



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 15 May 2012

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PUBLIC PETITIONS COMMITTEE
8th Meeting 2012, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Angus MacDonald (Falkirk East) (SNP)
*Mark McDonald (North East Scotland) (SNP)
*Anne McTaggart (Glasgow) (Lab)
*Nanette Milne (North East Scotland) (Con)
*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Rhoda Grant (Highlands and Islands) (Lab)
Councillor Donald Kelly (Argyll First)
Councillor John McAlpine (Argyll First)
Jamie McGrigor (Highlands and Islands) (Con)
Councillor Douglas Philand (Argyll First)
Michael Russell (Argyll and Bute) (SNP)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 15 May 2012

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

New Petitions

A83 (Improvements) (PE1428)

The Convener (David Stewart): Good afternoon, ladies and gentlemen, and welcome to this meeting of the Public Petitions Committee. As always, I remind everyone to switch off mobile phones and electronic equipment because—as you probably all know—they interfere with our sound system.

Item 1 is consideration of three new petitions, the first of which is PE1428, by Councillor Douglas Philand, on behalf of Argyll First, on improvements to the A83. Members have a note by the clerk—paper 1—on the petition, a Scottish Parliament information centre briefing and the petition.

I welcome our witnesses and three members who are here in various guises to argue in support of the petition, which reflects the cross-party interest in it. Mike Russell is the constituency member, and Jamie McGrigor and Rhoda Grant both represent the Highlands and Islands region.

I congratulate the three councillors who are present on being re-elected and on forming part of the council administration—I understand that that is the case. I am sorry that no champagne is available today, but I am sure that you will make your views clear.

Douglas Philand will make a five-minute opening statement, after which I will ask my three MSP colleagues to make brief statements. I will then ask questions, and my colleagues will ask additional questions.

Councillor Douglas Philand (Argyll First): On behalf of my two colleagues, Donald Kelly and John McAlpine, and the population of Argyll and Bute, I thank the convener and the committee for allowing us the privilege to be here to represent our constituents.

It has already been noted that the petition is not a political whim; it is important to note that the issue is a cross-party one. That is where we are coming from. We are not after one person's support, but that of all the constituents and representative members of Argyll and Bute. As the convener rightly pointed out, three MSPs are here to support us, and there have also been representations from Jackie Baillie and Mary

Scanlon. That illustrates the importance of where we are with the petition.

It is also important to say that we had—as some people may know—a particularly difficult council previously. I am not getting into political matters, but that council was also very committed to the petition, which again shows the breadth of feeling among the residents and representatives of Argyll and Bute.

I record my welcome for the Scottish Government's £100,000 study, which is fantastic and shows how seriously the Government is taking the A83. That came on the back of a number of representations, and is clearly an important step forward. The £1 million that has been put aside for dealing with issues relating to the A83 is associated with that, and that has also been very much welcomed by the residents of Argyll and Bute. The money shows that there is commitment and willingness. We are now here to speak to the petition, we have cross-party support, and moneys have been invested.

We want to highlight not only the physical problems, but other difficulties that relate to closures on the A83. In particular I want to highlight—in order to illustrate the effect that closures have on just one company—a company that has permission to give facts and figures. That company is West Coast Motors, which provides a public bus service. I cannot overstate the extent to which it is a lifeline and vital service from Glasgow to Campbeltown not only for our residents, but for tourists, too. Yesterday, I went into Lochgilphead to put fuel in my car at a cost of £1.49 a litre. That illustrates the importance of bus companies to people who cannot afford either their own transport or to fill up their cars to go into Glasgow or wherever.

As I have said, the 926 is a vital lifeline bus service. One of the recent closures cost West Coast Motors an additional £330; that might not sound like a lot of money, but it covered costs for fuel, maintenance and the requirement for extra drivers because of the time that was needed to take the diversions. If extra drivers are not available, the route itself might be suspended, reduced in frequency or whatever.

West Coast Motors has said that there is no doubt that it is losing passengers. The average fare is £8, which means that if it loses just one passenger a day on every journey, it loses £80 a day, £500 a week and so on. I think that the committee will see how the figures begin to add up. Indeed, if we multiply the actual costs to that one company by the tens of thousands of pounds in costs to haulage companies that come to and take produce away from Argyll and Bute and so on, we begin to see the closures' economic impact on the area. We emphasise that the issue is not

just the physical closure of the road itself but its impact on our other roads, our tourists, the lifeline produce that comes in and our own produce such as shellfish and fresh fish from our fishing villages that must be got out on time.

I hope that that has given the committee a flavour of where we are coming from. I have used up most of my five minutes, but I am sure that members will have lots of questions to ask and comments to add. Thank you for giving me the privilege of addressing the committee.

The Convener: Thank you, councillor. Does Mike Russell wish to make a quick comment to the committee?

Michael Russell (Argyll and Bute) (SNP): Thank you very much, convener, and thank you for allowing me to be present at the meeting after my giving notice at the weekend.

