorities have bans in place and which do not? I note that there is a loophole, in that circuses with wild animals do not have to register with the local authority in the area where they are performing; they must register only in the area where they are based. Although no circuses with wild animals are based in Scotland, there might be difficulty tracking circuses when they travel.

Generally, do you agree that there is an issue about the glamourisation of performing animals through the media? Obviously, animals do not perform naturally in many contexts, although they do in some contexts. Very often, a great deal of training is done to get animals to perform, but we often see only the end product, not the transition from the animal in its natural state to the performing animal. Very often, the public do not see the conditions behind the scenes. Will you comment on that, too?

**Libby Anderson:** I ask Freda Scott-Park to take the question on animal behaviour and their performing naturally or otherwise. I will quickly answer the question about local authorities.

The policies that councils have are only landlord-leasing policies. Local authorities believe that they are not entitled to refuse public entertainment licences on policy grounds. That belief is based on a judicial review case in 1989 that was brought by Gerry Cottle's circus.

About half of Scottish local authorities have a policy that is similar to the one that Mark McDonald described. They include the City of Edinburgh Council, Angus Council, Dundee City Council, East Ayrshire Council, East Lothian Council, East Renfrewshire Council and several

others. However, not all of their animal health and welfare officials will be familiar with the estates policies on leasing. Often, an outside organisation has to say to the officials, "There is an elephant on the green—do you know that you have a policy against that?" They possibly will not know, and by the time that they are aware and enforcement action is taken, the circus has moved on. I will not detain the committee longer on that, but it is a complex issue.

**Dr Freda Scott-Park (British Veterinary Association):** The committee will be well aware that the veterinary profession is the protector of animal welfare. Under new animal welfare legislation, we all have a duty of care to look after every single animal that is in captivity. Members will be aware of the five freedoms that we seek to protect for every animal. We seek to protect them from pain, injury, suffering and disease. Individual animals in the circus environment will, to an extent, experience those factors.

I am quite sure that every circus will look after its animals with regard to access to food and water, but we have concerns about the wider freedoms, which contribute to the physical and mental wellbeing of captive wild animals. I am referring to the provision of suitable companionship and social structure, and the ability to exhibit normal behaviours.

15:00

Let us consider the situation of circus elephants, which are kept in captivity. I grew up in east Africa and I have observed wild animals in their natural environment for many years. The number of miles that an elephant will walk in a week runs into the hundreds. That is a natural behaviour that elephants cannot possibly express when they are in captivity.

The structure of the elephant herd is that of a matriarchal society, in which a strong hierarchy is established. For that to happen, the elephants must have suitable companionship. They are the most amiable of animals in their natural environment. Given the way in which circus animals are kept, there is no way that they can establish that hierarchy, so we must assume that their mental wellbeing is not being protected.

We could move on to discuss big cats or chimps and the other primates, but the committee will understand that, in the opinion of the BVA, keeping wild animals in a circus environment serves no justifiable purpose. It does not contribute to conservation of the species and it plays no part in education. Indeed, going back to Mark McDonald's point, it might even play an adverse role by leading children who see animals in that situation to think that it is normal, which it is

absolutely not—there is no glamourisation in our opinion. Keeping wild animals in such an environment does not provide scientific data, either. Therefore, in the veterinary profession's opinion, we should not use animals in such circumstances.

**The Convener:** I am sorry, but we are running a little short of time, so I ask that questions—and, if possible, answers—be short. We will have a quick question from Bill Walker, who will be followed by Dr Elaine Murray.

**Bill Walker:** It is a practical question. You do not have to convince me of the case for not having wild animals in circuses. I guess that almost all such animals will have been born in captivity. I see that you want a ban not just in Scotland but across Europe. How do you plan to dispose of the animals? I presume that they would not be destroyed—heaven forbid. Do you have a programme in mind?

**Liz Tyson:** I can answer only for the circuses that currently operate in the UK. A coalition of organisations, which includes OneKind, our organisation and various others, such as the Born Free Foundation and Animal Defenders International, has made the commitment that if those animals were surrendered by the circuses, homes would be found for them. As a group of organisations, we would be happy to take on that responsibility, if it moved the process forward.

**Elaine Murray (Dumfriesshire) (Lab):** Libby Anderson made reference to the Government's legislative programme but, under the Animal Health and Welfare (Scotland) Act 2006, a ban could be introduced in secondary legislation—indeed, that was the intention of ministers when that act was passed—so it does not need to be a major piece of work. It could be implemented under existing legislation.

Mention has been made of what has happened in different local authority areas. When Anne the elephant was due to come to Dumfries and Galloway, one of my colleagues on the council pursued the matter with the licensing board, only to be told that a licence had already been issued by council officials. That was done without any reference to elected members because, I think, the officials did not think that they could do anything about it. As similar licences had been issued in previous years, they could see no ground for refusing a licence. Local authorities do not feel that they have the power to prevent such things from happening.

My impression was that the minister who responded for the Government to the members' business debate in June was fairly sympathetic to our case. He said:

"The question is an ethical and legal one. The dilemma for ministers is how a ban could be introduced."

We believe that it could be introduced through secondary legislation, and we do not think that the Austrian situation is a concrete barrier to the introduction of legislation.

I also asked the minister to state that it was unacceptable for animals to be used in entertainment, and he said:

"I am absolutely happy to do so."—[*Official Report*, 9 June 2011; c 619.]

There is a willingness on that minister's part. It would be useful if the committee could persuade him of the desirability of introducing secondary legislation on the matter.

**The Convener:** Thank you for that. If no other members of the committee wish to put further points to the witnesses, do they have any final comments for the committee?

