



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 10 January 2012

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EQUAL OPPORTUNITIES COMMITTEE

1st Meeting 2012, Session 4

CONVENER

*Mary Fee (West Scotland) (Lab)

DEPUTY CONVENER

*Stuart McMillan (West Scotland) (SNP)

COMMITTEE MEMBERS

*Clare Adamson (Central Scotland) (SNP)

*John Finnie (Highlands and Islands) (SNP)

*Annabel Goldie (West Scotland) (Con)

*Siobhan McMahon (Central Scotland) (Lab)

*Dennis Robertson (Aberdeenshire West) (SNP)

*attended

CLERK TO THE COMMITTEE

Douglas Thornton

LOCATION

Committee Room 4

Scottish Parliament

Equal Opportunities Committee

Tuesday 10 January 2012

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

Interests

The Deputy Convener (Stuart McMillan):

Good afternoon and welcome to the first meeting in 2012 of the Equal Opportunities Committee. I wish everyone a very happy new year and all the best for 2012.

As deputy convener, I will chair the meeting until the committee chooses a new convener. I take this opportunity to record our appreciation for the work of our outgoing convener, Claudia Beamish, and I am sure that I speak for everyone in wishing her every success in her new role. I welcome the committee's newest member, Mary Fee, and I am sure that we all look forward to working with her over this parliamentary session.

I remind everyone to ensure that all electronic devices are not just set to silent but deactivated, because data connectivity can apparently affect the broadcasting and recording equipment. No apologies have been received.

I would now like everyone to introduce themselves. To my left are the clerks, researchers and official reporters. We are also supported by broadcasting services and the security office. We have a full complement of MSPs, who will introduce themselves.

John Finnie (Highlands and Islands) (SNP):

Good afternoon. I am a Highlands and Islands MSP.

Siobhan McMahon (Central Scotland) (Lab):

I am a Central Scotland MSP.

Clare Adamson (Central Scotland) (SNP):

I, too, am a Central Scotland MSP.

Annabel Goldie (West Scotland) (Con):

I am a West Scotland MSP.

Dennis Robertson (Aberdeenshire West)

(SNP): I am the MSP for Aberdeenshire West.

Mary Fee (West Scotland) (Lab):

I am a West Scotland MSP.

The Deputy Convener:

I am a West Scotland MSP.

We move to agenda item 1. In accordance with section 3 of the code of conduct, I invite our newest member, Mary Fee, to declare any

interests that are relevant to the committee's remit. Any declaration should be brief but sufficiently detailed to make clear the nature of the interest.

Mary Fee: I have no declarable interests.

Convener

14:04

The Deputy Convener: Item 2 is the choice of committee convener. Given that the Parliament has agreed that only Scottish Labour Party members are eligible for nomination as convener, I invite eligible nominations.

Siobhan McMahon: I nominate Mary Fee.

Mary Fee was chosen as convener.

The Deputy Convener: Congratulations on your appointment as convener, Mary. I suspend the meeting for a minute in order to hand over the chair to you.

14:04

Meeting suspended.

14:05

On resuming—

Decision on Taking Business in Private

The Convener (Mary Fee): Thank you for choosing me as your convener.

Our third item of business is to decide whether to take in private item 6, on our work programme, in line with usual practice. Do we agree to take that item in private?

Members *indicated agreement.*

Public Appointments (Equal Opportunities Strategy)

14:05

The Convener: Item 4 is consideration of the report “Diversity Delivers—three years on”. Members have received a copy of the report and a briefing paper.

There are two aspects of the report to consider. The first relates to the report’s findings. If members wish to follow up the findings, we can write to the Scottish Government to ask whether any action has been taken in response. We could also take a different course of action, and I invite suggestions. Do members have any comments? I will give members a couple of minutes to look through the papers again, as it is a couple of weeks since we received them.

