



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 21 February 2012

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PUBLIC PETITIONS COMMITTEE
3rd Meeting 2012, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Mark McDonald (North East Scotland) (SNP)

Anne McTaggart (Glasgow) (Lab)

*Nanette Milne (North East Scotland) (Con)

Bill Walker (Dunfermline) (SNP)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Andrew Deans

Nigel Don (Angus North and Mearns) (SNP)

Alison McInnes (North East Scotland) (LD)

Howard Stapleton (Compound Security Systems Ltd)

Lisa Sturgess (National Autistic Society)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 21 February 2012

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

Decision on Taking Business in Private

The Convener (David Stewart): Good afternoon and welcome to today's meeting of the Public Petitions Committee. I remind everyone to switch off mobile phones and other electronic devices, because they interfere with our sound system.

Apologies have been received from Anne McTaggart and Bill Walker.

I seek the committee's agreement to take in private item 5, which will be consideration of the evidence that will be heard at item 2. Does the committee agree?

Members *indicated agreement.*

Current Petition

Mosquito Devices (PE1367)

14:02

The Convener: The next item of business is consideration of PE1367, which is on banning Mosquito devices. Members have a note—paper 1—from the clerk. Giving evidence today are Andrew Deans, who is the petitioner and a member of the Scottish Youth Parliament; Lisa Sturgess, who is a regional officer for the National Autistic Society; and Howard Stapleton, who is the managing director of Compound Security Systems. I welcome all three witnesses and thank them for coming to Parliament.

I will start with a couple of questions and then throw open the discussion to my colleagues.

I will first ask a question of Mr Stapleton, but I am happy for other witnesses to give any information that they wish to give. Mr Deans has argued that the Scottish Government should take a strong position on the issue and stand up for the rights of young people as equal citizens. Do you agree, Mr Stapleton?

Howard Stapleton (Compound Security Systems Ltd): Yes, I do, in many ways. I have been campaigning since I invented the Mosquito, which was originally invented simply because my daughter was being prevented from shopping at our local corner store by a gang of drunk boys. I invented the infamous device, but I campaigned literally within months of its development for legislation to be passed to ensure that it is used responsibly. I am very disappointed in the United Kingdom Government and Parliament, given that no decision has ever been made.

The Convener: Thank you for that. Would the other witnesses like to add anything?

Andrew Deans: Although I appreciate that regulation might be a slight improvement on the present situation, I am arguing not for responsible discrimination but for no discrimination at all. As soon as a device is switched on—it does not matter where or when—all young people are branded as being the same, and private individuals are being allowed to use a device that affects only one group in society. It does not matter whether that is regulated or not; as soon as you switch on one of the devices, there is discrimination, and that is not acceptable. There is nothing to stop an innocent person entering the vicinity of such a device.

Lisa Sturgess (National Autistic Society): The National Autistic Society is quite concerned

about the harmful effects on people—children and adults alike—with autism.

The Convener: In its evidence to us, the Scottish Police Federation said that it

“does not support the use of any device which indiscriminately targets a whole section of society. By their very design mosquito devices fall into this category.”

Can I have the witnesses’ views on that statement?

Andrew Deans: You are quite right. The SPF went on to say:

“it seems perverse to rely on a tool which can only assist in creating social barriers”.

The Association of Chief Police Officers in Scotland has said something similar. It is clear that the majority of the police service in Scotland does not support use of the devices, which goes to show that the police now recognise that the device is not solving problems. All it does is move a problem on, and the police are telling us clearly that that is not how they want to tackle antisocial behaviour. It does not go along with their guiding principle of inclusion, which is about working together and communities coming together to solve problems. It produces alienation and discrimination, and the Scottish Police Federation has said that it believes that the device would come under the category of age discrimination.

I know that Mr Stapleton has argued that the device is helping police, but the police are saying clearly that they do not want to be helped in that way.

The Convener: Mr Stapleton, do you want to add anything at this stage?

Howard Stapleton: I certainly do. I spend a huge amount of time visiting many police officers, from constables up to the level of sergeant. My company also manufactures specialist security products that are not Mosquito related, and which are supplied direct to the police. The vast number of officers whom I have met who walk the beat consider the device to be a very good invention and extremely useful. They make the point that they do not want members of the public to be able to purchase it and use it at their discretion. The police officers whom I speak to would like to have some control over the device, but because of various questions about human rights, they are very nervous about considering the possibility of using it directly.

Lisa Sturgess: The National Autistic Society is concerned about the discriminatory effects that the device may have on the autistic population. Autism is a very complex condition that encompasses sensory perception impairments and differences, and we are concerned that there will be sub-

groups of people in the population who would hear those devices and be oversensitive to the sound.

Howard Stapleton: I would like to comment. In developing the Mosquito—very early on, unfortunately; I am not the world’s most organised person, so I apologise to the committee—I spoke to the National Autistic Society as part of my research. It voiced the concerns that Lisa Sturgess has mentioned, and I am fully aware that some autistic people may find the noise very distressing.

The National Autistic Society requested at that time that all our devices go out of the door bearing a warning sticker, and the society would show its members and teach the young people with whom it deals that if they see one of the stickers, they should know that one of my devices is running. It went so far as to say that many autistic children find large groups of unruly teenagers in our high streets far more frightening than they would find my device. I know that a lot of autistic adults and children have great difficulty in communicating, especially with a crowd of people who are being rowdy.

Sandra White (Glasgow Kelvin) (SNP): I know that other members will raise the issue of autistic people. I draw attention to your company’s website and what it says about Mosquito devices. It says that the device

“is the solution to the eternal problem of unwanted gatherings of youths and teenagers in shopping malls ... shops and anywhere else they are causing problems. The presence of these teenagers discourages genuine shoppers and customers from coming into your shop, affecting your turnover and profits.”

If the device was geared towards any other group of citizens, such as the elderly or people of a different race, would it stand up in the European Court of Human Rights?

Howard Stapleton: I am sure that it would not, but we are not looking at a situation in which pensioners are standing on street corners drunk, constantly asking adults to buy them alcohol, and spitting and swearing at police officers. Unfortunately, it is just that group of teenagers.

As I originally mentioned, I only invented the device and installed the very first one because my daughter was unable, once it was dark, to visit our local shop due to a gang of teenagers. Unfortunately, if the shoe fits, it is worn.

Sandra White: You might not be aware that we have, in Scotland, regulations and legislation regarding groups of two or more people standing on street corners. If people feel under threat from them, they can call the police. That is how the situation is dealt with. You do not have to answer this question if the information is confidential, but how many of the devices do you sell? To how

many shops or premises do you provide the devices?

Howard Stapleton: I will be nothing but honest. I am more than happy to be so, as I am passionate about the subject after having received letters from members of the public. I will give you an illustration. A 70-year-old lady was living in a block of flats with a stairway and communal area outside her flat, but had not been outside her flat for five years because of a gang. The neighbours contacted me and I donated a device, although they paid for its installation. Within three weeks, the lady was able to go and knock on her neighbours' doors and enjoy cups of tea and coffee with them.

The police try extremely hard. In an ideal world, it is the police whom we should be backing and who should deal with such problems. However, although the police will deal with a group that is hanging about outside a shop—they often move them on—the local residents say that, within half an hour or an hour of the police going away to continue the many other duties that they have to perform, the gangs are back again.

An analogy for how the Mosquito should be used is the old-fashioned school teacher who stands quietly and will not take any rubbish; when young people step over the line, it is used. I hate people purchasing my device and using it continuously. It should be used when they are in distress, as a way of drawing a line in the sand.