**Libby Anderson:** We do not mind whether a ban is introduced through secondary legislation or primary legislation. Some of the opposition to our cause would say that there might be legal challenges to a ban introduced through secondary legislation because it would have to be based on animal welfare and it is alleged that there is not sufficient scientific evidence of welfare problems. However, to be frank, that is because the welfare problems have not all been considered. I have heard the cabinet secretary say that.

The principle is to have legislation. I remind the committee about the Fur Farming (Prohibition) (Scotland) Act 2002, which addressed a similar situation. We had no fur farms in Scotland in 2002 and we still banned them on moral and ethical grounds and to prevent fur farms coming up here. The situation is very similar.

Either way, the mechanism is not our concern.

**The Convener:** The committee has heard the evidence. I invite suggestions from committee members for possible courses of action. Some options are set out in the clerk's note.

**Mark McDonald:** As events have moved on at Westminster since the members' business debate, we need to write to the Government and ask what position it has come to on the ban, if indeed it has come to a position.

**John Wilson (Central Scotland) (SNP):** I respect the witnesses, but it might be useful to ask the views of another couple of organisations. One is the Scottish Society for the Prevention of Cruelty to Animals, which does a lot of work on the ground and tries to regulate what happens locally.

I would also like to try to find out the views of local authorities. We should do a sample of them. Libby Anderson gave a list of local authorities that

have a policy in place, but it would be useful to find out what councils' views are. Scottish Borders Council is one of the local authorities that we should ask, given Elaine Murray's description of what council officials did to—

**Elaine Murray:** It was Dumfries and Galloway Council.

**John Wilson:** I am sorry. I am saying bad words about Scottish Borders Council.

We should also ask the City of Edinburgh Council, Glasgow City Council and Aberdeen City Council how they could introduce restrictions on wild animals being used in circuses in their areas.

At the same time, we have a wider debate from circus owners associations and others who say that they have a legitimate right to continue to use wild animals in circus performances. It would be interesting to get their views on how they could implement policies at local level. They seem to contradict some of the evidence that we heard about the European court rulings and UK Government rulings on the issue.

**Sandra White:** I listened to what the witnesses had to say. I agree with everything that was said about making recommendations on the petition and bringing it to a good conclusion.

To pick up on Mark McDonald's point, it is important that we write to the Government and ask whether a ban could be implemented through secondary or primary legislation. The important point is that it goes through. We must make that clear, whatever kind of legislation is used.

**Bill Walker:** Now is the time for some action. I support what has been said.

**Neil Bibby:** I agree with the comments that have been made. Although there may be no Scotland-based circuses that currently use wild animals, that does not prevent it from happening in the future, as Libby Anderson said in relation to fur farms. The matter needs to be addressed to cover that point and to cover cross-border circuses.

I reiterate the point about writing to the Government to determine whether secondary or primary legislation would be used.

**The Convener:** I thank the committee members for their views. We have a unanimous view that we should continue the petition. We will seek advice from the Scottish Government in the terms that are set out in the clerk's note. In addition, we should ensure that we follow up a sample of local authorities and other organisations, as John Wilson suggested. Is that agreed?

**Members indicated agreement.**

**The Convener:** I thank our witnesses for coming along and for their evidence, which was

helpful. I also thank Elaine Murray for her contribution. I suspend the meeting for two minutes.

15:10

*Meeting suspended.*

15:11

*On resuming—*

## Current Petitions

### Freight Trains (Overnight Running) (PE1273)

### Rail Noise and Vibration (Larbert) (PE1302)

**The Convener:** Item 3 is current petitions, of which there are 12 for us to consider today. The first two—PE1273, on the overnight running of freight trains, and PE1302, on rail noise and vibration in Larbert—will be considered together. Members have a note—paper 3—from the clerk. I invite contributions from members.

**Neil Bibby:** There are a couple of points in the letter from Transport Scotland about practical measures that could be taken to mitigate noise. For example, it states:

“The Minister gained assurance from the operator that through educating drivers about braking and accelerating efficiently, adhering to speed limits and monitoring driving technique, the operator would endeavour to minimise noise and vibration. The Minister also obtained agreement from Scottish Power that they would review the potential for stock-piling coal to reduce the number of night time journeys.”

It goes on to say:

“Sixty eight (68) properties neighbouring the new SAK infrastructure have been identified as being eligible for acoustic barriers, and it is expected that installation of the barriers will reduce noise disturbance”.

The petitioners have made a number of points about some of the measures. The trains are now slightly quieter, but some things have not been done. It might be worth our while following up on some of the practical suggestions by asking what progress has been made, given that the letter from Transport Scotland is dated 4 August.

**The Convener:** The problem is clearly affecting the quality of life of people who live near the lines, and it is a huge issue for the local community, although I know that there are practical constraints on what rail authorities can do.

**John Wilson:** I put on record once again that I know about some of the problems that exist for the residents who live by the line—I do not live next to this line, but near a line that is also used by heavy freight trains such as those to which the petitioners refer.

I note from one of the petitioners' responses that DB Schenker Rail (UK) now operates coal freight trains on Sundays. The committee was advised on a number of occasions by DB Schenker and Network Rail that they would not be able to operate freight trains on Sundays. One of the



questions that the petitioners raised when we considered the petition previously was why the companies could not move overnight running of freight—between midnight and 6 o'clock in the morning—to Sundays. We were told constantly by Network Rail and DB Schenker that it was not practical to operate the freight trains on a Sunday because of the maintenance work that would be required on the lines.

15:15

If the petitioners are correct that rail freight of that nature is now running on Sundays, why are the companies still running overnight freight? I assure the committee that I hear the same sort of trains regularly trundling past my door at 3 or 4 o'clock in the morning. It would be interesting to find out from Network Rail and DB Schenker whether they are running the trains during the night and on Sundays.