John Finnie: I will ask an entirely speculative question, to which I do not know the answer—clearly. A lot of public concern about aspects of the valuable work that the committee does centres on some long-standing prejudice that people have in respect of gender, race and other issues. It is therefore hugely important that everything that we put together is robust and stands up to scrutiny. As I have already said, I represent the Highlands and Islands, where we have a welcome and growing ethnic minority population. Are we content with all the information in the report? Are there significantly large samples for the percentages to be relevant?

The Convener: That is a fair point. From my reading of the report, I have concerns that, although there is a lot of good stuff in place, we are not making a huge amount of headway. We do not have significant outcomes from the report, and I would like the committee to follow up on that.

Siobhan McMahon: I am concerned that, as paragraph 24 of the report notes, a short-term action was recommended for the Scottish Government but not implemented. The Scottish Government communicated why that decision was taken, but there seems to be some dubiety. If we agree to write to the Scottish Government, the point highlighted in paragraph 24 should be a focus.

The Convener: Does anyone else want to comment? Do we agree that we should write to the Scottish Government and ask for clarification on the point that Siobhan McMahon has raised?

Members *indicated agreement.*

The Convener: Thank you. The second aspect relates to the position of the Commissioner for Public Appointments in Scotland that her role in

the work has now ceased. The suggestion is to seek a separate view on that from the Standards, Procedures and Public Appointments Committee. Do we wish to pursue that? Do members have any comments?

Siobhan McMahon: It is important that we follow up on that point and get more information. As I am coming at the issue afresh, I am unclear about something. I would like clarification on the reference to “successors” throughout the document. Who will take up the work? It is valuable and should continue. Successors are specifically mentioned throughout the document. What does that imply? Should we be writing for clarification, or does someone know about that?

The Convener: We can certainly take that point forward. If no other members wish to comment, do we agree that we will write to the Standards, Procedures and Public Appointments Committee for its view?

Members *indicated agreement.*

Petitions

Access to Justice (Environment) (PE1372)

14:10

The Convener: We have two petitions before us. Members have received papers 4 to 7, which include the Scottish Parliament information centre briefings and copies of the petitions. I advise members that papers 4 and 5 were inadvertently circulated as private papers and that, with our leave, the clerk will publish them with this meeting's public papers. Does the committee agree to that?

Members indicated agreement.

The Convener: The first petition, PE1372, by Duncan McLaren on behalf of Friends of the Earth Scotland, concerns whether access to the Scottish courts is compliant with the Aarhus convention on access to justice in environmental matters. Our paper asks us to decide on a course of action. We could write to the Scottish Government about the issues that have been raised, or we can agree on an alternative course of action, including taking no action.

As members came into the meeting, they received—hot off the press—a document from the Scottish Government that says that the Government will conduct a consultation exercise on the very point that the petition raises. The last paragraph says:

"The Scottish Government's intention is to put a mechanism in place which will put Scotland's compliance with the requirements of the PPD beyond doubt. The Scottish Government considers that Rules of the Court of Session, setting out a clear objective framework in which Protective Expenses Orders can be granted in relevant cases, will do that."

Obviously, members will not have had much time to consider that information, but we could certainly hold off making any decision until we see what comes out of the consultation. Do we agree to do that?

Members indicated agreement.

Annabel Goldie: I agree with the suggestion, but I would like to have a point clarified. The SPICe briefing note says that the Scottish Government's response to the report of the Scottish civil courts review that was launched by Lord Gill in September 2009 says:

"The Lord President has indicated to the Scottish Government that he intends to make rules to address this issue in environmental cases and the Court of Session Rules Council has now proposed new rules for such cases."

It would be helpful to know the status of those rules. The Court of Session is separate from the Scottish Government, and I would like to know whether the rules are agreed and in place. I wonder whether we could ask for clarification of that in our letter to the Scottish Government.

The Convener: We can find that out. That would be useful.