I confirm Councillor Philand's comment about the cross-party and cross-community support for the petition. No one can deny that the A83 is a lifeline route. Anyone who knows Argyll will know that we are not blessed with a multiplicity of ways of getting in and out of the area. That might be of benefit sometimes, but recent difficulties have emphasised the need for the route to be upgraded in order to be fit for purpose. People are familiar enough with the natural phenomena in question and it is fair to point out that, in order to meet the difficulties that are created by the route, this Government has since 2007 spent more than £1 million on netting, sensors and a whole traffic system as well as on widening and strengthening the road. I am glad that councillors have welcomed the investment of another £100,000 in a study and more than £1 million will be invested in upgrading a forestry haul route to allow a shorter diversion when there are problems at Rest and Be Thankful.

Of course, this is about more than Rest and Be Thankful; this is about the route's several pinchpoints and the essential need to trunk the last part of it. I was in Campbeltown on Saturday, so I know that no one can be in any doubt that the road needs to be upgraded.

The cause unites political parties, communities and businesses—I know that mid Argyll chamber of commerce has been very active on the matter—and I hope that it will unite everyone in this Parliament. This is not a confrontational attempt to secure change; everyone believes that that change should take place and I hope that the new local authority, when it is elected next week, will be at the forefront of getting it. If Parliament was also with the Government in supporting that change, it would send a very strong signal that over a period of time—we are aware of the difficulties that exist right across the public

sector—the change could make an enormous difference to the constituency that I am honoured to represent, Argyll and Bute, and to the people who live there and who deserve the change.

The Convener: Thank you, Mr Russell. I will bring in Jamie McGrigor now, as he has to get to another committee meeting.

Jamie McGrigor (Highlands and Islands) (Con): I have to get to that other meeting very quickly.

I thank the convener and committee members for allowing me to say a few words in support of my constituents today. I congratulate Councillors Dougie Philand, Donald Kelly and John McAlpine on lodging the petition, which is so important to everyone in Argyll and Bute.

I will put the petition in perspective. The First Minister recently said that the creation of 90 jobs in the Western Isles is equivalent to the creation of thousands of jobs in Edinburgh. We do not have motorways or dual carriageways in Argyll and Bute; we have roads. However, the A83 is every bit as important to the people of Campbeltown and other parts of Argyll and Bute as the M8 is to people in Glasgow and Edinburgh, and I want that to be understood.

Since the first major landslide closed the road in October 2007, I have been lobbying ministers to recognise the damage that the closure of that trunk route causes to the economy of Argyll and Bute. Dunoon, Cowal, Campbeltown and Kintyre become cut off, and people have to take a lengthy and unacceptable detour. Everything possible must be done by the Government and its agencies to prevent landslides in the landslide-prone Rest and Be Thankful section. That may well involve significant capital investment as well as the upgrade to the forestry road, which Michael Russell mentioned.

The condition of the whole road, and of the de-trunked section from Lochgilphead downwards in particular, is incredibly poor. It acts as a barrier to the investment that the Government and its agencies are trying to attract in Campbeltown and Kintyre. The people there feel rather cut off, and the road condition just makes matters much worse.

The section of the road between Lochgilphead and Tarbert—members might like to go there and drive it—is one of the most dangerous sections of road that I know. It has, unfortunately, claimed the lives of quite a lot of people, especially young people, who seem to drive far too fast on it although it is very dangerous.

I congratulate the petitioners on lodging their petition and on securing so much popular and business support for it. I now look to committee

members to take the petition forward and to help to maintain pressure on ministers on this critically important subject.

Rhoda Grant (Highlands and Islands) (Lab): I am happy to support the petition. In the years that I have represented the area, I have been very aware that the roads in Argyll leave an awful lot to be desired. It is almost a case of “Welcome to Argyll” because you hit the potholes, the corners and the narrow roads.

The situation has been made worse by the recent closures, but we must be mindful of the structure of the road, and certainly the part—which Jamie McGrigor mentioned—that runs between Lochgilphead and Tarbert. There is an especially bad bit on leaving Ardrishaig where the road becomes very narrow. If you are driving north, you are not aware of it—you are on quite a good road, and you suddenly reach a very difficult bit of driving, which catches a lot of people unawares.

The whole road is in really bad condition, and it needs to be trunked in its entirety, right down to Campbeltown. If we are considering a Campbeltown to Ballycastle ferry service, or a ferry service to Ayrshire, the road must be trunked, because we will not attract anyone to run those ferry services unless we do that. That is necessary not only for the people in Kintyre, but for the people on the islands who depend on the route for ferry traffic. The change is long overdue, so I hope that the Public Petitions Committee will support the petition and do what it can to progress developments on the route.

The Convener: I thank Rhoda Grant for her contribution. I will start off with a question, then my colleagues will ask a number of questions. Coverage of the petition has been excellent.

I am worried about whether the road may put tourists off coming to the area. Do you have concerns about inward investment, and about the additional cost to business from the landslides on the Rest and Be Thankful road and in other parts? Perhaps you can address those three issues.

Councillor Philand: I will start off, and Donald Kelly and John McAlpine can add to what I say.