The petitioners have raised the issue of stockpiling coal. A Scottish Power plant is being supplied by the coal, which travels from the west coast to the east coast of Scotland. It would be interesting to find out from Scottish Power whether it still needs the same volume of freight to be transported during the night to supply the power station, and if so, whether it can justify that. That ties into the earlier question of whether the companies are running trains on Sundays. It would be helpful for many residents if they could understand why the trains are continuing to operate.

The other issue, as Neil Bibby indicated, concerns the mitigation measures that we have been promised. It would be interesting to find out whether the mitigation measures have been surveyed, and whether—and when—they will be carried out. We should also ask the local authorities that are involved—Clackmannanshire Council in particular—whether they have discussed the mitigation measures with Network Rail. It was pointed out previously that, along with Network Rail, the local authority would, as sponsor of the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill, be responsible for some of the measures. It would be useful to find out whether Clackmannanshire Council has had discussions with residents and planned what mitigation measures will be introduced and when.

**The Convener:** Those points are helpful.

**Bill Walker:** The Alloa-Kincardine part of the railway line runs through my constituency to the power station. I am also a councillor for that area until next May, so I have some knowledge of the issue. I was aware of the petition, but it is the first time it has come before me in committee.

I have great sympathy with the petitioners' situation, which raises several issues. Any sensible company will, for the good of its reputation and its good name, try to mitigate or reduce noise, and try to limit the antisocial hours during which the trains run, but there are two difficulties. The rail line itself was never—I do not know the technical term—fully decommissioned, although it was unused for years.

Many of the people, especially in the Kincardine area, bought houses near what they viewed as being a disused line but—hey, presto!—the line was reinstated, and is now being used regularly right next to their houses, where they thought that trains would never run. I have spoken to several owners, and when they go back to the documents that relate to when they bought their houses, they see that there is no guarantee that trains would not run on the line again.

When the appropriate rules, laws, regulations and statutes were drawn up, no limitation was placed on when the trains could run. In considering the situation, we are doing our best after the event, but there is a lesson for the future: when the contracts, deals and negotiations take place, such things should be taken into account up front.

I am sure that the operator would want to do his or her best, as would Scottish Power, but the power station has a particular demand for coal that must be managed in a reasonably economic fashion by running trains at different hours of the day, and even—as we have heard—on different days.

**The Convener:** The two petitions are clearly important, because there is a real issue here about noise and quality of life. Given the whole series of questions that members have raised, I propose that we continue the petitions in line with comments that members have made and the suggestions in the clerk's paper about the organisations to which we should write. Is it the committee's unanimous decision that we continue the petitions?

**Members indicated agreement.**

### **Gypsy Travellers (Council Tax) (PE1333)**

**The Convener:** PE1333 concerns disadvantaged Scottish Gypsy Travellers and members of the settled community. Members will have read the clerk's paper on this petition. Does anyone have any comments?

**Sandra White:** The petition is interesting because there are clearly a number of anomalies in legislation with regard to substandard housing and caravans being classed as dwellings under the Local Government Finance Act 1992. I also

note that as recently as 7 July, Drew Smith MSP asked the Scottish Government about reviewing its Gypsy Traveller site management guidance. The Government responded that, although it was reviewing the guidance,

“An exact date of publication cannot be confirmed”—  
[*Official Report, Written Answers*, 4 August 2011; S4W-1567.]

I am betwixt and between. Should we continue the petition until we find the date of publication or should we close it, given that the Government review that we are waiting for does not actually cover council tax, which is a matter for local authorities? I seek guidance from other members on whether we should wait for the review to be published, or whether the fact that the review does not consider council tax means that it is not worth continuing the petition.

**The Convener:** We will hear from other members, but I am interested to hear the committee's views on the option to refer the petition to the Equal Opportunities Committee. I note that it has closed a petition that we referred to it, so it might well have some space in that respect. Do members have any other views?

**Mark McDonald:** I understand why referring the petition to the Equal Opportunities Committee might be an option, given its reference to the Scottish Gypsy Travellers; however, as it also mentions members of the settled community, it might fall slightly outwith the Equal Opportunities Committee's remit. I am also unsure whether the Local Government and Regeneration Committee, which is also mentioned as an option, could do anything constructive with it. It might be worth keeping a watching brief until the Government publishes its review, but I acknowledge Sandra White's point about keeping open the petition, only to close it later on, or just closing it now given the Government's guarantee that the review is taking place. It is a balancing act, so I am interested to hear the committee's general view.

**Bill Walker:** The area is very complex. At the moment, Fife is dealing with stopover sites, which have a habit of becoming long-stay sites.

However, I believe that, as Sandra White suggested, we should hold fire. I find the matter to be all very complex. I support the view that Gypsy Travellers should be free to lead their lives, but that doing so should be their responsibility and should come at their own cost—not at a cost to any other community. They should, like everyone else in the country, pay their taxes. I cannot form a judgment just yet on such a tricky issue, so I think that we should wait a bit.

**The Convener:** Do you think that we should continue the petition until the Scottish Government publishes the review.

**Bill Walker:** I beg your pardon. Yes, I do.

**Sandra White:** As well as continuing the petition, could we ask the Government whether it now has an exact date for publication? After all, Drew Smith asked the question on 7 July.

**The Convener:** That would be possible.

**Sandra White:** We do not want to keep the petition open for months and months and give people false hope.

**John Wilson:** The Scottish Government has indicated that council tax, water service charges and sewerage charges are a matter for other bodies, particularly local authorities. However, given the issues around the council tax and water charges, and given that Scottish Water is effectively a body of the Scottish Government, I find it difficult to understand why the Scottish Government would not take a view, particularly on water charges. That seems to be contradictory. The Government is saying that Gypsy Travellers using caravans on sites will be charged council tax, water charges and so on, but at the same time, caravans are classified as below tolerable standard. If that is the case, why are those charges being imposed on Gypsy Travellers?