We have sold about 7,000 units worldwide in coming up to six years. The retail price is £495. It is good value at that price, because it is manufactured only in relatively small quantities. That is a serious purchasing decision for someone, and people tend to buy the device only when they have a serious problem. When they have been abused and the matter has been brought to my attention, I have assisted the local authorities in removing devices and ensuring that the original purchaser of the device was refunded. I have also given evidence that was required by local environmental health officers to enable them to prosecute.

Sandra White: I will not ask about the profit margin on each device at £500, although we may come to that later. I have one follow-up question to clarify the situation. You sell indiscriminately to individuals at a price of £500 a device that is designed to scare teenagers or stop them from standing somewhere, and there is no legislation to prevent you from doing that. If there are any complaints about that, you go and take the device back from them. Are you the legislator as well as the provider, in that case?

Howard Stapleton: Yes. I would not call myself an industrialist, but I have been condemned by

many other people in the business. I have had the opportunity to sell the invention for many millions of pounds. One gentleman was going to put it into mass production; it would have been available on the internet, through eBay and maybe even on the shelves of stores such as B & Q for about £50. That would be possible if the device were to be mass produced in China, but I do not want that. I have five children and I do not want my invention to be used as a “weapon”—that was never its purpose.

I find myself in an unusual situation in that I invented the device, I market it, I sell it and I also police its use. I am more than happy to present myself at committee because I believe that there should be regulation governing its use and always have done.

Mark McDonald (North East Scotland) (SNP): You say that you do not want the device to be used as a weapon, but that is what it is. It is a sonic assault weapon, is it not? There is no other term that could be used to describe it.

Howard Stapleton: No, it is not a weapon. A weapon, by all definitions, is something that harms. My device does not harm.

Mark McDonald: I contend that it does. Are you familiar with the Council of Europe report from June 2010, which said that

“inflicting acoustic pain on young people and treating them as if they were unwanted birds or pests”

is “harmful” and “highly offensive”? The author of the report said:

“People over 25 are not aware that they are being exposed to this kind of strong acoustic emission because it is outside their hearing range. But for teenagers, it is extremely irritating and often even painful. Many children, in particular babies, have dramatic reactions to the sound.”

We can talk about the problems that are caused by gangs of teenagers hanging around, but if a woman with a pushchair happens to be in the vicinity when a Mosquito is used, her child will be subjected to that. How can you justify that?

14:15

Howard Stapleton: I do not need to justify that because you have simply taken one article whereas I can produce an evidenced report from the Royal College of Paediatrics and Child Health, which has examined my unit, as has the national health service. Part of the Belgian Government has looked at the issue scientifically and has taken medical advice on my device. The description that you gave is not how it works. It produces an annoying noise that is no louder than the sound of traffic travelling up and down our busy high streets.

As I said, I have children, who helped me develop the unit. My youngest, little Jessica, is four years old. For obvious reasons, I can never prove this, but I can tell you from what I have seen with my children that children under the age of three or four appear not even to hear my device. I have spoken to audiologists about that, who suggest that that is entirely possible because they believe that children's hearing does not develop so that they can hear the full spectrum of sound until the age of five or six.

That aside, we are putting up warning stickers. The device is not a weapon. A policeman from South Wales Police said that he would arrest me for assault for the use of my device, until I pointed out to him that the noise of the blues and twos, as they say—the two-tone sound that is used on police cars—is five times the sound output of my device. A squeaky toy, when held at the distance that a small child holds it at, is louder than my Mosquito.

I was once interviewed outside a shop by some Germans, who stopped a gang of teenagers and asked them what they thought of the noise. They all said, "What noise?" I asked the teenagers if they would hang around. About 10 minutes later, one of the kids in the group picked up on the noise and then, five minutes later, they asked if they could be excused because the noise was annoying them. I was careful to ensure that that is how my Mosquito works. It is not in any form a weapon.

Mark McDonald: So, it is totally ineffective, in that case.

Howard Stapleton: No, it is not at all ineffective. It is—

Mark McDonald: Either it is effective and it really annoys people to the extent that they leave an area, or it is totally ineffective and people do not hear it, as in the example that you cited. It cannot be both.

Howard Stapleton: Yes, it can be both, in the way that your alarm clock at home can be. It will go off, but if you are really tired and have had a late night, you will not get out of bed—I am sure that we all do that in the morning sometimes. I did it this morning. It took 15 minutes before the alarm clock became so annoying that I got out of bed and turned it off. It is exactly the same with the Mosquito. When it is turned on, there is no instant reaction, especially if it is used appropriately and properly with the right volume setting. The Co-operative did research on that and found that, on average, it took 13 minutes after it was turned on for children to move away from the area.

Mark McDonald: Is it only people who are aged under 25 who are responsible for antisocial or gang-related behaviour?

Howard Stapleton: Of course not.

Mark McDonald: So why target them?

Howard Stapleton: They are the ones who cause the majority of problems on our high streets.

Mark McDonald: You based the creation of the device on a single example that you saw. I do not seek to demean your daughter's experience, but you based the device entirely on that one example. Therefore, how can you justify its use on the basis that that is how things are throughout the country?

Howard Stapleton: I could not justify its use at all if we, as society, were to encourage better parenting of our children or if more resources were put into our police force and schools, but there is no magic wand to wave.

The United Nations condemned me for the device's use, but that reflected badly on the UN, because it had purchased my device to put outside shops and shopping malls in Haiti, because private security companies were shooting teenagers who caused problems there.

I do not think, and never have thought, that the Mosquito is a good idea. In many ways, it is a sad reflection on our society that I produced an invention that has rolled its way out and transformed many lives that were blighted by teenage antisocial behaviour. Solving of that problem should not be down to a machine; it should be down to all of us here and every parent out there to ensure that kids do not hang around on our street corners, swearing and spitting.

Mark McDonald: I agree that we should not tolerate antisocial behaviour, but I do not subscribe to the idea that, if a measure solves the problem, it is all right. If I fired tear gas into a crowd, that would disperse the crowd and would cause people no long-lasting suffering, but it would still be pretty inhumane. What is the difference?

Howard Stapleton: What would you say to the 70-year-old lady who had not been out of her flat for five years?

Mark McDonald: Sir, you seem to have no problem as long as the end justifies the means. I suggest that the means is the issue.

Howard Stapleton: I agree that it is an issue, as I have said. My device gained a large amount of media attention. I have policed its sale and helped people when it has been used incorrectly—local councils have approached me about removal of devices.

I keep returning to the point that the device is very useful and can really help in some beleaguered situations. However, at other times, it should not be used. I would like legislation that allows our authorities to decide that the device

may be used in the short term and which says that someone who is responsible and trained will turn it on and off.

The best option, which I would like, is for a community police officer to go up to a group of teenagers outside a shop and say, "Look—we've had several complaints and we've been backwards and forwards two or three times this week. If you don't behave, we're going to turn the device on." The device would then be turned on for half an hour, after which it would be turned off. As soon as the teenagers started to behave—it is amazing how quickly they can alter their attitude to other members of the public—the device could be turned off and moved elsewhere.

I completely disagree with the use to which some people put my invention, which has been to create no-go areas for teenagers. As I said, I have five kids.

The Convener: I am conscious that Mr Stapleton has had quite a lot of the time, so I ask Andrew Deans and Lisa Sturgess whether they wish to say anything.

Andrew Deans: Quite a lot is coming from what has been said. Sandra White asked whether the device would stand up to a human rights challenge if it acted against any other group in society, and the answer is that it would not. It would not stand up to a challenge in relation to young people, either.

