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Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 12 November 2013

Session 4

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PUBLIC PETITIONS COMMITTEE
18th Meeting 2013, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)
*Angus MacDonald (Falkirk East) (SNP)
*Anne McTaggart (Glasgow) (Lab)
*David Torrance (Kirkcaldy) (SNP)
*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Keith Brown (Minister for Transport and Veterans)
Peter Gordon
Tom Minogue
Peter Stewart-Blacker (Accountability Scotland)
Graham Thomson (Transport Scotland)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 4

Scottish Parliament

Public Petitions Committee

Tuesday 12 November 2013

[The Convener *opened the meeting at 10:01*]

Current Petitions

School Bus Safety (PE1098 and PE1223)

The Convener (David Stewart): Good morning and welcome to this meeting of the Public Petitions Committee. As always, I ask everyone to switch off their mobile phones, electronic devices and so on as they interfere with our sound system. We have received apologies from Chic Brodie.

The first item of business is an evidence-taking session on petitions PE1098 and PE1223, on school bus safety. As previously agreed, the committee will hear from the Minister for Transport and Veterans, Mr Keith Brown, and Graham Thomson, who is one of his officials. Thank you for coming along. We have also received an additional paper from Mr Ron Beaty that members might wish to refer to, and there is a possibility that Stewart Stevenson, who has an interest in these petitions, might also come along, but that will depend on when his other committee meeting finishes.

I welcome the minister to the meeting and invite him to make some brief opening remarks. After his introductory comments, I will ask some questions and then open it out to my colleagues.

The Minister for Transport and Veterans (Keith Brown): Thank you, convener. I will be brief because we have discussed these petitions before. Perhaps I can provide the committee with a general update and make one or two comments about the current position.

As members will know, the Government commissioned the Transport Research Laboratory to review the guide to improving school transport, which was originally published back in December 2010. One of the findings of the review, which was published in February after we had taken a look at it, was that local authorities were keen to work together on best practice and to share knowledge. As a result, we ran two workshops for local authorities in September and October. A theme that emerged from those workshops was the desire for a consistent approach, and we are considering issuing standard guidance to local authorities on suggested minimum standards for school bus contracts and the development of a modal and behavioural code of conduct involving local authorities and, indeed, pupils and parents.

Responsibility for signage and lighting is reserved to the United Kingdom Government, which is not minded to consider the introduction of strengthened legislation in either area. However, we are aware of various school bus safety pilot schemes, especially those in the north-east of Scotland such as Aberdeenshire Council's development of new school bus signage, and the Government is considering whether to assist Aberdeenshire Council with a full evaluation of some of its initiatives and thereafter to consider whether to develop them nationally.

With regard to seat belts, in December 2012 we commissioned a report from MVA Consultancy on the costs and challenges of changing specifications for school transport, and an Excel-based costings model allows assumptions about any new policy option that might arise to be tested and changed. The work we commissioned from MVA Consultancy was completed in mid-July, but we then took some time to understand the detail underpinning the model and, after interrogating and testing it, officials met the Convention of Scottish Local Authorities and the Association of Transport Co-ordinating Officers to verify the costs and discuss the findings. The Government is considering its final policy position prior to approaching the UK Government with a request to devolve powers on dedicated school transport and associated measures similar to those already devolved to the Welsh Assembly. In the meantime, officials have contacted officials in Wales to discuss responsibility for ensuring that, once introduced, seat belts on dedicated school transport are worn.

The UK Government has confirmed that it is not prepared to devolve construction and use regulations that would allow us to prescribe the design of vehicles. That means that even after the relevant powers were devolved we would still not be in a position to specify that three-point seat belts be fitted.

Local authorities have made substantial progress on this issue. Perhaps the best performing authority in that respect is Highland Council, the majority of whose school transport is fitted with three-point seat belts and the rest with lap belts. However, the picture varies across the country.

The Convener: Thank you very much for those comments. You have touched on some of the questions that I was going to ask but, on the issue of devolution, I understand that an order in council is needed to get these particular powers devolved. What is the timescale for that procedure?

Keith Brown: First of all, there is an internal procedure in the Government whereby its Cabinet sub-committee discusses the proposal. We are well aware of that process and at the moment are

fixing on the costs; after all, as those costs will fall on local authorities, we do not want to do something that either disadvantages local authorities disproportionately or impacts on small bus operating companies that fulfil the majority of local authority contracts. After those issues are considered, we will go to the Cabinet sub-committee and agree our approach to the Westminster Government.

The Convener: How frequent are your contacts with your UK Government equivalent?

