



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# HEALTH AND SPORT COMMITTEE

Tuesday 18 December 2012

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**HEALTH AND SPORT COMMITTEE**

**35<sup>th</sup> Meeting 2012, Session 4**

**CONVENER**

\*Duncan McNeil (Greenock and Inverclyde) (Lab)

**DEPUTY CONVENER**

\*Bob Doris (Glasgow) (SNP)

**COMMITTEE MEMBERS**

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

\*Aileen McLeod (South Scotland) (SNP)

\*Nanette Milne (North East Scotland) (Con)

\*Gil Paterson (Clydebank and Milngavie) (SNP)

\*Dr Richard Simpson (Mid Scotland and Fife) (Lab)

\*Drew Smith (Glasgow) (Lab)

\*David Torrance (Kirkcaldy) (SNP)

\*attended

**CLERK TO THE COMMITTEE**

Eugene Windsor

**LOCATION**

Committee Room 2



## Scottish Parliament

### Health and Sport Committee

*Tuesday 18 December 2012*

[The Convener *opened the meeting at 10:44*]

### Decision on Taking Business in Private

**The Convener (Duncan McNeil):** Good morning, and welcome to the Health and Sport Committee's 35th and final meeting in 2012. As usual, I remind those present to switch off mobile phones, BlackBerrys and other wireless devices, as they often interfere with the sound system.

The first item on the agenda is consideration of whether to take in private items 4 and 5. I remind the committee that items 4 and 5 are consideration of our approaches to our inquiries into, respectively, teenage pregnancy and health inequalities.

Does the committee agree to take those items in private?

**Members** *indicated agreement.*

### Subordinate Legislation

#### Materials and Articles in Contact with Food (Scotland) Regulations 2012 (SSI 2012/318)

10:45

**The Convener:** Item 2 is consideration of one negative instrument. The Subordinate Legislation Committee has drawn the regulations to the Parliament's attention on the ground of defective drafting. The relevant extract from the Subordinate Legislation Committee's report is included in the papers. There has been no motion to annul. As there are no comments, do members agree that the committee will make no recommendation on the regulations?

**Members** *indicated agreement.*

## Petition

### Sports Facilities (PE1434)

10:46

**The Convener:** Item 3 is consideration of our approach to PE1434. The paper from the clerks recommends that we write to the Scottish Government, Education Scotland, the Association for Physical Education Scotland, the Scottish Sports Association and the Convention of Scottish Local Authorities. I invite comments from members on that recommendation.

**Gil Paterson (Clydebank and Milngavie) (SNP):** I support the recommendation, with two caveats.

The petitioner, Nairn McDonald, asks the Scottish Parliament to ask

"the Scottish Government to make sure every school can provide adequate sports facilities".

On paper, that sounds good. I would like more availability of sports facilities, and I have memories of many councils closing exceptionally good sports facilities and building houses instead. However, that is the problem—the responsibility lies with local authorities. I support what the petitioner is trying to do, but the petition might have the wrong focus and ask the wrong people to make the decision.

The other caveat is my worry about central Government of any kind, whether devolved or otherwise, taking powers away from local authorities. The closer services can be made to their delivery, the better. Although I did not agree with previous decisions to close perfectly good sports facilities, I would not like to give the Scottish Government cause to take powers away from local authorities and override decisions made locally.

We are covering the bases here. There is nothing wrong with consulting the Government, which has already responded in writing. I support the petition, with the caveats that I have outlined.

**The Convener:** You have put that on the record.

**Mark McDonald (North East Scotland) (SNP):** As well as getting a corporate COSLA response, could we write to all the local authorities—or a selection, taking into account rurality, urban areas and so on? COSLA will give us a general response but we might want to know what individual local authorities think about the petition. I take on board what Gil Paterson has said about problems that might arise at a local level, where for example there might be budgetary implications

for local authorities. Perhaps we could tease that out a bit more.

**The Convener:** We can discuss that.

**Dr Richard Simpson (Mid Scotland and Fife)**

**(Lab):** I have two points. First, does Education Scotland include the inspectorate? The clerk is nodding—it does, so we would hear from the inspectorate about whether it reports on facilities as well as physical literacy, which we have asked about previously. We can make that a specific point in the letter to Education Scotland.

Secondly, should we write to the Government to ask whether the Scottish Futures Trust, which is building all these new schools, is required to consult sportscotland to ensure that any new build funded by the SFT has appropriate facilities attached to it? That is what sportscotland asks for in its letter on the petition. The business plans have to be approved by the Government, so the Government should have some role. I agree with Gil Paterson that the matter is one for which local authorities have responsibility, but if the SFT is funding new schools and is borrowing the money to do so, it should insist that any new school has appropriate facilities.

**Bob Doris (Glasgow) (SNP):** Richard Simpson's suggestion to ask the Scottish Government about the criteria that are laid down for adequate provision for sports when it provides funding to local authorities for new schools seems reasonable. However, I would not make the question specific to sportscotland; I would just ask what criteria there are to ensure adequate provision for sports.

When we discussed the issue previously, I said that it was a matter for local authorities, but I was keen to find out when individual schools are inspected, what recommendations could be made on the physical environment for sports, and how that would drive the investment plan within a local authority area. If those key points will be captured by writing to Education Scotland, that is fine.

Although we appear to be keeping the petition open, we are moving tangentially away from it. We have to be clear with the petitioner that that is what we are doing because we think that that is the best way to take forward the issue. We should not give the petitioner any false hope that we believe that this is a Scottish Government matter, because, given our discussion, I am fairly sure that we all seem to believe that it is a local authority matter.

**The Convener:** Some of those points can be taken up in the correspondence. We just need to clarify a couple of points. If we choose to write to all the local authorities, might that escalate things at this point? We would be asking for 32

responses. I just want a wee bit of discussion about that.

We need to reflect Bob Doris' points in the letter to the inspectorate.

Is Richard Simpson suggesting that we should write to the Scottish Futures Trust or will his point be taken care of in the letter to the Government, as I think Bob Doris suggested?

**Dr Simpson:** As the Government determines the Scottish Futures Trust's remit, I am quite happy for my point to be covered in the letter to the Government.

**The Convener:** We will address Richard Simpson's point in the letter to the Government.

That leaves us with the question whether we write to all 32 local authorities at this point or whether we might want to write to them in future, depending on responses from a select group of authorities.

**Mark McDonald:** On the basis of what has been said, the answers from Education Scotland and from the Scottish Government might give us a bit more illumination. We could perhaps write to local authorities after that. Schools in a tightly-packed urban area will not be able to provide playing fields, for example, whereas schools in a more rural or more suburban setting might be able to do so. When we see the responses from the Scottish Government and Education Scotland, we can make a decision as to whether we want to widen out our queries.

**The Convener:** That comment was helpful. We can also point the petitioner to our evidence-taking sessions and the remarks that have been made on the record about the responsibilities of the Scottish Government and local government. All of that should clearly indicate where we see ultimate responsibility lying, although there are other bodies to consider.

Are members okay with that?

**Members indicated agreement.**

**The Convener:** As agreed, we now move into private for agenda item 4, which is consideration of the approach to our inquiry into teenage pregnancy.

10:55

*Meeting continued in private until 11:34.*

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