As Bill Walker has indicated, some stopover sites become longer term. Such sites do not have services on them, yet charges are made for services. The Government seems to be saying that it is trying to regulate the situation and make it applicable on sites but, on the other hand, it is making charges that seem to bear no relation to the services that are being provided, either by local authorities or by Scottish Water. I seek further clarification from the Government on those issues. We need a clear understanding of what local authorities and Scottish Water are charging for.

**The Convener:** Do members agree that we continue the petition and seek further information from the Scottish Government, including Scottish Water?

**Members indicated agreement.**

### **Saltire (Edinburgh Castle) (PE1352)**

**The Convener:** PE1352 is on flying a saltire on Edinburgh castle. Members have the note from the clerk, which is paper 5. I invite contributions from members.

**Sandra White:** I have read the petition and note what Historic Scotland has said about the danger to the castle and tower and so on, and about the flying of the saltire and not the union flag. I absolutely agree that the saltire should fly higher than the union flag. However, I note in paragraph 10 of the clerk's note that

"The Scottish Government and Historic Scotland both agree that the Castle is a flag flying station"

and that they have

"demonstrated a willingness to search for another suitable location within the Castle".

I would like to write again to the Scottish Government to ask it where that "suitable location" is within the premises of Edinburgh castle.

**Mark McDonald:** I am happy for the committee to write that letter so that we can seek clarification on that point. If there is an agreement to look for an alternative site within the grounds of the castle it would be good if we could find out where that alternative site will be before we decide to close the petition.

**Bill Walker:** I agree with that.

**The Convener:** So, does the committee agree that we will continue the petition to seek further information from the Scottish Government?

**Members** *indicated agreement.*

### **Gypsy Traveller Encampments (Guidance) (PE1364)**

**The Convener:** PE1364 seeks to clarify guidelines on Gypsy Traveller encampments. Members have the note from the clerk, which is paper 6. I invite contributions from members. I understand that Nigel Don, Alex Johnstone and Ken Macintosh wish to contribute.

**Alex Johnstone (North East Scotland) (Con):** I am prepared to defer to the petitioners' constituency member.

15:30

**Nigel Don (Angus North and Mearns) (SNP):** Thank you, convener. Good afternoon, committee members. It is interesting to be here in support of a petition, having spent several years on the other side of the committee table.

The petition derives from a horrifying experience that the petitioner went through on her mother's property, from which many things have flowed. I am conscious of the fact that you do not want me to rehearse it all—it is in the committee papers. Via a working party that was set up in the previous session of Parliament, the Scottish Government has looked at the way in which local authorities and the police should respond to such situations. The good news is that, although there were plenty of warm words, that has sharpened the pencils and minds of those who are involved. I think that, if similar circumstances were to recur, the public authorities would respond a wee bit better.

The situation has also clarified in the Government's mind and, therefore, the local

authorities' minds, the fact that we need permanent sites for Gypsy Travellers. I am conscious that the committee dealt with a petition on that issue two petitions back in the agenda. The Government is now absolutely clear that we will not solve the problems that arise from friction between the travelling community and the settled community unless there are adequate sites for Travellers. That is the good news.

As the petitioner points out, however, we still have to get from where we are—which is unsatisfactory—to a satisfactory position. The petitioner feels that two issues need to be addressed. The first is how we deal with and set up sites that, when they are first set up, may not be legal and authorised but which are necessary to get through the current situation. The second issue—which is much higher on Ms McBain's agenda—is what public authorities should be required to do to help private landowners who find themselves with an encampment that they do not want.

In the first situation, there is a tacit agreement that people can use a field—the landowner allows them to use it and the local authority can cope with it for the time being. The issue still needs to be addressed, but the site is needed. In the second situation, which is the one that I want to emphasise, a private landowner who does not want an encampment and has given no permission for one—fences or whatever may have been removed—finds himself or herself with a group of people simply squatting on their land. It seems to me that, if there is a general duty on local authorities to provide sites, we might ask the Government whether there is a general duty on local authorities to help those who find themselves in that position because the local authorities have not provided sites. That is the help that the petitioner is looking for, for those who find themselves in similar circumstances in the future.

**Alex Johnstone:** I back everything that Nigel Don has said. The circumstance that led to the petition was quite horrifying and involved property in the Stonehaven area being under siege for a considerable period. At different times, there were encampments on public land in the town and on private land around the town. We are lucky because, at the moment and in recent months, there is not and has not been a further issue to be drawn to the committee's attention. However, as Nigel Don suggested, that is perhaps due to more vociferous pursuit of local authorities and police, in some cases, taking responsibility, and by action that has been taken by local authorities and private landowners to introduce physical measures that make it more difficult for the sites to be accessed.

When the problem occurred, there was a failure to recognise the appropriate action that should have been taken, other than the council's action in having court orders placed on its own land to have Travellers removed from sites in the town. Beyond that—in the eyes of the public, at least—there was confusion over rights and responsibilities in respect of whose duty it was to take relevant action and what relevant action could be taken. That is a significant part of what prompted Phyllis McBain to lodge her petition asking for the guidelines relating to trespass and encampments for Gypsy Travellers to be clarified to ensure that their intent is clear and that they are applied.

The fact that conflict, which originally motivated the petition, is not currently taking place in the area is a matter of luck as much as judgment. Should it happen again, we will require clear guidelines as much as we ever did.