We can certainly illustrate the economic cost to local businesses: we could get a catalogue of figures for different businesses to show how much of an impact the landslides have had, not only in the short term, but in the long term.

To illustrate the situation for tourism, I was driving along the Rest and Be Thankful road one day and was listening to Radio 2, which said that Rest and Be Thankful was currently closed, that it might be closed for a couple of days and that there would be traffic lights there and so forth. I think that anyone coming up to that part of the country

who heard that kind of news would go in the opposite direction. That is just an example of how I felt as a local about such news, so I am sure that it would have an impact on people who were coming into the area.

14:15

Councillor Donald Kelly (Argyll First): The road is obviously very important to the area as a whole, and its impact on business has been immense the length and breadth of Argyll and Bute, but especially on business in Campbeltown, because it is at the end of the line, so to speak. That part of the road is one of the key areas of concern, which is referred to in the petition but has not been addressed as such—there has been no survey of that part of the road. However, that 32-mile section of the road has claimed three lives since 2007 and has had 119 accidents. The section is poor, is not lined properly and is not fit for purpose, which impacts severely on tourism and business.

We have a wind-tower factory in Campbeltown that is run by Wind Tower Ltd and was opened by the First Minister a couple of years ago. He stated that Campbeltown would be a centre of renewables for green energy. However, for that to happen, the road needs to be trunked between Kennacraig and Campbeltown to make it viable. Improvements are being done to negate some of the problems, including on tight bends. However, for that to be successful and to maintain jobs in the area it is vital that the road between Kennacraig and Campbeltown be trunked.

A substantial amount of timber is extracted daily from the Kintyre peninsula, and lorries travel up and down the road, but many stretches of it are not fit for two lorries to pass one another. Given that, and the projects that are proposed for the Campbeltown area, we need to emphasise strongly that the Kennacraig to Campbeltown road must be trunked.

A major investor in Campbeltown is Southworth Development; Mr Russell was at the opening of one of its new four-star hotels on Saturday evening. It has also completed a new golf course and has invested £30 million in the area. We need to take that on board because it is not just Campbeltown that gets the benefit from that. Every business the length and breadth of Argyll and Bute does, because of tourists coming in.

I cannot emphasise strongly enough to the committee that we need to consider investing in the trunking of the road between Kennacraig and Campbeltown.

The Convener: I was going to ask about that point, so you must have read my mind. I have been to the factory to which you referred, and you

are right that there is great potential in the Campbeltown area for renewables. However, as you said, the infrastructure must be right. Does John McAlpine want to add anything?

Councillor John McAlpine (Argyll First): I would reiterate what my colleagues have said. We are looking at Kintyre being a front-runner for renewables. An undersea cable will be installed for that in 2015, which will also lead to a lot more wind farms in the area. It would be great if we could see some payback for the wind farms going in.

As Rhoda Grant did, I will refer to my colleagues on Islay. On the money that the Government makes from production of whisky, there are eight distilleries in Islay and there is one on Jura, so the Government makes a massive amount of money from those. We do not have a trunk road on Islay, but traffic coming from the island must use the A83 at Kennacraig. People on Islay are now asking what is going to be done to the road.

Douglas Philand said that he would not get political about the issue, but this is my third term as a councillor: in the previous two terms I continually asked questions about the road of Tavish Scott and Nicol Stephen as transport ministers. The questions were not as much about Rest and Be Thankful but more about local issues, such as the section of the road between Tarbert and Lochgilphead—I stay in Tarbert—and the safety crossing points. I see those parts daily and can say honestly that it is hard to take.

I sometimes feel personally responsible because I have often promised people that we will get things sorted, but the situation is just not getting addressed. I hope that, as a result of today's meeting, we will see some action.

The Convener: Thank you very much for that.

Mark McDonald (North East Scotland) (SNP): Thank you for lodging the petition.

Is any work being done to develop a rough idea of the costings of the works that are being requested? Does Argyll and Bute Council have any rough estimates of the costs of the works?

Councillor Philand: That is where the £100,000 study comes in. There is close work with Argyll and Bute Council to elicit figures that will allow us to know what it may contribute to what we may ask of the Government. That work is ongoing. I believe that the report will be ready by the end of the summer.

Mark McDonald: That leads me to my second question. I was a councillor before I was liberated on 3 May and am obviously aware that one difference between the Government and a local authority is that a local authority has prudential borrowing powers. Has any work been done on whether there could be provision in Argyll and

Bute Council's capital budget for works on the local stretch, which obviously currently fall within its responsibility? Has that happened or could it happen?

Councillor Kelly: Argyll and Bute Council has increased its budget capital for roads to £7 million in this financial year and subsequent years. A substantial amount of that money is being spent on some of the worst roads in Argyll and Bute, but it is still not bringing them up to the required standard. The issue of strengthening the road edges is still not being addressed. The basics are being done to bring the roads up to a useable standard.

We must look at the bigger picture. Councillor Philand mentioned the £100,000. The £100,000 survey will not look at the trunking of the road between Kennacraig and Campbeltown, which needs to be included in a survey.