Keith Brown: They have been periodic. The minister in question has changed quite a number of times, but the key contact was with Mike Penning, who, as you might remember, agreed in principle that these powers should be devolved. However, the situation in Scotland is slightly different from that in Wales. As I have said, we want to have the right information about costs and are looking very seriously at whether there could be a staged introduction to ensure that existing contracts do not have to be rewritten or changed. Not only is that very expensive for local authorities, it is difficult for bus operating companies to quickly retrofit buses with seat belts.

You will also be aware of Westminster Government disability legislation that requires changes on buses right through to 2019. There is quite an agenda for changing and improving bus services and we are trying to ensure that the situation is being managed as best it can in the interests of local authorities, school safety and the bus operators.

The Convener: In his additional paper, which we received yesterday, Mr Beaty, whom I should welcome to the public gallery, mentions a toolkit that the Government is looking at. Has that toolkit been updated recently?

Keith Brown: We are still working on that. Graham Thomson will be able to say more about the issue.

Graham Thomson (Transport Scotland): The toolkit is contained in the guide to school transport, which was published in 2010. We reviewed the toolkit in February and the TRL produced a report for us that led to the workshops in September and October that the minister mentioned earlier. As a result of those workshops, which have only just been held, the TRL has produced some recommendations that we are currently considering taking forward.

Angus MacDonald (Falkirk East) (SNP): Good morning, minister. In your letter of 18 April, you said that workshops were being developed to share best practice on school bus safety between local authorities. Can you give us an update on how that work is going?

Keith Brown: I think that your question was partly covered in the last answer. However, as I have said, Aberdeenshire Council has been very much to the fore on this and we have agreed to evaluate its initiatives and pilots and then issue that as best practice for other local authorities to follow.

David Torrance (Kirkcaldy) (SNP): What are the key barriers to improving school bus safety? What costs have been identified in making changes and improvements and how does the Scottish Government intend to take this work forward?

Keith Brown: As far as costs are concerned, seat belts are the big-ticket item. We have done some work on those costs, but it has all taken a bit longer than we had hoped because, when we went out and asked local authorities, which are best placed to provide the indicative costs for these things, we did not receive a huge response. That is why we commissioned a report from MVA Consultancy.

I can give you the detail of the costs that we have identified so far, although these very much depend on when contracts are being renewed. When a local authority is about to renew its contracts for school bus transport—sometimes those contracts cover a period of three years—it is much easier to make the change at less cost then, as otherwise the costs rise significantly. For the entire fleet, it is estimated that the roll-out of three-point belts would cost between £15 million and £16 million, whereas lap belts would cost between £7 million and £7.5 million. However, those costs are pretty variable. If the roll-out was done in a staged way, the national costs would be much easier to cope with, at perhaps £200,000 per annum with an initial cost of possibly £500,000. The Welsh Government ensured that local authorities had enough notice beforehand to manage the process without incurring additional costs, and that is what we would seek to do as well.

The Convener: I have one other question for Mr Brown before I bring in Mr Wilson. The petitioners make the point that the initial petition has been around since 2007. Although no one doubts the Government's good intentions, I am picking up frustration from Mr Beaty that we only hear talk and see no specific action. Do you have a specific timetable for action? That is where the petitioner's frustration is coming from.

Keith Brown: On at least two occasions, the Government has made clear that we intend to take the petition forward not through legislation but through guidance, which will take longer. We have made clear a number of times our position on the proposals for signing and lighting—although the seat belt issue has been more of a changing

situation—but we have said that, for various reasons that I have given to the committee before, we will not support a ban on overtaking school buses. The Government's position has not changed and has been stated fairly explicitly a number of times, but there is further work that we can do.

It is worth saying that, in the meantime, we have seen record low levels of accident statistics. Last year, two children died, although I think that the deaths could not be attributed directly to a lack of seat belts. That number was down from three child fatalities the year before. Since 2002, there has been a huge reduction in the number of injuries. Local authorities are continually doing work on the issue, so there is no end point to those efforts. We have said that we will not legislate on the petition's proposal for a ban on overtaking but, on signing and lighting and marking, for which local authorities have responsibility, we will seek to issue guidance to try to ensure that best practice is developed throughout the country.

John Wilson (Central Scotland) (SNP): Good morning, minister. In your opening statement, you said that the UK Government was not minded to transfer powers over the construction and use of buses. Did the UK Government give any reason why it was not minded to transfer those powers to the Scottish Government?