The Council of Europe report to which Mark McDonald referred lays down a number of serious allegations about whether the device complies with the European convention on human rights—which the Council of Europe is responsible for and so should know about—or with the UN Convention on the Rights of the Child. The Council of Europe said that the device breaches article 8 of the ECHR, which is on the right to a private life; article 11, on the right of peaceful assembly; article 14, on the right not to be discriminated against by virtue of birth; article 1 of protocol 12, which is the general prohibition of discrimination; and article 3, which prohibits torture and "inhuman or degrading treatment". The Council of Europe said that the treatment to which the Mosquito subjects a group in society falls well within the "inhuman or degrading" description. Along similar lines, another three articles of the UN Convention on the Rights of the Child were referred to. That is what we are dealing with.

The problem is that, if the Mosquito acted against any other group in society, someone would litigate, whereas 12-year-olds do not bring litigation. That is why we need the Government to protect our right. I should not really have to sit here and ask the Scottish Government to protect my right not to be subjected to "inhuman or

degrading treatment" by private individuals, but we are at that stage. We need the Scottish Government to take the issue seriously, because it is at the level that I have described.

Howard Stapleton: When the matter was put before the European Parliament, less than 5 per cent of members signed the petition to debate it. There are, of course, individuals who are vocal about the device's use, as I am, but the vast majority do not want to get involved. They realise that we have such problems in society. They do not agree with the device's use, but they realise that it is a fix in today's society, although it is a quick fix.

Nanette Milne (North East Scotland) (Con): I want to go back to Lisa Sturgess of the National Autistic Society, if I may. We are all aware that certain situations and noises have an effect on autistic people that most of us would probably not understand at a personal level. Clearly, your organisation has already voiced some concerns. For the record, can you elaborate on your concern about the effect that the Mosquito device has on people with autism? Perhaps you can tease out the effect on people of different ages.

Lisa Sturgess: Research indicates that auditory stimuli can cause distress to people with autism. There have been a lot of anecdotal reports from adults. For example, Temple Grandin, a well-known author, talks about the pain that she feels when she hears certain sounds. She is just one of many in that respect.

A lot of research has been published that demonstrates that over 95 per cent of children have sensory-processing differences in autism. One of the key modalities is the auditory modality. Our research director, Richard Mills, is doing work with Daldorch House school in Ayrshire. He found that of the children he looked at all had a sensory profile that completely deviated from the norm.

To go back to the analogy of the child in the buggy, part of autism involves hearing sounds that others may not, but the child also has a communication disorder and cannot express their needs, what they are feeling and how they are thinking. So, they could be exposed to distress for far longer before their mother would realise. In such situations, there will probably be one of two reactions, the first of which would be behaviour that may be self-injurious, so that the child might begin to hit themselves or gouge their skin, and the other would be to display in some way that they are in discomfort, which might involve aggression to others.

We have been talking about young people and saying that the sound does not hit adults, but the effect on the autistic population might vary. Teresa Tavassoli of the University of Cambridge has

looked at and questioned adults with autism spectrum disorder and found that a significant number do report auditory pain.

Nanette Milne: Do you know or have you any evidence of people who have complained or had a bad reaction in the presence of the Mosquito device?

Lisa Sturgess: We have a national helpline and we have received calls from parents and from people with autism regarding concerns about the device. They have said that it has caused distress to them and that they are concerned about the distress that it may cause to others, as well. I do not have information about the discussion that Mr Stapleton mentioned with regard to having some kind of label on the device. However, even if somebody with autism were to see a label, they may not associate it with what they then need to do. They may not make the connection with how they need to adapt their behaviour.

Nanette Milne: Would your organisation prefer the devices to be banned altogether or would you prefer them to be regulated?

Lisa Sturgess: The statements that have been made in public previously are that we would welcome a ban on the devices.

John Wilson (Central Scotland) (SNP): Good afternoon. Health Protection Scotland stated in its written submission to the committee that it could not

“draw firm conclusions as to the likelihood of health effects on children from exposure to noise emitted by the ‘mosquito’ deterrent.”

Do you agree with that assessment, or do you think—I do not want to put words into your mouth—that enough research has been done into the effects of the Mosquito device and that we understand the impact that it may have on young people? We are talking about short periods of time with regard to the device’s use. For example, Mr Stapleton said that within half an hour of the device being switched on, young people move away.

The issue that Andrew Deans is raising in the petition is that the regular use of such devices may have long-term health impacts. Would any of the panel like to comment on that?

14:30

Howard Stapleton: We have had similar complaints from people who suffer from autism and from parents. To my knowledge, six out of the seven inquiries that my company has received over the years turned out to be related to the use of commercial cat scarers that people put in their gardens, which use a different type of technology and sometimes have a volume that is four to five

times louder than my Mosquito. We limit the total output of the device.

A host of people, including the Royal College of Paediatrics and Child Health and others in the NHS, have looked at the issue. I dare say that any sound is not particularly good for you, but the sound that my Mosquito makes simply does not compare with the sound of traffic, of a train coming into a station, of a brass band or of a rock concert. I have demonstrated the device to classes of schoolchildren. I have turned it on and they have all moaned and have not particularly liked the sound that it makes, but I have still been able to carry on the conversation from beginning to end, which is a good demonstration.

Unfortunately, unless you are of an age at which you can hear it, you cannot properly comment—even I cannot—but I believe that enough research has been done by enough people to prove that in no way does my device cause any harm.

Lisa Sturgess: As far as research in the field of autism is concerned, we are only just beginning to learn and understand how sensory perceptual issues affect people with autism, so I do not think that we can categorically say at this time that the device could not be physically harmful to someone with autism.

Howard Stapleton: I would love to have the opportunity to work with your society to ensure that my device is not condemned when what is having an effect is yet another cat scarer or an industrial process such as ultrasonic welding. The sound of ultrasonic welding, which is used in a lot of our factories for bonding plastic, is far louder than the sound of my Mosquito, so people should not go kicking the Mosquito until they can prove that it is the Mosquito that is having the effect.

Andrew Deans: I do not think that that is the best way to treat things. The message from health research in Scotland and from the evidence that Lisa Sturgess has just given is that we are not entirely sure what effects the device might have. The answer should not be, “Let’s wait and see.” If there is the potential that use of the device might have long-term health effects on young people, particularly young people with autism, it should not be allowed. It should not be a case of waiting to see whether it has long-term health effects and, if it does, saying, “That is really unfortunate for the people who have been affected. We will think of changing things.” If we do not know, we should not be playing with it.

Howard Stapleton: Mobile phones have been used for 35 years and it is still being debated whether they are good or bad for your health. I believe that they are bad for your health.

Let us take a simple example—alcohol. We all know that alcohol kills. Is it banned?

Andrew Deans: I choose to use my mobile phone and I choose to drink alcohol, but I do not choose to be subjected to the effects of the use of the Mosquito by private individuals.

John Wilson: Mr Stapleton has explained why he invented the device. He felt that his daughter felt unsafe going to local shops. I would like him and the other panel members to comment on the availability of other solutions to tackle the type of antisocial behaviour that he has described. We are not talking about gangs of youths who are just hanging around peacefully.

On three occasions, Mr Stapleton has mentioned gangs of youths who spit, swear and generally abuse other residents and shop users. Would it not be better to look at legal remedies to such situations than to introduce a device that may have harmful effects? I am not saying that there is conclusive evidence on whether it has harmful effects. Should we not be looking at other options rather than a device that may be harmful not only to young people but to other groups in society that can perceive a noise that may have a long-term impact on them?

Andrew Deans: There are other solutions. We have heard that in evidence from the Co-operative Group, which uses classical music and says that it works better. In any case, surely it is better to work together. Everyone accepts that all that the device does is move a problem elsewhere, which means that the problem remains. We should be working with shopkeepers, young people, police and communities to sort out the problems.