Magazines and Newspapers (Display of Sexually Graphic Material) (PE1169)

The Convener: The second petition is PE1169, by Margaret Forbes, on behalf of Scottish Women Against Pornography. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce and enforce measures to ensure that magazines and newspapers with sexually graphic covers are not displayed at or below children's eye level, or adjacent to children's titles and comics, and are screen sleeved before being placed on the shelf.

As it is not clear that the measures that are called for are within the Parliament's legislative competence, the recommendation is to seek the Scottish Government's view on that point and ask whether it plans to act in this area. Again, we can agree an alternative course of action if we wish, including taking no action. Do members have any comments?

Annabel Goldie: I am curious about the uncertainty about the legislative competence of the Parliament, because the Scottish Government has legislated in respect of tobacco displays. If that has happened, why is there an issue about the display of newspaper materials? I raise that as a point for clarification. Perhaps we could inquire into that.

The Convener: The clerk suggests that there is a health aspect to the issue of tobacco, which is why the Scottish Government can make regulations in that regard. However, he will check up on that.

14:15

Annabel Goldie: I have another observation. I do not know what other members feel about the issue but, having read the paper on it, I feel very strongly about it. The issue has been the subject of previous discussion, including discussion with the National Federation of Retail Newsagents, which culminated in the Public Petitions Committee commissioning back in December 2010 a small-scale research project. The response to that research inquiry was rather discouraging. It indicates to me that there does not seem to be a high level of interest on the part of retailers in observing their own federation's guidelines.

I certainly feel that it is undesirable that children can go into a village shop, for example, and find material on display at a shelf height of 1.5m. I think that the committee would consider that to be unsuitable for children. In addition to whatever else the committee decides to do on the petition, should it agree to put on record its disquiet by writing to the National Federation of Retail Newsagents?

The Convener: I certainly agree with your point. Before I came into the Parliament, I worked for many years for one of the country's biggest retailers. Where to display the magazines in question seemed to be left to the retailer's discretion. The retailer that I worked for put all such publications on a high shelf, but they often ended up not being on a high shelf. The issue seems to be very much a grey area, but it should certainly be tightened up on.

Stuart McMillan (West Scotland) (SNP): I agree that, as Annabel Goldie suggested, we should write to the federation. I do not see how that can do any harm, and a letter coming from the committee might be beneficial.

Annabel Goldie raised a point on legislative competence, on which an explanation has been provided. There appears to be a bit of confusion. It is certainly worth while writing to the Scottish Government to seek clarification on what the position is. When we get responses from the Government and from the federation, the committee might be in a better position to take a decision on any possible further action on the petition.

Dennis Robertson: If we write a letter, it should emphasise our distaste in the strongest possible terms. Because the guidance that is already out there is not being followed, we must ask how inspection is done. If it is up to local managers in retail organisations, perhaps our views should be disseminated to them as well.

We must ensure that the content of our letter to the federation goes out to all its members. In addition, it is perhaps worth while trying to get our letter into a newsletter or other correspondence of the Federation of Small Businesses that goes out to retailers. As well as writing to the National Federation of Retail Newsagents, our disquiet and distaste—I do not think that that is too strong a term to use—could be expressed in other periodicals.

The Convener: We can certainly draw up a letter and do what has been suggested. Do members want to see the letter before it is sent out?

Annabel Goldie: Yes, and I agree with Dennis Robertson that the letter should be written in clear and uncompromising terms.

The Convener: We can circulate the letter for members' approval and agreement before it gets sent out. It is certainly a wise course of action to clarify matters with the Government and retailers, because retailers seem to follow the guidance only if they feel like it.

Annabel Goldie: I suggest that we say in our letter to the National Federation of Retail Newsagents that the committee has no desire to increase bureaucracy for shopkeepers and small retailers but that, if the voluntary code cannot be complied with, a legislative alternative will have to be vigorously investigated.

The Convener: That is fine. Thank you very much.

The committee agreed previously to take in private item 6, so we now move into private session.

14:19

Meeting continued in private until 14:31.

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