**Sandra White:** I want clarification on one of the issues that has been raised. Nigel Don or others can respond. We talk about seeking more robust guidance from the Scottish Government. The papers mention that guidance will be updated, but that this will be done on a website. Will that be enough? Should there be more guidance about meeting people and promoting the law on the matter?

**Nigel Don:** My instinct is that the people who need to know about the guidance will find the website and will know that it is there. The guidance is for public authorities, police and local authorities or others who deal with the Traveller community. These people know who they are and know where to look. That is not really a problem. I accept that the guidance may not be totally available to the general public, who might struggle to find it, but it is not really for the general public; it is for those who have a duty to do something.

**Alex Johnstone:** I have expressed the view that I have a great deal of sympathy for those who work in local authorities and in the police force when faced with these difficult circumstances. I understand why, quite often, what would be the appropriate line according to the law is not taken because of fears of accusations that may be made. I wish to see clear guidelines—as much for the benefit of those on the front line of the local authority or the police force as for the communities that suffer this imposition—so that we know where the line lies and what action is appropriate. When this situation arose, a great many people were afraid to act because they did not know what the guidelines said.

**Mark McDonald:** I am familiar with the petition and the wider issue from a local authority perspective. My council ward is frequently visited by unauthorised encampments and the Clinterty site, the official halting site for travellers in

Aberdeen, is on the border of my ward. Nigel Don raises the correct point that halting sites are required across Scotland: the difficulty is that everyone agrees that they are a great idea as long as they are put somewhere else. That is a difficulty with which local authorities must wrestle.

Regarding what the petitioner is looking for, one of the sites that is frequently visited in my area is one with a small access road dividing public authority land and privately owned land. Very often, the encampment is sprawled across both sites and it is not always clear who has the lead in dealing with the unauthorised encampment. Also, the judicial process moves at two different speeds for the different sides of the road, which can be confusing. Perhaps there can be clarification of guidance as it relates to private land ownership, so that if an eviction is required in circumstances such as I have described, it can be pursued on a joint basis rather than two different eviction approaches being made. That would be beneficial. Clearing up the guidance as it pertains to individual private landowners would be helpful and we should write to the Government on that.

**Bill Walker:** I have some experience of this in Fife, as I mentioned during discussion of an earlier petition. We need more than guidelines. The problem is that guidelines are only guidelines—an idea that we hear a lot in local government. Local authorities think that because there are only guidelines they can do their own thing. To an extent that is probably right, so we need something stronger than guidelines. We had a workshop on the subject last year in Fife. The conclusion was that the police and the council did not know quite what to do at certain times and so it was decided to petition—or perhaps I should use the word “ask”—the Scottish Government for clearer law. We used the word “law” rather than guidelines.

To me, guidelines are not strong enough. We need guidelines for where Gypsy Travellers can legitimately stay, but we need laws to ensure that there is no unfair discrimination against them if they are obeying the law like every other citizen.

In my opinion, we have to get away from the sort of thing in paragraph 3 of the Government's guidelines, which states:

“Policies should seek to manage unauthorised encampments”.

If they are unauthorised encampments, what authority do we have to manage them and how will we manage them? The situation is a mess. There should be a firm law, because the guidelines are just not strong enough.

**John Wilson:** We have seen examples south of the border of unauthorised encampments, and legal debates are taking place on that as we

speak. I am aware that Nigel Don and—I think—Alex Johnstone were involved in a working group that discussed the issues that we are considering for this petition. Is that correct?

**Nigel Don:** I was in such a group.

**John Wilson:** I directed that question to Nigel Don because there is clearly a need for more official sites in the Angus and Aberdeenshire areas. Six years ago, my local authority had an official Gypsy Traveller site less than a mile from my home. The council closed it down and put the land on the open market after spending lots of Government money preparing the site and making it ready for Gypsy Travellers to use.

What discussions took place with Gypsy Travellers in Angus and Aberdeenshire about the creation of official sites? I am well aware of the issues that have been raised by the petition previously, but the issue for us today is to discuss how the petition is being progressed and whether progress is being made to identify enough official sites that Gypsy Travellers can utilise in their travels around Scotland, or whether we have a continuing problem in that—as Alex Johnstone indicated—private landowners are imposed on because the regulations or guidelines are not strong enough to deal with the situation when Gypsy Travellers move on to private land, which means that the private owners do not have recourse to the appropriate statutory agencies to take the action that is required to remove the Gypsy Travellers from the land.

**The Convener:** I am conscious of the time, so if no other member wishes to contribute, we will move on. I think that we have had a good discussion about the petition and it is clear that we wish to continue to seek answers from the Scottish Government. The clerk has given us some suggestions for the way forward, and we will pick up on helpful suggestions from committee members, and from Alex Johnstone and Nigel Don. Do we agree to continue the petition and to try to get some crucial answers to the questions?

**Members indicated agreement.**

**Nigel Don:** Can I just try to answer John Wilson's question briefly? We did not have particular discussions with the travelling community in the context of renewing the guidelines. That was partly because it is immensely difficult to communicate with those different communities, because they are actually families and not just a group of travellers.

I reiterate that getting enough sites is very difficult. As Mark McDonald rightly pointed out, everybody thinks that they are a good idea, but nobody wants them close by themselves. We are in a situation where there are going to be unauthorised encampments. On Bill Walker's point

in that regard, it would be nice not to have unauthorised encampments, but we must recognise that we will continue to have them because there are not enough authorised ones. We must work from where we are to get to where we want to go, but that will take time.

**The Convener:** Thank you for that helpful contribution. I thank the earlier speakers, too.

### **Mosquito Devices (PE1367)**

**The Convener:** PE1367 seeks to ban Mosquito devices. Members have the note by the clerk, which is paper 7. I invite contributions from members. As members will have noted from the briefing, the petition came originally from Andrew Deans, from the Scottish Youth Parliament.