The Council of Europe recommended looking at why young people are in this position in the first place. It indicates a lack of diversionary activities and youth provision. If we never let the community get involved in that—if all that we do is treat the problem as a pest and fire noise at it to make it go elsewhere—we will never tackle the problem and it will never go away.

Howard Stapleton: On the use of classical music, the Co-op has purchased well in excess of 100 of my devices. I have no evidence that it is still being used in Scotland, although I know that some are used by the Co-op in the UK.

I have a bit of a giggle when I think about what the difference is between playing classical music, which is heard by and disturbs everyone, and using my device, which produces a noise that teenagers do not particularly like and which is not heard by the rest of society. However, it is not the rest of society that is causing the majority of the problems outside shops.

I came across an example a few weeks ago in which my device was removed and a device was put in place that played classical music. It was less than three weeks before a noise abatement order

was served on the shop by local residents. On the other hand, the Mosquito had been used for more than a year without a single complaint having been received.

Andrew Deans: That is because no one else can hear it. There are no complaints about noise because the people who tend to complain cannot hear it so it does not bother them. The noise is still there—it is just heard by only a section of society. There is a difference between classical music and the noise that is emitted by the Mosquito. Classical music is heard by everyone; some people might like it and some might not, but it is not the same as putting on a Mosquito. It is not the same as saying that young people are causing trouble so we will play an annoying noise at them.

The Co-operative admitted that it had bought some of the devices, but it said that it had tried them and that they did not work very well. Classical music worked better and they have bought thousands of devices to play classical music.

Mark McDonald: Mr Stapleton, you keep using interesting analogies to justify the existence of your device. You say that it is no different from a rock concert, a brass band, a train or traffic. If I am out with my three-year-old son, I hear that traffic as well—it is not that he hears it and I am oblivious to it. If I go past one of your devices, there is a fair chance that he will hear it and I will not, and there is a fair chance that it will affect him. It will not affect me but I will wonder what is up with him. I struggle to see how you can justify that.

I must be honest and say that, as far as I am aware, there is not much welding going on in the high streets of Britain for the simple reason that it causes quite a lot of noise. It is done on industrial estates outside cities.

The main point for me, which Andrew Deans has highlighted, is that we should not stigmatise and demonise an entire section of society on the basis of the actions of a minority in that group. That is what is being done here. Every person under the age of 25 is, in effect, stigmatised and demonised by the use of the device, irrespective of whether they are law abiding. That is wrong. I hear what you are saying. I appreciate that you are not talking about blanket, constant use of the devices and that you want some form of regulation. That is fair enough, but as far as I am concerned there is no justification for the use of the devices. It is sonic assault on young people. That is all there is to it.

Howard Stapleton: I have done more radio interviews than I can possibly count and the analysis of those people who phone radio shows demonstrates overwhelmingly that more than 80 per cent of them make comments such as, "Come

to live on our estate for the next three weeks—you will get no sleep and you will be unable to leave your house once it gets dark.” I had a privileged upbringing and did not live in a society like that until I moved to a pretty rough place in Merthyr Tydfil—anywhere I lay my cap is my home—which is where I started to see these problems.

When I invented my machine, I really had no idea how popular it would become. I accept that perhaps welding was not a good suggestion, but if you were to use a sound pressure meter that was capable of measuring the frequencies used by my device, you would find that your three-year-old is subjected to horrendous amounts of noise that you cannot hear. Every time a truck or car applies its brakes, high-frequency noise is generated at 10 or 20 times the volume of my device. Of course, we are all unaware of that noise, as I am unaware of the noise emitted by the Mosquito device.

I do not like the fact that members of the general public can buy the device and I have always campaigned for it to be regulated. It is sometimes abused, but often it has transformed the lives of beleaguered people.

Mark McDonald: Everything that you are describing is a by-product of something that is necessary. If a truck does not apply its brakes, it crashes. Your Mosquito device is not a by-product of something that is necessary. It is just a noise that you have created to target people. I fully appreciate that young people are subjected to a lot of noises in their environment, but the brakes on lorries were not invented on the basis that the noise they would generate would target young people. You have built a device on the basis that the noise that it generates targets only young people. It is designed specifically for that purpose. That is the difference. You have brought all those other noises into the mix but the fact that they exist does not make it right for you to do what you are doing.

Howard Stapleton: Let us keep this simple. My Mosquito has transformed the lives of people who were being beleaguered by groups of teenagers acting irresponsibly and antisocially. When my devices are used properly in such situations, they have transformed the lives of members of the public.

I would like you to go to some of our city centres, run a shop that provides milk and bread to local residents, work there through the night, and see how you get on. A number of shop staff are attacked by these gangs—and they are feral gangs, full stop. I know where all five of my children are, and they are aged from four to 21. I discipline my children when it is required.

Unfortunately I am based in Merthyr. A little while ago, a six-year-old boy knocked on my door.

It was a dark evening and he had walked across three main roads to get to my house. I walked him back home and ended up like the pied piper of Hamelin, with many other children following me, which was great, because I was glad to see that they were looking after him. I delivered him back to his parents, who, on inspection, turned out to be addicts. Within five minutes of my delivering him home, he was kicked out the door by his father and there he was, down at the shop, hanging around—he is six years old—with a group of teenagers.

I agree that life is not ideal. At the end of the day, my invention finds a ready market, and the reason why is that we have a serious problem in society. Mosquito is not and should not be the long-term fix, but is there a better solution at present?

Andrew Deans: Yes, there is a better solution, and it is not to use these devices. A Mosquito device does not fix social issues, but if, instead of turning one on, the shopkeeper were to alert community police, they would then involve social workers, who would actually be able to deal with the problem. What you have said is exactly what happens. If a Mosquito device goes off, young people move somewhere else. It is just like that boy being kicked out and going back to the shop five minutes later. These young people will just go somewhere else. There is a better solution, and that is what is actually in place to deal with the social issues that you are talking about. The Mosquito just stops people dealing with them.

14:45

Sandra White: Feelings on the subject are obviously running high, and I appreciate the fact that you have come up here, Mr Stapleton. You have to appreciate that I—and, I think, the other MSPs on the committee—represent constituencies that include city centres.

I do not know of anyone, or any shop, in my constituency that has purchased one of your Mosquito devices. However, if I, or anyone in my constituency, contacted social work or the community police, particularly with regard to an incident such as the one that you mentioned, that would be the right thing to do—I do not think that Mosquito devices come into it at all. When a five or six-year-old boy is involved, it is incumbent on us all as decent citizens to do the right thing, which would be to contact the social work department or the community police. Perhaps where you live is entirely different from the area that I live in and represent. I will not speak for other committee members, as I am sure that they can speak for themselves.

I return to Mr Stapleton's first submission, which mentions that he would welcome some form of regulation. A submission from the Scottish Retail Consortium states that the Mosquito is

"only utilised in stores where there is a persistent, high-level of crime"

and that it is managed and operated under certain protocols. That suggests that stores are using some form of guidelines.

You mentioned that you sell these devices to individuals. As I said, I do not know any individual who has purchased a device. I know that you have worked with members of the Youth Parliament down in England. They seem supportive of what you seek, which is to keep the Mosquito device and introduce regulation. What form of regulation do you think would work if we were to keep Mosquito devices? Would any form of regulation work? Would it be better not to have the devices?

Howard Stapleton: Our community police officers and the police are very nervous about using the devices, because of question marks with regard to human rights legislation. I have suggested that it would be ideal if the Scottish Parliament were to say, "Okay, if the police force in Scotland deems an area to be one in which a Mosquito could be useful, they are allowed without recrimination to turn it on and off."