Mark McDonald: I represent North East Scotland and I was a member of Aberdeen City Council. There is a plan to develop an Aberdeen western peripheral route, for which the Scottish Government will put up most of the money, although there will be a contribution to the capital cost from the local authorities. Would Argyll and Bute Council be amenable to a partnership and consensual approach as a means of funding the work, which you have advocated?

Councillor Kelly: That could be a way forward, but it would obviously depend on the council's budgetary constraints. The matter will need to be discussed at full council. I would like to think that the capital that would be required to address the issues with the road would come directly from the Scottish Government.

Sandra White (Glasgow Kelvin) (SNP): I thank the witnesses for coming to the meeting.

I very much support the petition and am pleased that the point has been clarified about the £100,000 being used for investigation but not for the trunking of the road between Kennacraig and Campbeltown, which is the most important issue. I note that the Minister for Housing and Transport, Keith Brown, said in 2011:

"There are no plans to trunk the A83 road between Kennacraig and Campbeltown".—[*Official Report, Written Answers*, 14 March 2011; S3W-40142.]

Has the minister given cost or other reasons for that?

Councillor Kelly: To our knowledge, no reason has been given for why the Government is not considering trunking the road. We find that strange, given what has been said before about Machrihanish being a centre for renewables.

Sandra White: Perhaps the committee can ask the minister about that. I know the Campbeltown, Lochgilphead and Rest and Be Thankful areas quite well, and you are absolutely right to mention the issue to do with Campbeltown and Machrihanish. For years, I have wondered why the island of Davaar has not been projected more in the tourism sector in the Campbeltown area. Perhaps the councillors can pick up on that. That area has great potential, as has been said.

I also want to ask about an explanation that has been given to the committee. The note by the clerk says:

“Trunk roads are owned by Scottish Ministers and managed by Transport Scotland”,

but

“in the case of the A83”

the trunk road operating company

“is Scotland TranServ.”

Has Scotland TranServ been included in any dialogue or any meetings that you have had about upgrading the A83?

Councillor McAlpine: Scotland TranServ has been to quite a few of our meetings. It came to one of our council's area committee meetings—it might have been a business day; I do not remember—and it came to a public meeting in Tarbert. TranServ has been to meetings and has addressed some of the issues. I suppose that the matter comes back to funding. A contract will have been written for four or five years and TranServ will have put in pricing for that contract.

The operating company before TranServ was BEAR Scotland, which lost the contract to TranServ. I believe that TranServ will have the contract for another year at most. Between now and whenever the tenders go out for the next company, it is important to write in the trunking of the road. That will mean that all companies tender on a level playing field.

The Convener: I understand that whether to trunk the road is in the gift of whoever is in power in the Scottish Government. TranServ would follow its requirement to service the road. It is good to involve TranServ, but the political decision is for whoever is in charge of the Government.

Sandra White: The answer to my question was interesting. I agree with Councillor McAlpine that writing the provision into the contract would provide what the petitioners want, which I assume is what the Government wants, too.

As I said, I support the petition and I travel up the A83 when I can. It is in a fantastic part of the country. As I think Rhoda Grant said, if people who want to travel by Rest and Be Thankful have

to go elsewhere, that adds extra burdens to other roads that also need to be upgraded.

Thank you for your answers. I look forward to the questions that we may ask ministers and others.

John Wilson (Central Scotland) (SNP): Has Argyll and Bute Council carried out studies of the economic benefits that would be accrued from trunking, particularly in the light of developments that are taking place? There have been unemployment problems in Campbeltown for a number of years and people have tried to get jobs into the area. The developments in Machrihanish are important not only for Scotland, but for the area.

Councillor Philand: We three councillors are not aware of any such studies, but they would be important as we move forward and as a result of the petition. As part of the new council administration, we will make a serious request for such studies. There is no point in asking for what is in the petition and for the moneys that we request without providing further evidence about the economic impact, which I have touched on and illustrated. Those aspects must go hand in hand.

John Wilson: As I said, I know the areas of Campbeltown and Machrihanish well. I know Inveraray and other parts of that coastline in particular, because I have family connections in the area. If we are talking about high levels of unemployment and about creating jobs not only in the tourism industry but in engineering through the developments at Machrihanish, any improvement in the road network could have major economic benefits for the community and for the rest of Scotland. I hope that the petitioners can take that back to Argyll and Bute Council. Perhaps the economic development unit there can look at the issues and the benefits that could accrue if the whole route was trunked.

Nanette Milne (North East Scotland) (Con): I agree that we should support the petition. The petitioners live in a lovely part of the world.

I do not have the opportunity to visit the area often but, when I listen to some of the travel reports on the radio in the morning, I am glad that I live not there but in north-east Scotland. Have you had any opinions on the need to trunk the road from emergency services such as the police and the Scottish Ambulance Service? They deal with the horrific accidents that your area is experiencing.

14:30

Councillor Kelly: We have received representations from local managers on their concerns about the road. I realise that I keep

harking back to Campbeltown, but it is at the end of the line and has a lifeline air service that is regularly used to transport patients to the Southern general hospital. If the weather is unsuitable, we cannot use that service and, unfortunately, patients have to be taken on the road by ambulance. On occasion, that has caused major problems when there has been a landslip at Rest and Be Thankful or other accidents have inadvertently held things up. The impact on emergency services needs to be factored into the equation.