15:45

**Sandra White:** I took a great interest in this petition. There is an area in Glasgow where the Mosquito device is actually used. I find the use of the device ridiculous and discriminatory and I agree with what Fergus Ewing said—the device basically should not exist. Unfortunately, this is a UK-wide issue. I have read the letters of response from the Scottish Youth Parliament members. We should write again to the various organisations that did not reply to the first tranche of letters. We should also write to the manufacturer of the device, which did not write back either.

We should continue the petition until we get further evidence and we should perhaps write to the minister, too. I think that Scottish Government officials met Westminster officials on 2 August and we are waiting for an update on that. I would like to hear exactly what happened with that meeting.

**Neil Bibby:** I agree with the points that Sandra White made. The vast majority of our young people are a credit to their community. Such devices do not differentiate between the 90-odd per cent of well-behaved youngsters and the very small minority of badly behaved ones. We should continue the petition, because the use of Mosquito devices is discriminatory. I should declare an interest by saying that I am not that much older than 25 and I remember not so long ago not being able to access shops without hearing the noise from Mosquitos in certain areas. We should certainly make representations.

**Mark McDonald:** The devices are designed to be heard only by those under 25, but I am 31 and I still hear them when they are being used on private houses.

**The Convener:** You must be a late developer.

**Mark McDonald:** Absolutely. It makes me feel young.

It would be worth keeping the petition open and seeking the further information that was referred to earlier. I have long had a concern about these devices. Neil Bibby quite rightly pointed out their indiscriminate nature. They are available for private householders to purchase with no form of regulation whatever. There is a real question about their impact on very young children who might be exposed to them daily. We need to continue to probe all those concerns.

**Bill Walker:** I agree with much of what has been said. With respect, it has nothing to do with discrimination—the devices are just dangerous, depending on the age of development of the human being. I would not follow the discrimination angle. I just do not like them at all.

**The Convener:** John Brownlie of the community safety unit has identified agencies that have not yet responded. It would make sense for us to get in touch with them, particularly Compound Security Systems Ltd, which manufactures the devices. It would be quite useful to hear from it. It is unfortunate that it has not been in touch.

**Mark McDonald:** If the manufacturer does not give us a written response, can we call it to come to give evidence to the committee, rather than wait for a written reply that might never come?

**The Convener:** The clerk advises me that we are of course within our rights to invite the manufacturer to give evidence to the committee. If members agree, we will undertake that.

**Mark McDonald:** I suggest that we invite the manufacturer to give us a written response but make the point in our letter that the committee is considering calling it if we do not receive a response.

**The Convener:** We are seeking a written response from the manufacturer. If it is unable to come up with that, we will ask it to attend a future committee meeting.

**John Wilson:** It is not always the manufacturers that distribute the device. If we are writing to the manufacturers, we might also write to the distributors. As we know from the evidence that is before us, the devices are made in several countries, probably under a different licence in each country, and they will be purchased and brought into the UK and Scotland through some kind of trading agreement. It might therefore be worth while extending our inquiries to ask distributors of the device in the UK for their views.

**The Convener:** We will ask the clerks to explore that and get that information.

As there are no further comments, we will continue the petition and seek further information, particularly from the groups that have not responded so far. We particularly want to get a

report from the manufacturers and distributors, and if they cannot provide that material, we will ask them to come before the committee.

**Sandra White:** I think that they have already been asked for evidence and they have not provided it.

**The Convener:** Yes. We also want the clerks to pursue the issue with the Scottish Government. Is that agreed?

**Members indicated agreement.**

### **Leisure and Cultural Facilities (Young People) (PE1369)**

**The Convener:** PE1369 is about having regard to young people when considering changes to leisure and cultural facilities. Members have the paper from the clerk, which is paper 8. I invite contributions.

**Sandra White:** I would like to continue the petition. It is based in a particular area in Ayrshire, but it has an effect on all young people. Paragraph 13 of the clerk's paper says that the Scottish Government

"expects to undertake further consultation later in the year before making Regulations"

to impose new public sector duties. We could write to the Government to ask exactly when those regulations are expected to be published.

**The Convener:** Do members agree with that recommendation?

**Members indicated agreement.**

**The Convener:** We will continue the petition and once we have the information about the Scottish Government's further consultation, we can examine the issue again. Is that agreed?

**Members indicated agreement.**

**The Convener:** I think that I will have to go a little bit slower. There are a lot of petitions to get through and members might be struggling to keep up.

### **Free Methanol (Ban) (PE1376)**

**The Convener:** PE1376 seeks to ban free methanol from all manufactured products in our diet. Members have the clerk's note, which is paper 9. I invite contributions.

I refer members to the further submission that has come from the petitioners.

**Mark McDonald:** I note the petitioners' desire for the petition to be referred to the Health and Sport Committee, but I wonder whether we should do that before the Food Standards Agency Scotland report comes back. I am not sure what

the committee thinks of that, but perhaps we ought to await that report before we decide to pass the petition to the Health and Sport Committee. Following the FSAS report, we might not have any reason to pass on the petition. Equally, we might have reason to do so, but I would rather have that clarity before we take any decision. I do not think that it would hurt to wait for the FSAS response.

**The Convener:** I understand from the clerk that we do not have a timescale for the research but we can certainly find that out for committee members, if they agree. Are we agreed?

**Members** *indicated agreement.*

### Hospital Education (PE1381)

**The Convener:** PE1381 is on education provision for children and young people who are absent from school because of illness. Members have a note from the clerk, which is paper 10. I understand that Ken Macintosh has a particular interest in the petition—perhaps he can give us his views on it.

**Ken Macintosh (Eastwood) (Lab):** Thank you, convener, and thanks to members for allowing me to join them. The committee has a particularly busy and varied agenda.