Safeguards are built into our machines. They silence after 20 minutes and they make a beep once every 40 seconds that is audible to everyone to ensure that people know that they are running. It is possible that the devices can be altered—and might be ordered for other uses—so that they can be left to run 24/7, which I totally disagree with. We could put in place rules and regulations.

As you say, the devices are a rarity. The fact that only 6,000 or 7,000 devices have been sold worldwide shows that their use is still rare, but in the odd case when there are on-going problems and we do not have the resources to police such situations, the devices can be useful. It should be down to the authorities to control the devices or, if the devices are used by shopkeepers, I have suggested that there should be a contract of use.

Lots of different technology can be used in my devices so that, for example, the times when they are used are monitored and logged. Closed-circuit television can be used to obtain reason and the proof to reason for using the device. None of those things can be put in place until there is regulation.

I put it to you pure and simple: if I stop making the device, I promise you that someone else will make it. I am the patent holder for the device and I have guarded the patent well. If I walk away from it, within a year such devices will be coming in from China by the boatload at 50 quid a pop and

all hell will break loose. I am holding back the dam.

It is great that the Public Petitions Committee sits down and discusses the issue. I was very disappointed that, at Westminster, the matter drifted in and drifted out. There did not seem to be the good will that this committee is displaying and there were no debates on the issue, so I am pleased to be having this debate.

Sandra White: I have a second question. I will ask it of you first, then the other people who are giving evidence can come in on both questions.

You mentioned that at Westminster the possibility of legislation has drifted in and out. The Scottish Government has said that it is completely against Mosquito devices, as are the police forces and the local authorities. Would you say that, because there is a stalemate regarding legislation at Westminster, it would be better for the Scottish Government to consider some form of legislation or to ban the Mosquito devices completely without waiting for Westminster to get back on the UK-wide issues?

Howard Stapleton: Well, yes. This is a roomful of responsible people, and you are all here to look after the greater good and the general public. I do not think that there is much good in listening to individual comments from different people, including me and others. You must look at the wider issues, but quickly.

When I invented the device, I thought that I would be selling five or six a month and that it would be extra money for the kids' Christmas presents. I had no idea that, in the first year, we would sell nearly £1 million-worth of devices. The only reason why they were sold was the number of problems that we were having on our streets. No one spends £500 on a such device as a toy; it is purchased by people who have serious problems.

Lisa Sturgess: I would like to comment on the regulation aspect. People with autism become very isolated. They have social communication difficulties and difficulties with social relationships, but they also suffer severe anxiety. If the device were to be regulated, I do not see how that would stop the problem with access to particular areas for people with the condition. There is the added difficulty that, if somebody with autism is exposed to the device, because of the nature of autism and the anxiety that that would produce, they may not revisit the area even when the device is turned off. One in 100 people who are exposed to the device could retract further into isolation from society. That is our concern.

Sandra White: What about the Scottish Government going ahead and looking at this separately rather than waiting for Westminster to legislate, because there is a stalemate at

Westminster? Should Scotland look at the issue on its own rather than wait for Westminster to act on it as a UK-wide issue?

Lisa Sturges: I am not sure that it is within my expertise to answer that, I am afraid.

Sandra White: I was just asking you the same question.

Andrew Deans: I will talk about regulation. Compound Security Systems asserts in its written submission that it has been working with

“Senior members of the English Youth Parliament”

on regulation. First, no such organisation as the English youth parliament exists, but I know exactly which members of the UK Youth Parliament it is talking about. Although they supported, to a limited extent, the calls for regulation as an improvement on the current situation, they remain fully committed to a ban. That is still their position—they are absolutely in favour of a ban; they are not in favour of regulation short of a ban.

I do not think that any regulation could go far enough. The matter could be regulated on in any way and that would still not address the fundamental issues such as the fact that, as soon as someone switches on one of the devices, they are discriminating against a group in society and the fact that anyone can walk into the vicinity and be affected by it.

I urge the Scottish Government to start thinking about the issue. It was March last year when Fergus Ewing was before the committee in his capacity as the then Minister for Community Safety. He said:

“The earlier, primary questions are who has the power and how it can be employed”.—[*Official Report, Public Petitions Committee*, 8 March 2011; c 3521.]

We are nearly a year on and I do not think that we are any closer to answering that question. Is anyone taking the matter seriously? If the Scottish Government is committed in its opposition to the Mosquito device, what has it done in a year towards that? If it takes the issue seriously—as members of the Public Petitions Committee have done—and accepts the message that it sends out to young people, it will take action on it and work quickly towards a ban. If the best that we can do at the moment is Scotland acting on its own, that is the best that we can do. We might just be the ones to lead Europe on the issue, as that is the way that we need to go.

The Convener: That is an interesting point that the committee will want to discuss in private later. I will bring in John Wilson in a moment. Mr Stapleton wants to make a quick response.

Howard Stapleton: I do not wish to seem pedantic in any way, but I ask whether any

member of the committee knows whether the Scottish Parliament could ban the device. I have kids and I want to be a part of this society. However, the lack of such a power may, ultimately, be one of the problems. You cannot ban it—it is freely traded throughout Europe and has been discussed at the European Parliament and the proposal for a ban was rejected. Unfortunately, boys and girls bigger than us have made the decision. That is why I am here today, asking whether you can consider introducing legislation to ensure that the devices are used only when they are required. Let us not wish for what cannot be granted.

The Convener: The committee will want to establish that. The Scottish Government has responsibility for noise pollution and inspection regimes. I am sure that, if the will were there, something could be enforced. However, I do not want to put words in the mouth of the Scottish Government. We will explore the matter with it. As Andrew Deans has rightly pointed out, the issue was raised a year ago, and I am sure that the other committee members agree that we need to establish the Scottish Parliament's legislative competence in the area.

Andrew Deans: That is the question that needs to be answered first. I do not imagine that the fact that the European Parliament has decided not to ban the device means that nobody in Europe can ban it. We have a lot of control. If the European Parliament banned the device, we could not sell it, but if the European Parliament chooses not to do anything about it because the political will is not there, that is disgraceful but it does not commit us to not banning it.

Lisa Sturges: I have just confirmed with a colleague that the NAS would welcome the Scottish Parliament considering banning the device.

John Wilson: We will ask the Scottish Government to clarify whether we have the legislative competence to ban the device. Mr Stapleton, you said earlier that you have worked with the National Autistic Society south of the border to develop a poster to make people aware that the device is being used in an area. What size is that poster?

Howard Stapleton: It is fairly small. The typical one in the box is about 6in by 4in. It is bright yellow with a warning triangle that shows that the Mosquito is being used.

There are lots of things that I can do to help. We can log the use of the devices and CCTV can be used to prove the use of the device and all the rest of it. However, I promise you, ladies and gentlemen, that if I pull out of this altogether—my company is considering that, as we are now

producing different and sophisticated security products, and as a security consultant I have considered walking away from the Mosquito—the device will be taken up by someone else who is commercially much bigger.

John Wilson: It could be taken up by somebody else who is much bigger. You have referred a couple of times to the possibility of the device being produced in China, shipped to the UK and sold at £50 a unit. However, it could be shipped to the UK only if both the Scottish Government and the UK Government allowed the use of the device. If the device was banned in the UK and in Scotland, no one would ship them here because people would not be able to use them.

As you have said, the existing agreement with the National Autistic Society is that users of the device must display a poster that is 6in by 4in. You have also, on several occasions, compared the use of the device with the use of CCTV surveillance, which highlights where the devices could be used. However, where CCTV devices are being used to record the movements or actions of individuals in any public place, a warning must be clearly displayed that those devices are being used, and most of those signs are much larger than 6in by 4in.