Keith Brown: I would need to check, because the UK Government said that to us so long ago. Often with such things, either we get a straight no or we just do not hear back at all. On seat belts, the experience was different, in that we got a positive response from Mike Penning. I will need to check whether the response was given to officials in writing, but the UK Government made it very clear that it will not transfer those powers.

John Wilson: As you are aware, we have two petitions on school bus safety running side by side. One is on seat belts and the other is on safety signage. One suggestion is that school buses should have a lighting system that indicates when the bus is stopping to drop off or pick up passengers, so that drivers of other vehicles know not to overtake a school bus when it is picking up or dropping off children. It would be useful for the committee to get clarification about the reason why the UK Government felt that the petitioner's proposal was not relevant.

The minister said that local authorities are responsible for letting the contracts for school transport but, when I raised the issue with a local authority in my region recently, I was told that its contracts were not let directly but were let through Strathclyde partnership for transport. Basically, I was referred to SPT as the body that regulates conditions for the fittings in school buses. I know that the Government has been in a lot of discussion with local authorities, but has it had any discussion with Strathclyde partnership for transport?

10:15

Keith Brown: There will have been discussion with SPT because we have had discussions with all the regional transport partnerships. SPT is a bit different from the others in that it has the role that you mentioned, which it actively carries out for local authorities, whereas other regional transport partnerships have much more of a co-ordinating or overseeing role. In some ways, the issue is easier to deal with in Strathclyde because we are dealing with one body instead of having to talk to all the different councils. We have discussed the matter with the regional transport partnerships.

We have recently been trying to get a better idea of what remains to be done in each area. The level has been topped up and the number of buses that are now fitted with seat belts—I recognise that we are discussing both petitions together—is increasing all the time. However, we reckon that about 500-plus buses still require to be fitted with seat belts. We have considered getting the RTPs to do the monitoring and assessment so that we know when 100 per cent of the buses have been fitted with seat belts, and there has been discussion of that with RTPs.

John Wilson: You referred to £15 million for three-point seat belts and £7 million for lap seat belts. Some local authorities have set aside budgets for the fitting of seat belts. Within those figures of £15 million and £7 million, how much have local authorities set aside to assist contractors in fitting seat belts to school transport?

Keith Brown: That information will be held by local authorities, although we can perhaps get it through our involvement with the regional transport partnerships. In the end, it would still be for the local authorities' discretion whether they wanted to use their money for that purpose. We have had one eye on the fact that, given the recession that we have just gone through, local authority finances are stretched, and under the concordat they have discretion in the allocation of funds. We know that it is a difficult situation and think that the best and most cost-effective way to address it is in a staged way. Many small companies that provide school bus transport would find it difficult to retrofit or replace their stock quickly, and we are trying to manage that process. However, the direct answer to your question is that we do not have information on what individual local authorities may have set aside for that.

John Wilson: In your discussions with RTPs, it might be useful to ask whether local authorities in their areas have set aside budgets for the fitting of

seat belts on school transport and whether the school transport providers are making demands on those budgets. It is easy for a local authority to say that it has set aside a couple of hundred thousand pounds for the fitting of seat belts, but if the people who provide the school transport do not know that that money is available, they might not apply for it. It would be worth finding out whether local authorities are making it known that money is available to assist providers in fitting seat belts where necessary.

Keith Brown: I am happy to see what information we can get on that for the committee. Some local authorities may have a pot of money such as you have described, which operators can bid for, but other local authorities will simply make extra provision for a contract that will be more expensive if they specify that the buses should have three-point seat belts fitted.

We also considered whether it would be possible to assist local authorities through the green bus fund and the bus investment fund, which are used for mainstream bus services. As well as needing seat belts, the buses are often the oldest vehicles in the fleet and therefore some of the most environmentally damaging. We have been looking to develop a scheme whereby we can provide assistance for providers to change to hybrid buses and so on while, at the same time, ensuring that the new buses are fitted with seat belts. However, again, the big issue with that is finance. Instead, we have most recently allocated moneys for new buses to the community transport organisations.

Anne McTaggart (Glasgow) (Lab): Have Transport Scotland officials kept the petitioners informed of the developments that have taken place over the years?

Keith Brown: I know for certain that Graham Thomson and others have been in touch with Mr Beaty, but I could not say the same about the other petitioner. Graham Thomson will know.

Graham Thomson: We have not had any recent contact with Lynn Merrifield. I took up my post only this year, and we have certainly not had any contact with her this year. I would have to look back in the records to check the last time that Ms Merrifield was spoken to.