I have some knowledge of the work of Action for Sick Children (Scotland), which lodged the petition. It is an excellent group of individuals who raise a number of issues about children's welfare, not only their education. I have a particular constituency interest and constituency experience of a couple of cases in which children have perhaps not received the level of educational support on entering hospital that they might have expected and which we might have expected them to receive.

I thank the committee for the work that it has done on the petition. The response that the Government has given to the committee is summarised in paragraph 12 of the note from the clerk. It states:

"In conclusion, the Scottish Government stated that it was content that there was a clear framework of legislation, policy and guidance in place which protected the education of children and young people absent from school through ill-health."

That legislation and statutory framework may be in place, but the reality is that that is not what children are experiencing. Across Scotland, the picture varies hugely from local authority to local authority and from hospital to hospital. Some hospitals employ their own tutors directly, while others have a commissioning arrangement. In some cases, as in my own authority, the situation has changed and it is up to the pupil's school to meet their educational needs.

The best comparison for committee members is to think of these children as having additional support needs. The difficulties that they face are similar to those that I am sure many of you have come across in your constituency casework, where the needs of the children are not being met at all and where, in fact, the families end up in a battle with either the hospital or the local authority.

I remind members that these families and children are usually battling with a very serious illness—sometimes a chronic or long-term condition—so they are extremely worried and vulnerable. On top of that, for the child to fall behind in their school work and fall behind their peers adds to their ill-health and certainly does not improve their welfare.

I recommend option 1 in the note from the clerk, but I suggest that the committee also ask for some sort of assessment. The Government says that it does not monitor the situation, but perhaps the committee could ask the Government whether it is willing to assess the current state of provision. Unless we agree and accept that there is a problem, it is difficult to address it.

**The Convener:** I refer members to an additional paper from Andrea Auld, who has already contacted me. She resides in the Highlands and Islands and I have spoken to her. I have yet to follow up that contact, but I am pleased that she has sent the e-mail to the committee. Members can read it, but I will quote the last couple of sentences. It states:

"Our whole family has also endured unnecessary levels of stress as a result. Clearly the current system needs to be revised as the framework of legislation and guidance, together with GIRFEC"—

getting it right for every child—

"is not working for children in the Highlands who are absent from school through ill-health."

There is a longer story, which I unfortunately do not have time to inform the committee about, but I want to flag up the letter.

**Sandra White:** I have just read Andrea Auld's letter. I did not realise that getting education in such circumstances is basically a lottery.

Ken Macintosh mentioned paragraph 12 of the clerk's paper. Andrea Auld perhaps covers the matter in her letter. Paragraph 12 also states that individuals can make reference to Scottish ministers under section 70 of the Education (Scotland) Act 1980 if an education authority is failing to discharge its duties. Is there any evidence of anyone doing that? I thought that Ken Macintosh might know the answer to that question.

16:00

**Ken Macintosh:** We should ask the Government how often the provision has been used, although I know from our work on what became the Education (Additional Support for Learning) (Scotland) Act 2009 in the previous parliamentary session and from work before then that it is never used. One case might have arisen, but I am not sure whether it was concluded. The power exists in theory but is never or very rarely used in practice.

**Bill Walker:** We must find out how much of the lack of attention to sick children is just in the system—I do not want to say that it is because people do not care, but they are certainly not attending to their duties properly—and how much of it relates to local authorities saying that they do not have the money for some reason, which goes back to our old familiar phrase, “If we had the money.” I would like to continue the petition and ask about those issues, because such situations are a human tragedy.

**John Wilson:** Andrea Auld’s letter is enlightening and backs up Ken Macintosh’s point that no one can use the legislation if they are not aware of it. Do local authorities make individuals and families aware that they can use a legislative process to hold education authorities to account? It is clear from Andrea Auld’s submission that it took her nine months of perseverance to get to the root of how she could challenge her local authority. If many parents and children out there are not made aware that they can appeal a local authority’s decision, we will find little evidence that people have used the process.

I follow up Ken Macintosh’s comments by suggesting that we write to ask the Government what advice local authorities generally make available to parents and children who are in such a situation. Is any literature issued to parents or schools about local authorities’ duty to provide home education to children who are on long-term sick leave from their education provision? Unless people are aware of the duty on local authorities, they will not make a challenge. People need to be made aware of their right in the first place.

**Mark McDonald:** The petition highlights an important issue. The most worrying part of Andrea Auld’s letter is that the education manager said that

“interpretation of the legislation varies between authorities.”

I understand entirely that different authorities will always interpret various acts differently—that is the spice of life—but perhaps more cast-iron guidelines need to be in place on such a serious matter, so that local authorities cannot exploit interpretations or loopholes and leave children at a disadvantage as a result. We need to write to the

Government and to consider whether stronger guidance for local authorities is needed to ensure that different interpretations are not used as an excuse.

**The Convener:** That is a good point. It is easy for different local authorities to have different versions of provision. Sometimes, guidance provides greater clarity, but authorities always argue that guidance is not the law. My experience is that many such disputes go to court, when sheriffs rule on individual interpretations. However, Mark McDonald is right that we need further clarity.

Do other members wish to contribute? If not, do members agree—I am sorry; John Wilson wishes to speak.

**John Wilson:** I crave your indulgence, convener. Could we write to ask a sample of local authorities what guidance or literature they have on the issue and what advice they give parents about requests for home education of children who are off school on long-term sick leave?

**The Convener:** A sample of one authority from each region with a variety of urban and rural authorities would help, as would information from an islands council—I will not forget that.

Do we agree to continue the petition in line with the clerk’s proposal, to pick up the points that members including Ken Macintosh have made and to follow John Wilson’s suggestion of a sample? That is a useful way of seeing the state of play in relation to legislation.