In the short term, until the legislative competence issue is resolved and legislation is introduced to ban the devices, would you support the proposal that anyone who purchases and uses the Mosquito must display a poster—or several—of at least A4 size, indicating that the device is being used? As one or two of the panel have indicated, people cannot complain about the use of a device if they are not fully aware that it is being used. People can have an irritating background noise in their ear, but not know what it is.

15:00

Howard Stapleton: Unfortunately, I cannot think of a mechanism by which I could ensure that anyone who purchased one of my devices displayed the poster, but I am more than happy to produce A4, or larger, signs and include a request from Compound Security Systems in the device's instructions stating that the sign should be prominently displayed. Without laws and regulations I cannot ensure that that would happen, but I would love it to.

John Wilson: You indicated earlier that you went to the areas where you had sold the device and assisted in their removal. If you were to instruct that the use of the device should be accompanied by A4 posters indicating such use and the purchaser was not displaying the signs,

would you be prepared to assist in the device's removal?

Howard Stapleton: I whole-heartedly take your comments on board, and I can go further. As soon as I can organise it, I will ensure that if I know a device is to come north of the border into Scotland, before I complete the sale I will request a signed e-mail from the purchaser stating that they will display the poster. I can put that in place for you next week.

John Wilson: Thank you.

The Convener: I would certainly appreciate that, Mr Stapleton.

I want to ask some technical questions about your company. I appreciate that some of them might breach your internal confidentiality arrangements, but the first is probably about a more public issue. When does the patent for the devices expire?

Howard Stapleton: The patent typically runs for 15 years, but it varies around the world. We are looking at certainly another eight to nine years before it would become an issue.

The Convener: So, there would be an issue in eight or nine years' time, notwithstanding the legislation in Scotland, or indeed in England, in that the device could go to China and be mass-produced. Once your patent responsibilities come to an end, anyone can mass-produce it.

Howard Stapleton: There is a bigger problem than that. I believe that if we want to support our business community patents should be prosecuted by the Government—the Department for Trade and Industry—and not by an individual or a company. Only one person can defend the patent for Mosquito: me. I will continue to take action against people who try to copy it, but I can do that only while I have money in my wallet.

The Convener: You might have more than one company, in which case I am sure you will make that clear in your answer to my second question. Roughly, what proportion of your business sales and profit is represented by Mosquito?

Howard Stapleton: To begin with, Mosquito was my company, full stop. Now, some six years on, it represents about 50 per cent of my business, and that is declining, although there seems to be some resurgence, with the device being adopted more widely in North America.

The Convener: Mosquito represents approximately half of the sales of your business—I appreciate that you will not have the exact figures in your head—but obviously profitability is a different thing, so would you say that it is higher or lower than 50 per cent?

Howard Stapleton: Profitability is probably about 55 to 60 per cent. I would hope for much more, but I do things such as this, campaigning, defending the patent and so on. The whole of Merthyr thinks that I am a millionaire; if that is the case, I am the only one to have ever sat in front of you with a very large overdraft.

The Convener: I appreciate that you are being up front. So, Mosquito has a disproportionate effect on your business because it contributes more to your profit than to your revenue. If, for argument's sake, such devices were outlawed across the United Kingdom—in Scotland, England, Wales and Northern Ireland—what would the effect be on your business? I can probably predict a bit of your answer to that.

Howard Stapleton: I would downsize my business, but I would still be able to feed my wife and children. It would be far from the end of the world for me. I am passionate about the matter for one reason: the number of letters that I have received from people who are now enjoying life, but did not previously.

The Convener: Thank you very much for your contribution. No member wants to make any further points. We have gone over our time, but the debate has been useful. Does any witness wish to make a further comment?

Andrew Deans: If the Scottish Government has decided that it does not support such devices, the way forward is to push for something to happen. It is frustrating to have heard that in March 2011 and to be sitting here in February 2012 with no answers and no improvement.

The Convener: I thank our three witnesses for turning up. The debate was lively, interesting and educational. We have learned a lot about the issue, and I am sure that it will run. We will discuss our next steps in private.

I suspend the meeting for one minute to allow the witnesses to leave.

15:06

Meeting suspended.

15:07

On resuming—

New Petition

Burial Grounds (Scotland) Act 1855 (PE1415)

The Convener: Item 3 is consideration of a new petition. PE1415, in the name of John Steele, is on updating the Burial Grounds (Scotland) Act 1855. Members have a note by the clerk, the Scottish Parliament information centre briefing and a copy of the petition. I invite members to consider the petition and ask them for views on the next steps.

Sandra White: I read what the petitioner said about

"a mass grave containing human remains from HMS Dasher ... in Ardrossan Cemetery"

and am certainly in favour of continuing the petition. The University of Glasgow was commissioned to look at the matter.

The petition is interesting. The Scottish Government has gone some way to looking at varying the legislation and updating the 1855 act. I would like the petition to be continued. We should write to the Scottish Government to ask it what its views are on the petition and whether it has any plans to review and update the current law in relation to burial grounds. Whether it does or does not have such plans, we should ask it to provide the committee with its reasons for its approach.

John Wilson: I totally agree with Sandra White. We should write to the Scottish Government to ask it for its views on the petition. We should also write to a couple of local authorities to ask them for their views on it. In particular, we should write to North Ayrshire Council, as it is named in the petition. We could also write to the City of Edinburgh Council, Highland Council and South Lanarkshire Council to get opinions. I am trying to think of local authority areas in which there are historic cemeteries that may be subject to disturbance.

There seems to be something strange going on, because the petitioner is being told that they cannot excavate the site as the legislation does not allow it, but it seems possible to do away with cemetery grounds in other areas to allow housing and other developments to take place. It would be interesting to ask local authorities whether they are aware of the legislation and whether they have had similar requests to disinter bodies or investigate sites where burials may have taken place.

The Convener: Are members content that we continue the petition, write in terms of the clerk's

first suggestion and write also to the local authorities that John Wilson identified?

Members *indicated agreement.*

Current Petitions

Gypsy Traveller Encampments (Guidance) (PE1364)

15:11

The Convener: There are six current petitions for consideration today. The first is PE1364, in the name of Phyllis McBain, on clarifying guidelines on Gypsy Traveller encampments. Members have a note by the clerk on the petition. Two members, Alison McInnes and Nigel Don, have taken a great interest in the petition. Does either of them wish to make any initial comments?

Nigel Don (Angus North and Mearns) (SNP): Thank you, convener. I am very happy to do so. Wearing the constituency MSP's hat, I guess that I should at least try to do so. As members will be aware, I have been involved with the petition from the beginning because I was a member of the committee when it first appeared before us. It seems like a very long haul and I cannot see it finishing any time soon.

However, I think that the story has moved on from where we started. The Government and local authorities now clearly understand that we cannot do anything to resolve the issues around Travellers unless there are enough sites. That has not happened, so I do not think that we need to have too much discussion about it. That is where we have now got to.

The particular issue that the petitioner brings to us today—I welcome her again and I think that her presence helps us to clarify our thinking—is the position of the private landowner who finds herself, quite simply, being invaded. The document “Guidelines for Managing Unauthorised Camping by Gypsies/Travellers in Scotland”, which is being reviewed, sets out what local authorities and the police should do, but it essentially speaks in terms of local authority land. The “Site Protection” section of the guidelines tells local authorities what to do if it is their own land, but it also states:

“Local authorities ... can advise private landowners how best to secure their land.”