Rhoda Grant: It is my understanding that a trunk road is seen as something of national importance, and the argument has been made that the road be trunked all the way to Kennacraig because it provides a link to the islands. In any case, if we are also talking about ferry links from Campbeltown to Ayrshire and to Ireland and suggesting that renewables are of national importance to Scotland, that makes three elements of national importance that would support the argument for trunking the road between Kennacraig and Campbeltown. The case for all three should be made. We might well have fallen down in the past in neglecting to demonstrate that the move is not just important to the people of Campbeltown but of national importance.

Councillor McAlpine: I know that there are cost implications in everything that we are considering and that addressing the situation at the Rest and Be Thankful and the trunking of the rest of the route will probably be quite expensive. However, as I have said before, an important element of our petition that we could achieve relates to the crossing points at Ardrishaig and Tarbert. They might mean nothing much in this forum, but they are very important to our small community. When you start to tally up the cost of a death on the road, you will see that the costs of dealing with these two issues do not seem that much and that they represent a step in the right direction.

The Convener: I cannot speak for everyone on the committee but, given the comments that have been made, I think that everyone will agree that this is a very important petition. I thank the three MSPs who are not members of the committee who have come along and contributed to the discussion.

I suggest that we invite the minister, Keith Brown, to speak to the committee about this important petition—the petitioners will be very welcome to come back and sit in the public gallery to hear that evidence. That might be difficult to schedule in the six weeks before recess but, if the committee agrees to such a move, the clerks will work very hard to ensure that it happens.

Of course, that is only my view. Do committee members agree that we should not only continue the petition but ask the minister to come along and respond to some of the detail? After all, the issue is vital to Argyll and Bute.

Sandra White: I certainly agree with your suggestion. However, as Councillor McAlpine has pointed out, the petition contains other elements that we could move on and write to the Government about, and we could see whether we get a response to them before the transport minister gives evidence. Trunking will be important to tourism in those local communities, but there is also the separate safety element to take into account.

The Convener: You make a very sensible point, because the issues are not mutually exclusive and we can move on both.

Mark McDonald: I agree with Sandra White's suggestion that we take a twin-track approach to ensure that we get some response and allow the petitioners to see what the Government is saying. At the same time, I see no problem with inviting the minister along to discuss the matter.

Nanette Milne: I am more than happy to invite the minister along and, as Sandra White has suggested, we can always carry out some investigations beforehand. However, I also suggest that we consult the emergency services and ask for their opinion on the road's current state and the need for it to be trunked.

John Wilson: I have no problems with supporting the petition or with inviting the relevant minister to give evidence and discuss some of the issues. I fully support not only Sandra White's proposal about making inquiries to the Scottish Government and Argyll and Bute Council but Nanette Milne's suggestion of asking the emergency services for their views on the road network. Given the three deaths and 119 accidents that we have heard about, it would be useful to examine the impact of the state of the network in that respect.

We need to investigate the economic impact that trunking the road and improving the road network would have on those communities, particularly in light of Rhoda Grant's comments about the links to the islands and Northern Ireland. Those are quite important factors and we would have greater justification for improving the road network if we could show the economic impact that that would have on those communities and their links with the rest of Scotland. We could make an initial inquiry to the Scottish Government and Argyll and Bute Council, as well as possibly Highlands and Islands Enterprise, to find out whether they have done any work on the

economic impact on those communities of improving the road network.

If we can draw those issues together before the minister comes along to give evidence to the committee, that will allow us to expand and develop the wider issues around what trunking a road can do and around resolving some of the landslip issues affecting that part of the road network. We could show that trunking a road could have a greater impact.

The Convener: Those are some useful recommendations.

Anne McTaggart (Glasgow) (Lab): I fully support the petition. It is imperative that we go with the twin-track mode and get some answers from the people who have been mentioned before Keith Brown comes to the committee.

The Convener: It is quite clear that all members think that the petition is important. We will look at writing to the Scottish Government, Transport Scotland and Argyll and Bute Council in line with colleagues' comments. We will also ask Keith Brown to give the committee evidence on this very important petition. The petitioners can be assured that the committee is dedicated to following up the key points that are raised in the petition. I thank our three witnesses for coming along today, and Michael Russell, Jamie McGrigor and Rhoda Grant for adding their contributions.

I suspend the meeting for two minutes to allow the witnesses to leave.

14:37

Meeting suspended.

14:38

On resuming—

Education (Accessibility) (PE1429)

The Convener: The second new petition is PE1429 by Wajahat Nassar, on making Scottish education more accessible. Members have a note from the clerk and the petition. I invite the committee to consider the petition and how to deal with it.

Sandra White: The petition is quite interesting. People come from all over the world to get education here.

Having been a member of the European and External Relations Committee in a previous session, I understand about international engagements and the Scottish Government's economic strategy. However, it is worth looking at the petition and the wider issues. I would like to continue the petition and seek information and

ideas from the Scottish Government about what it thinks of the petition. I am open to views from the rest of the committee.