**Members indicated agreement.**

**The Convener:** I thank Ken Macintosh again for coming to the meeting, although he is staying with us for the next petition.

### Speech and Language Therapy (PE1384)

**The Convener:** PE1384 is on speech and language therapy provision. Members have paper 11 from the clerk, which is on the petition. With members’ indulgence, I will let Ken Macintosh in first.

**Ken Macintosh:** I want to clarify who is most at risk if we allow speech and language therapy to decline or services not to be delivered, as we fear is currently happening. Speech and language therapy is needed by a range of people in our community, from adults who have had a stroke to children with multiple additional needs. It is predominantly a very vulnerable group of individuals, and the people in it predominantly come from socially deprived communities. We are talking about a particularly vulnerable group.

Kim Hartley of the Royal College of Speech and Language Therapists, who is in the public gallery,



lodged the petition because the services are being cut in a number of ways. Posts are being frozen and significantly downgraded, and services are often moved to be provided by non-qualified rather than qualified staff. It has emerged in the responses that the committee has received that the problem is hidden because the data collection is poor. Revealing the extent of the problem is therefore difficult. Where there is information, it often describes the level of service provision rather than the level of need, which is unmet in many cases.

On the legislative background, there are few targets and few statutory obligations; rather, we rely on guidance. The people concerned have communication difficulties and therefore have difficulties in accessing that guidance, never mind with asserting their rights.

I want to draw members' attention to a particularly worrying paragraph in the Government's response to the petition, to which the RCSLT has responded under the section in its submission entitled "B: Reference to ASL Act". The Government said:

"Education authorities can request help from other agencies".

It listed many circumstances in which that might be accepted, and concluded by saying:

"the system is realistic in its expectation of services."

The Government implied that there should be services in many cases and there is guidance, but that guidance is pretty weak and there are many opt-outs. That is a worrying point for it to raise.

There are a number of options for the committee in the briefing paper. The second suggestion in the first option is that the Scottish Government could be asked to

"obtain information ... on the frequency of the use of 'specific circumstances exceptions'".

I draw members' attention to that suggestion in particular, but recommend that the committee follow the first option.

**Mark McDonald:** I have personal experience of and interest in the issue. Ken Macintosh has rightly highlighted the fact that many groups have an interest in speech and language therapy. Obviously, the longer that people have to wait for a speech and language therapy appointment—whether they are stroke victims or children—the more hampered their recovery or development, depending on how we want to define it, will be.

I do not have an issue with pursuing the first option in the briefing paper, but that would mean writing to the Government to get it to write to national health service boards, and I wonder whether we should simply go directly to those

boards. We could approach the Government on some of the points, but I wonder whether we should go directly to the boards for information from them.

**The Convener:** The clerk advises me that that is purely a resource issue. Only a small number of staff service the committee, and it is obviously easier if they simply write directly to the Scottish Government, which has 5,000 or 6,000 civil servants, so that it can chase its own health boards. That is a practical point. It does not alter what you are saying, which is correct. We need to get information from the health boards; the issue is the mechanism by which we get it.

**Mark McDonald:** I would not seek to override the clerks, so I will row back from that suggestion.

**The Convener:** You should not override the clerks, particularly in your first meeting. That would not be a good career move.

**Mark McDonald:** Doing that is probably ill advised.

**Ken Macintosh:** I want to add to Mark McDonald's point. The petition calls on the Government to demonstrate its policies. I think that we accept that boards' approaches vary. The petitioner is specifically trying to see whether the Government rather than just the health boards can accept its part in that.

**Mark McDonald:** I am happy for the committee to write to the Government on the issues; I simply thought that we should go directly to the NHS boards for specific information. However, I take on board all the points that have been made.

**The Convener:** Do members agree that we should continue the petition in line with the clerk's first option in the briefing paper, which involves writing to the Scottish Government about a number of points, and that we should write to it about the other points that have been picked up in the debate? We can consider the petition again when we get information back. Is that agreed?

**Members indicated agreement.**

**The Convener:** I thank Ken Macintosh again.

### **Asthma (Children) (PE1385)**

**The Convener:** PE1385 seeks to improve the lives of children with asthma. Members have a note by the clerk, which is paper 12.

I understand from the clerk that the petitioner is happy for us to close the petition. Paragraph 12 of our paper states:

"The Scottish Parliament has not undertaken any action on the specific topic of this petition."

Do members agree to close the petition under rule 15.7 of the standing orders on the basis that the

mutual benefit of working together has been recognised, that agreement has been reached on a way forward, and that the Scottish Government and Asthma UK Scotland should now work together to progress the issues?

**Members** *indicated agreement.*

### **Inshore Fisheries (Management) (PE1386)**

**The Convener:** Our final petition is PE1386, which seeks the establishment of further static-gear-only inshore fisheries. Members have a note by the clerk, which is paper 13.

I see from the note that Rhoda Grant and Nigel Don gave evidence to the previous committee, which John Wilson will recall. Both members were enthusiastic about the matter being referred to the Rural Affairs and Environment Committee. I am not sure whether circumstances have changed much since then, so it appears to me that referring the petition to that committee's successor committee might be a fairly reasonable way forward, if members agree to that. Do members agree that we should refer the petition to the Rural Affairs, Climate Change and Environment Committee?

**Members** *indicated agreement.*

**The Convener:** Under rule 15.6.2 of the standing orders, we will refer the petition to another committee of the Parliament. The subject committee is the Rural Affairs, Climate Change and Environment Committee.

I formally close the meeting, but ask members to stay behind to sort out administrative issues that need to be sorted out before the next meeting.

*Meeting closed at 16:13.*

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