However, local authorities have no responsibility to do so. Equally, the advice states:

“The local authority is seen as the lead agency in the management of unauthorised encampments including removals”

but

“Private landowners should take their own legal advice and action, where appropriate.”

That is as much as private landowners are left with, which I think is the nub of the problem.

I have said before—I am grateful to the clerk for reminding us, and the Government did respond to this—that local authorities could take some initiative here. The fact that Travellers are on private land does not change the fact that they are in the local authority's area and the local authority understands the legal process. In fact, for the local authorities in question, this is standard practice. It would be easy for a local authority lawyer to go through the process of eviction or whatever, whereas it is difficult for a private landowner who has suddenly been invaded to do that when they have no experience of it.

The other point that I think the petitioner is making is that the local authority knows how to manage sites. I suggest that, when an unauthorised encampment arrives on private land, it would be sensible for the local authority to inspect it, to give it a temporary licence and to get some rudimentary organisation around it.

The final thing that I extract from the papers in front of me is the petitioner's concern that the police struggle to deal with what are undoubtedly criminal activities on a site that are often to do with litter and damage. She recognises that, as I think that we all will, although it might be clear that somebody in the group did it, it is almost impossible for the police to decide which individual did it and therefore to bring charges under the current legal regime.

Those are the issues that are in front of us and that we must try to deal with. There are some suggestions as to how that might be done.

15:15

Alison McInnes (North East Scotland) (LD): I endorse all that Nigel Don has said. I am here to support the petitioner, who is one of my constituents, too. Although the Government has set up a review, there are concerns about the transparency, speed and thoroughness of that review. I urge the committee to keep an eye on the petition for some time yet and not to give up the ghost just because a review has been put in place. There is no doubt in my mind that the local authorities' role should be enhanced. There must be a way of harnessing their experience and expertise by providing clarity. That is the clarity that the petitioner seeks from the Scottish Government. We are looking for leadership from the Scottish Government on this thorny issue.

Mark McDonald: I will comment, just to make it a north-east trio, which Nanette Milne might make a quartet in a minute.

I agree that we should keep the petition open. I recall that we raised the issue of the responsibilities relating to private land when the committee discussed the petition previously, but

the questions do not seem to have been answered in any meaningful way. I used the example of an area in Dyce that I represent as a councillor in Aberdeen and now as an MSP, where there is a section of public land with a piece of private land adjacent to it. A Traveller encampment arrived and spread itself across the two pieces of land, which are separated by a small access road. The private landowner and the public authority both pursued evictions, which happened at different speeds. The private landowner achieved the eviction in advance of the local authority doing so, but the Travellers who were evicted moved across to the public land and suddenly a new eviction process had to be considered because the size of the encampment had changed.

There is an issue with the way in which the judicial process works for public bodies and private individuals. It does not always work at the same speed or in a joined-up way. We need to highlight that and clarify the situation. Perhaps in circumstances in which a boundary is crossed, we need to have one responsible individual or authority so that, rather than having two applications for eviction, there is a single eviction application, which would make the process simpler.

Aside from that, we all recognise that the Traveller community has rights, but we must ensure that we provide sites for Travellers so that we do not have situations such as those that have been experienced by Mrs McBain and others. That is another aspect that I am keen to tease out in the review. The problem that we found in Aberdeen was that everybody thinks that a site for Travellers is great, but nobody wants it where they are. Squaring that circle is a problem. How do we get people to accept not just that we need sites, but that we need them in particular locations? That is another issue that we should explore.

Nanette Milne: I will indeed make us a north-east quartet.

I agree with everything that has been said so far. We know that a review has commenced and that the Government agrees that the guidance is out of date and needs to be changed. According to our papers, officials will meet with COSLA to agree an approach to updating guidance and, thereafter, there will be wider liaison with stakeholders, including people such as Mrs McBain. The "thereafter" bit concerns me, because the stakeholders should be an integral part now and not thereafter. The petitioner has asked what the terms of reference for the review are. We should know that. The issue should be opened up for public debate. We have the papers before us that set out what the petitioner would like. I totally agree with her requests. I suggest that we write to the Government in fairly firm terms

suggesting that people such as Mrs McBain—I am sure that there are other private landowners in the same situation—should be involved as stakeholders in formulating what is important guidance for their future.

Sandra White: I will throw my tuppenceworth in as someone from the Glasgow area. I found the evidence from Nigel Don and Alison McInnes very helpful because I am not involved in the issue as closely as they are. From what they said, I wonder whether the Government's recommendations for new guidelines go far enough.

I very much agree with what Nanette Milne said about stakeholders, and about taking the issue further and involving the petitioner and others. I thank Nigel Don and Alison McInnes for their evidence, which enlightened me about what is happening up in the north-east. We should continue the petition.

John Wilson: Although I am from the central belt and not the north-east of Scotland, I live quite close to a former Gypsy Traveller site that was closed by the local authority some years ago. I am at a loss about the wider debate because we hear that there are not enough sites for Gypsy Travellers, yet local authorities are closing down sites in central Scotland. It raises the question of how Gypsy Traveller sites have been identified in the past and how the resources could have been used to more beneficial effect. Where I live, a number of Gypsy Traveller families have moved into residential properties with land at the back of them. Some of the land is being used by individuals who would see themselves as part of the Gypsy Traveller community.

The petitioner has put down in black and white the kind of issues that the Government should be considering. The committee should send the petitioner's latest submission to the Government and ask it to address all of the issues raised. There are many practical solutions to the problems that are faced by landowners, Gypsy Travellers and others in relation to the management of sites.

I support other colleagues who have said that we need to know what the remit of the review will be. There is no point in carrying out a review if it does not cover the issues that have been identified by the petitioner, and others throughout Scotland who face similar problems. It would be useful if we could urge the Government to give us sight of what will be in the review and what the criteria for the review will be.

The Convener: I thank members for their contributions. We have a unanimous view on the importance of keeping the petition open. Members have raised a series of questions that remain unanswered, not least on the issue of site development. Members will know that we have

had a letter from the minister, Michael Matheson, saying:

"Officials have written to the Convention of Scottish Local Authorities (COSLA), to set up a meeting early in the New Year to agree an approach to update the Guidance and to link into any other work that is being progressed. Following this, a wider liaison with stakeholders, including the petitioner ... will be undertaken."

It is a good suggestion that the petitioner's latest comments should be forwarded to the minister. There is a series of unanswered questions. It is a very difficult issue, but it is vital that we continue the petition and keep an active interest in it.

Nanette Milne: We should involve the petitioner now rather than waiting until further down the line.

Alison McInnes: Nanette Milne made the point that we ought to see the terms of reference for the review. It would be good if the Government were open about that.

The Convener: That is a good point. I am sure that the clerk will take that on board when writing to the Government.

I thank members for the discussion and thank our two guests for attending.

Speech and Language Therapy (PE1384)

The Convener: We come to the second current petition, which is PE1384, in the name of Kim Hartley. It is entitled "Giving Voice—speech and language therapy transforms lives". Member have a note from the clerk. I invite contributions from members.

Sandra White: The petition has been with us for a wee while. The Government says that the matter is the responsibility of NHS boards and it is still consulting on the allied health professions national delivery plan. It has said that it will involve the petitioner in that consultation. We can close the petition because it is the responsibility of NHS boards and the Government has said that it will include the petitioner in discussion of how to improve access to therapy and support for people with communication difficulties.

Nanette Milne: I do not want to disagree with Sandra White, but I would like to keep the petition open almost for the same reasons that she has given for closing it. We have the Government's assurance that it will deal with the petitioner and also that it is consulting on the AHP national delivery plan, but I would like to be a bit further down the road, to see what the outcome of the consultation is and to see what the petitioner's involvement has been before we close the petition. I would like to keep it open a little bit longer just to make sure.