Angus MacDonald (Falkirk East) (SNP): You will have to excuse me, convener, as I have the after-effects of the flu.

I have sympathy with the petitioner, who raises valid points. However, we need to prioritise and we cannot really have a free-for-all, much as it would be nice to open up the scheme in question to 200 nations round the world. There has to be prioritisation. Perhaps a wealthy philanthropist could come along and fill in the gaps. However, I am happy for the petition to be continued, as it would be good to gather more information on the points that have been raised.

Sandra White: The reason why I am keen to get the Scottish Government's response is that, when I was a member of the European and External Relations Committee in the previous session, we mentioned Cuba and other countries that could benefit from the scheme. It would be interesting to see exactly why the scheme has not been expanded further. At the time, I was given the reasons for that, but it would be nice to find out whether the Government intends to expand the scheme. The information that we have does not say that the scheme definitely will stop where it is.

Anne McTaggart: It is important that we seek more information from the Scottish Government and talent Scotland to pursue the petition further.

The Convener: As no other members wish to contribute, do we agree to continue the petition; to write to the Scottish Government and talent Scotland to get their views; and to bring the petition back to a future meeting?

Members indicated agreement.

Childminding Businesses (Regulation) (PE1430)

The Convener: The third and final new petition today is PE1430, by Ewan Cameron, on regulation of childminding businesses. Members have a note by the clerk, which is paper 3, a SPICe briefing and the petition. I invite members to consider the petition.

Nanette Milne: The petition raises interesting points. I would like a little more information from various bodies. We should seek the Government's response to the petition and ask it to clarify whether a childminding service can look after more than six children in domestic premises. We should also seek similar information from Social Care and Social Work Improvement Scotland—the care inspectorate—and ask whether it has any plans to review the size of childminding services. We should also write to other bodies, but I am

sure that other committee members will want to pick up on that.

John Wilson: I, too, welcome the petition, because there are a number of issues regarding the operation of childminding services throughout the country and who operates them. The petition raises issues to do with the disparity between childminding services that are offered by companies and local authorities and those that are offered by individual childminders. There are issues to do with employment and qualifications for people who are employed in childminding.

I suggest that, rather than write to the Convention of Scottish Local Authorities, we ask four local authorities to give us their views and to set out how they monitor and apply the regulations to childminding services in their areas. In the past, constituents have raised questions with me about individuals who provide childminding services, where they provide those services and the qualifications that they hold. My understanding is that local authorities have a role in the delivery of childminding services. I suggest that we write to a range of local authorities to get an idea of how they monitor and apply the regulations and what criteria they set, particularly for people who provide childminding services in a private residence.

Anne McTaggart: To open it out, we should seek evidence from the care inspectorate to find out its views. John Wilson talked about writing to local authorities, but it is important that we get an overall view from COSLA, too.

14:45

Nanette Milne: It would be useful to get the input of the Scottish Childminding Association and the Association of Quality Nurseries in Scotland, which is the equivalent body for nursery provision.

The Convener: John Wilson mentioned writing to local authorities rather than COSLA. Why is that your view?

John Wilson: It is difficult, convener. I am well aware of some of the responses that the committee gets from COSLA, in which it says that it leaves things for local authorities to deal with. That is why I suggested that we write to a range of local authorities, rather than COSLA.

COSLA may say that there are general guidelines, but the actual operation of childminding services within local authority areas may be more pertinent to our inquiry. There seem to be differing criteria operated by different local authorities. If you would like me to name authorities, I suggest that we write to North Lanarkshire Council, South Lanarkshire Council, possibly Glasgow City Council and perhaps Perth and Kinross Council.

The Convener: Is the committee happy to write to the four local authorities that John Wilson suggested, as well as COSLA?

Anne McTaggart: It is important to get not just the views of those local authorities, but also the overarching COSLA view.

The Convener: Do members agree to continue the petition, in line with the points that have been raised? John Wilson has helpfully identified four authorities for us; we can go with that.

Members indicated agreement.

Current Petitions

Mosquito Devices (PE1367)

The Convener: Item two on our agenda is consideration of current petitions. There are six current petitions for consideration today. The first is PE1367, by Andrew Deans, on behalf of the Scottish Youth Parliament, on banning Mosquito devices now. Members have a note by the clerk and the SPICe briefing, which are papers 4 and 5.

Members will recall that we had an interesting evidence session on the petition, and I know that many members have a lot of interest in the subject. I open up the discussion to contributions from members.

Mark McDonald: Although the Scottish Government's response is interesting, it has not necessarily moved us forward. The clerk's note suggests that we could ask the Government to examine some of the existing evidence on health impacts. I am aware that some of that evidence—particularly some of the international evidence—was raised during our witness session. Could we refer the Scottish Government to some of that internationally collected evidence? The United Nations has done some work on the subject, and if my memory serves me correctly, the European Court of Justice or a similar institution did a report. Perhaps we should direct the Government to those reports and ask it to consider them and come back to us with its view.

The Convener: The clerk has reminded me that the SPICe briefing contains the sources of that evidence.

Sandra White: I agree with Mark McDonald. We should continue the petition to highlight the evidence that we have already received. It is not just a health issue; it is a human rights issue. I was very impressed by the reply from Andrew Deans MSYP, which he obviously put a lot of thought into. We should raise once more with the Government that the petition also raises a human rights issue.

The Convener: I think that Scotland's Commissioner for Children and Young People has looked into the matter in relation to the European convention on human rights. I agree with Sandra White: the contribution by Andrew Deans and the Scottish Youth Parliament was excellent. Perhaps we again need to think about encouraging the Scottish Youth Parliament to become more involved in and have an active input in our petitions system.

Mark McDonald: I am happy to correct what I said earlier: the Parliamentary Assembly of the Council of Europe called for a ban in June 2010—

it was nothing whatsoever to do with the European Court of Justice.

We also had evidence from the National Autistic Society. Should we direct the Government to speak to the National Autistic Society, given its concerns about the pitch of Mosquito devices and the effect that they can have on autistic children and adults, because of their hearing range?

The Convener: In fairness, in the previous session Fergus Ewing gave a strong commitment to act on the issue and was forthright about his opposition to Mosquito devices.

Are we agreed to continue the petition in line with the points that members have made?

Members indicated agreement.

The Convener: I ask Mark McDonald to clarify that his point was that he did not wish the Scottish Government to examine existing evidence of health impacts.

Mark McDonald: No. I said that I did. I suggested that we direct the Scottish Government to look at some of the evidence that has been raised in the committee and perhaps also to speak to the National Autistic Society, which has given oral evidence to the committee but may not have produced any reports.

The Convener: Option 1 in paper 4 is to invite the Scottish Government to ask health bodies to carry out further research. However, it seems that members do not think that that would be useful, so we will stick with the points that we have raised.

Adult Attention Deficit Hyperactivity Disorder (Diagnosis and Treatment) (PE1402)

The Convener: The second current petition is PE1402, by Richard Jones, on behalf of Addressing the Balance, on the strategy and policy for the diagnosis and treatment of adult attention deficit hyperactivity disorder. Members have a note by the clerk, which is paper 6. I invite contributions from members.

Nanette Milne: I suggest that we shelve the petition for a time because a mental health strategy is emerging from the Government that we are told is likely to be published before the summer. I suggest that we wait until then before we reconsider the petition.

The Convener: That seems sensible. Are we agreed?

Members indicated agreement.

School Uniforms Policy (PE1411)

The Convener: The third current petition is PE1411, by Luca Scarabello, on reforming school uniform policy in all Scottish local authority schools. Members have a note by the clerk and submissions. I invite contributions from members. I put on record my thanks to the Scottish Youth Parliament for the survey that it carried out, which is another example of an excellent contribution that will help us to make a decision on behalf of a petitioner.

John Wilson: I, too, put on record my appreciation for the work that the Scottish Youth Parliament has done on the petition and the survey that it carried out.

I think that we have taken the petition as far as we can, but I do not think that we should end consideration of it. We should refer it to the Equal Opportunities Committee for it to deliberate on. The petitioner has raised a number of issues. The Scottish Youth Parliament reflected on those issues and raised others. We can pass on to the Equal Opportunities Committee all the information that we have received on the petition. The petition raises wider issues, so it would be more appropriate for that committee to deal with it from now on.

The Convener: Do members agree with John Wilson's recommendation?

Members indicated agreement.

The Convener: Under rule 15.6.2, we will refer the petition to the Equal Opportunities Committee so that it can consider the issues raised.

Bonds of Caution (PE1412)

The Convener: The fourth current petition is PE1412, by Bill McDowell, on bonds of caution. Members have a note by the clerk, which is paper 8, and submissions. I invite contributions from members.

Sandra White: The petition raised a number of issues that I certainly was not aware of. It was interesting to see what we got back from the Government and others on it. One of our options is to write to the Scottish Government, and perhaps directly to the relevant minister. I would certainly like to continue the petition and to write to the relevant minister to press for confirmation as to when a decision will be made in relation to bonds of caution. The issue goes back a number of years and has been considered before, but no action has been taken. I am not saying that there have been promises, but there has been an indication that action would be taken. I would like to continue the petition for that reason.

Nanette Milne: I agree with that. When we write to the minister, can we ask whether a statutory instrument would be appropriate in this case? The petitioner seemed to indicate in his response that that would suffice.

The Convener: The clerk has just advised me that we have already asked that question and that a statutory instrument is not appropriate in this case—sorry about that.

John Wilson: We normally do this, but this is just a reminder that we should send any response that we have received from the petitioner to date to the minister.

In his response, the petitioner raises a number of issues in addition to those that have been raised so far, particularly around the Scottish Law Commission's 2009 report on succession. The petitioner clearly indicates that there is overwhelming support for abolishing bonds of caution. He has put some more work in and raises a number of issues in his response that we should ask the Scottish Government to respond to in detail.