Mark McDonald: There is merit in keeping the petition open until the plan is published. We could

consider it again at that stage, which will probably be the point at which we can decide whether to continue it or close it.

Sandra White: I am quite happy to go along with what the other two members have said.

The Convener: In a great spirit of consensus, the committee agrees to continue the petition and seek further information that it considers necessary, as suggested in point 1 of the clerk's recommendations.

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

The Convener: PE1395, in the name of Jan Čulík, concerns targeted funding for lesser-taught languages and cultures at universities. Members have a note by the clerk and submissions on the petition. There was a useful debate when we had an evidence-taking session on it some time ago.

Sandra White: I would like the petition to be continued. Some questions have arisen not only since we took evidence but from looking into the background.

As the Scottish Government has given more money to the universities, I would like to ask them whether they would be able to use that money to continue foreign language teaching.

Some of our papers mention the Higher Education Funding Council for England, which used to give money to support language teaching. They say that that funding was ended because of devolution, but it was not ended until fairly recently and devolution started in 1999. I would like to find out exactly when and why that funding was ended.

Foreign language teaching is extremely important and the petition has been supported by everyone to whom I have spoken, including various organisations. We desperately need foreign language skills in Scotland. Therefore, I would like to ask the Scottish Further and Higher Education Funding Council why it is not prepared to continue funding for it, particularly given the extra money that is going to universities.

John Wilson: We have a response that is headed "Petitioner Letter of 2 February 2012" and signed by Hugh McMahon. I understood that the petitioner was Jan Čulík. I seek clarification of whether the committee is content to accept petitioner responses from someone other than the person who launched a petition with the committee.

The Convener: Hugh McMahon has been closely involved in the petition and is authorised by the petitioner to make the response.

John Wilson: I wanted to get that on the record, so that is clear to people. If there is an

agreement between Jan Čulík and Hugh McMahon, that is fine.

The Convener: That is a legitimate point and I am glad to be able to reassure the member on it. It is clear that the petition is important. I recommend continuing it and following the clerk's first recommendation, which is to await the outcome of the "Putting Learners at the Centre" consultation. It is important that we are seen to support the petition as much as we can. We can consider it again when we have the outcome of the consultation. Is that agreed?

Members indicated agreement.

The Convener: I thank the petitioner and Mr McMahon for their attendance.

Scottish Cancer Drug Fund (PE1407)

15:30

The Convener: PE1407, in the name of Jamie Walker, is on a Scottish cancer drug fund. Members have a note by the clerk and submissions. I invite contributions from members.

Nanette Milne: This is another important petition. Before the meeting, I read all the submissions carefully, which took me quite a long time. The thread that runs through them all is that things have improved with individual patient treatment requests, but the system is not working perfectly and inequalities have arisen, which is partly because of the cancer drug fund south of the border. Most of the people who have written to the committee do not seem to think that a Scottish cancer drug fund is the way to go, mainly because they are looking to the future—to value-based pricing, which is due to happen by 2014. The Scottish Government is looking at that along with the Westminster Government.

The Scottish Government has decided that improvements could be made to the provision of some cancer drugs. The chief medical officer and the chief pharmaceutical officer have been asked to review processes, with a focus on ensuring that the Scottish Medicines Consortium considers requests timeously.

I would like to keep the petition open. We should write to ask the Scottish Government for an update on its timetable for issuing further guidance and to ask for detail on the work that has been undertaken or is planned with the Department of Health south of the border on developing and implementing value-based pricing.

Sandra White: I do not disagree with Nanette Milne. She and I had a long conversation about the petition before the meeting, because it is important. However, I do not support her recommendation of keeping the petition open. The

Cabinet Secretary for Health, Wellbeing and Cities Strategy has confirmed that the Government has no plans to reconsider its policy on a Scottish cancer drug fund, that it has improved access to all newly licensed medicines, that further guidance will be issued and that it is working with the Department of Health to develop and implement value-based pricing.

We have confirmation from the Scottish Medicines Consortium that it does not support a cancer drug fund. Macmillan Cancer Support, Myeloma UK and the Rarer Cancers Foundation do not support a cancer drug fund. The experts have said that the Scottish Government is going the right way. Given what the cabinet secretary has said, continuing the petition could give the petitioner false hope. We should close the petition.

Mark McDonald: I agree with Sandra White. The responses to the petition are fairly unanimous. They point in the direction that the issue will go no further. Keeping the petition open would be disingenuous, as it is never likely to go anywhere. We should close it.

John Wilson: I support Mark McDonald and Sandra White. In the conclusion to his letter about the responses that we have received, the petitioner takes the petition in a completely different direction, as he asks for a

“Review of SMC practices”

and a

“Review of contracts with pharmaceutical companies”.

As has been said, the responses from a number of organisations and from the cabinet secretary outline clearly the Government’s position, which the majority of practitioners who work in cancer-related fields seem to support.

Nanette Milne: I will not go to the wall on this. I think that I have more or less said what the others have said, namely that there is clearly no appetite at the moment for a cancer drug fund. I had hoped that we could keep the option open until we knew the further guidance, which will be issued early this year. It has been promised, so I would like to keep an eye on it.

John Wilson: I remind Nanette Milne and the petitioner that, if the report, which will be produced later this year, raises concerns, they will have the opportunity to return to the committee with another petition to highlight the issues, if he feels that those have not been covered. Although we will close this petition today, the petitioner will have another opportunity to present a petition if he feels that the review does not go far enough. If the review’s findings do not concur with what he wants to achieve, he can return to the committee at a later date.

Nanette Milne: That is why I am happy to agree with the majority view of the committee.

The Convener: We have consensus. Members will be aware that petitioners need to wait a year to bring a petition back on the same terms. Do we agree to close the petition under rule 15.7, in line with the clerk’s fourth option?

Members indicated agreement.

School Uniforms Policy (PE1411)

The Convener: PE1411, in the name of Luca Scarabello, centres on reforming uniform policy in all Scottish local authority schools. Members have a note by the clerk and the submissions. I invite contributions from members.

Sandra White: I think that we should continue the petition. I note the Scottish Youth Parliament’s submission, which says that, if it had had more time, it would have been able to consult its members. It has offered to undertake a consultation, so it would be interesting to continue the petition and wait for the SYP to get back to us.

Mark McDonald: I agree. I have been disappointed to see unfortunate headlines on this issue in some of the tabloid press. Frankly, they have demeaned the issue and highlighted exactly the kind of discrimination that exists towards young people with gender issues. It is important that we all debate such things maturely. The press has an important role to play in creating a perception in society of gender issues, and I hope that it will reflect on that. We should continue the petition to allow for the SYP to undertake a survey of its members, which might inform further discussion and give us an indication of how we will progress.

The Convener: That is a good point. Are we agreed that we will continue the petition in order to seek further information, specifically the SYP’s feedback on its survey?

Members indicated agreement.

Bond of Caution (PE1412)

The Convener: Our final petition is PE1412, in the name of Bill McDowell, on bond of caution. Members have a note by the clerk and the submissions. I invite contributions from members.

Sandra White: I would like to continue the petition and write to the Government. Given that the issue was included in the Scottish Law Commission’s 2009 report due to an overwhelming demand that the topic be examined, it would be prudent for us to write to the Government and continue the petition until we receive a reply.

The Convener: Do we agree to write to the Government, in line with the clerk's first option?

15:39

Meeting continued in private until 15:50.

Members *indicated agreement.*

The Convener: I thank members for their contributions. As we agreed in item 1, the committee will now move into private session for the final item.

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