Although the Government appears to have taken on some of the issues that were raised in the 2009 report, it has not taken on others. The petitioner is quite right to try to find out what the Scottish Government is going to do about the report's findings—if it is going to take any action at all.

The Convener: John Wilson makes a good point. There is a danger that petitions can sometimes get lost in a sort of twilight zone in the Scottish Government—it is not a conspiracy; it is just because of the way that bureaucracy works. It is important that we keep a careful eye on petitions, so John Wilson's point is reasonable.

Are members happy for us to write to the Scottish Government and press for confirmation on when the decision will be made?

Members indicated agreement.

Burial Grounds (Scotland) Act 1855 (PE1415)

The Convener: The fifth current petition is PE1415, by John Steele, on updating the Burial Grounds (Scotland) Act 1855. Members have a note by the clerk, which is paper 9.

Sandra White: We had positive contributions from some councils and not-so-positive contributions from others. This is another interesting petition that opened a number of doors, not just the specific one that the petitioner sought to open.

I want to continue the petition and write to the Scottish Government to ask how the excavation of

land in burial grounds, churchyards and cemeteries is regulated, as it is not regulated by the 1855 act. I also want to ask the Government about the other points that are outlined in option 1 of paper 9.

Mark McDonald: This is possibly a daft-laddie question, but I am eminently qualified to ask such a question. The North Ayrshire Council response mentions that the council is in the process of

“preparing a petition to the Sheriff Court seeking authority to carry out exploratory excavation”.

Where does the committee sit in terms of sub judice if a sheriff court petition is on the cards?

The Convener: I think that a civil procedure is involved, but the clerk will check that. It is a reasonable point. We will make sure that members are notified about that before the petition is looked at again.

Notwithstanding Mark McDonald’s point, do members agree to continue the petition in line with option 1 in the clerk’s paper, which is to write to the Scottish Government?

Members indicated agreement.

Telecommunications Masts (PE1416)

The Convener: The sixth and final current petition for consideration today is PE1416, by Eileen Baxendale and others. It seeks a review of health issues and planning guidance with respect to telecommunications masts. Members have a note by the clerk, which is paper 10, and submissions.

Robert Brown, one of the petitioners, is an ex-MSP. I congratulate him on his recent election to a council. He sent a useful letter that clarified some of the points in the petition. If members have not seen the letter, they should have a quick look at it. Members may also wish to look at some additional papers that have been tabled, which give some technical advice.

15:00

In his letter, Robert Brown’s key point was that the petition has called not for phone masts to be banned near residential properties, but for the position to be reviewed in the light of developments. He also raised the issue of the Sitefinder database, which members might recall was the technical database that, in theory, held all the locations of sites in Scotland. The difficulty was that three of the major companies, including Orange, did not participate and the database was not kept up to date. Clearly, individuals who had an interest could update it personally if they knew where particular masts were. However, the fact is that, although having some unified comprehensive

database sounds like a great idea on paper, if the main companies responsible are not going to update it because of some legal dispute, problems will arise. Robert Brown’s main argument, however, centres on the need to continue the precautionary approach.

Sandra White: In one of the additional papers, the operators basically rap me over the knuckles by arguing that they have the Sitefinder database. Interestingly, however, I have since discovered that mobile phone operators do not have to update it if they do not wish to and that it is up to individuals themselves to do so.

I have been looking at petitions like this one since 1999 and know that, in the previous session, Nanette Milne and John Wilson also considered the issue. I was minded to send the petition to the Health and Sport Committee to allow it to investigate the health aspects but, having read the additional papers, I now think that we should continue the petition and seek further information, particularly on the Sitefinder database and the number of major companies that do not contribute to it. I do not know how the rest of the committee feels about that suggestion.

John Wilson: I support Sandra White’s suggestion that we keep the petition open and go back to the Scottish Government. After all, Robert Brown’s additional evidence raises further questions about the relevance of the current guidelines. We know that such research is regularly updated. I point out to people on both sides of the argument—those who remain sceptical with regard to the health impacts of mast sites and those in the industry who claim that no such impacts exist—that the evidence submitted by Robert Brown seems to suggest that there has been no evidence on or analysis of the impact on young children or, as one of the papers suggests, foetal abnormalities that might be caused by the siting of masts close to residential areas. As a result, I think that it would be worth while contacting the Scottish Government to ask about the remit and scale of the research that has been undertaken and which it is examining and to find out whether it covers the issue of the impact on children that the petitioners, including Robert Brown, have highlighted. Many of the radiological studies about impacts relate to adults rather than children, and it would be useful to find out whether the Scottish Government is taking such issues on board in reviewing guidelines or regulations in relation to the siting of telephone masts.

The Convener: That is a fair point. The additional papers have been very useful in clarifying some of those points, and I agree that we should continue the petition along the lines suggested by John Wilson. Are members agreed?

Members indicated agreement.

Draft Annual Report

15:04

The Convener: The final item on the agenda is consideration of the committee's draft annual report for the parliamentary year. I refer members to the draft report and ask whether they are content with it.

Members *indicated agreement.*

The Convener: With that, I close the meeting.

Meeting closed at 15:04.

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