Anne McTaggart: Would that create any difficulties? Given that the petitioner has been proactively campaigning on the issue since 2007, would it be unreasonable to request that that happen?

Keith Brown: No, we can take that up. The assumption has been that the issue features regularly in the newspapers, which is an indirect way of keeping people updated. However, we would have no problem with getting in touch with Ms Merrifield to make her aware of the latest developments.

Anne McTaggart: That would be great. One of the most striking paragraphs in the correspondence that the committee has received reads:

> "Every school child through out Scotland has the same right to be protected, one local authority area should not be safer than another. Every school child has the same right of safety."

Given that Mr Beaty and the other petitioner have been campaigning proactively on the issue and feel passionately about it, it would be great to keep them on board so that they can follow progress.

Keith Brown: There has been regular contact with Mr Beaty, but I am not sure that the same is true regarding Ms Merrifield. We will make sure that there is contact with Ms Merrifield as well. Graham Thomson recently had some pretty lengthy conversations with Mr Beaty, and it is worth putting on record how much we appreciate the efforts that Mr Beaty has made. There is no question but that his efforts have driven the response on the issue. It is an important issue for people across the country—for many years, my own kids went to school in a double-decker bus that did not have seat belts—and Mr Beaty has done a great job in forcing us to confront it.

Anne McTaggart: Thanks, minister.

The Convener: As members have no further points or questions to put to the minister, the next step is to consider options for action on the petition. The clerk has outlined several possible options. The first option is to defer consideration until the new year and seek an update from the Scottish Government on what action it has taken since the publication of the report by Transport Scotland. The second option is to take any other action that the committee considers appropriate.

I think that it would make sense to continue the petition until we have seen some action on it. We obviously want to go the extra mile for both petitioners at this point.

John Wilson: I suggest that we also write to the UK Government again, seeking clarification of the reasons behind the decision not to transfer the regulatory powers to the Scottish Government. If the construction and use regulations remain with the UK Government, that ties the hands of the Scottish Government in relation to fulfilling the petitioners' wishes for school transport. It may be useful to get that further clarification as well as clarification from the minister of any deliberations that have taken place with the UK Government. We had a UK minister before the committee who assured us almost three years ago that there would be no problem with transferring the regulations to the Scottish Government, and it

would be useful to get clarification of where we are on that.

Jackson Carlaw (West Scotland) (Con): Convener, we are in danger of confusing two quite separate things and a degree of common sense should apply. We cannot have vehicles being built to different construction standards in different parts of the UK. It is likely that the regulation that we are talking about has not been devolved for the simple reason that manufacturers and operators would find that an extremely difficult provision to adhere to. That is quite different from the matter that Mike Penning was happy to see devolved to the Scottish Parliament.

The Convener: Do you want to respond to that, John?

John Wilson: Not at the moment, convener.

The Convener: Are members agreed that we defer consideration of the petition?

Members *indicated agreement.*

The Convener: Jackson Carlaw makes an interesting point about the need for standardisation across the UK. Notwithstanding that, is it still worth our writing to the UK minister to get some clarification of the timescale for that transfer of powers?

Members *indicated agreement.*

The Convener: As you have heard, minister, we are going to continue the petition. I thank you and Mr Thomson for giving evidence today. I also thank Mr Beaty for all his work on his petition. The committee appreciates all his efforts.

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

10:24

Meeting suspended.

10:26

On resuming—

New Petitions

A Sunshine Act for Scotland (PE1493)

The Convener: The next item of business is consideration of two new petitions. As previously agreed, the committee will take evidence on both petitions.

PE1493, by Peter John Gordon, is on a sunshine act for Scotland. Members have a note by the clerk, the Scottish Parliament information centre briefing, the petition and the submission from the Association of the British Pharmaceutical Industry.

Welcome, Mr Gordon. Thank you for coming along. We are running a little bit early, so I appreciate your being on time. I invite you to make a short presentation of no more than five minutes, and we will then kick off with some questions.

Peter Gordon: Thank you. I am here to present a petition that calls on the Scottish Parliament to urge the Scottish Government to implement a sunshine act that makes it mandatory for all payments, gifts and hospitality from the manufacturers of drugs, nutritional supplements, medical devices and healthcare technology to NHS Scotland healthcare workers to be reported and logged and for the information to be kept in a public, open database. The database should also include all sponsored education of healthcare workers and managers and should quantify the sums of money, or the cash equivalent of payments in kind, that are involved. I believe that the Scottish Government could lead the way in the UK on the issue.

I will give a bit of background. My son has had type 1 diabetes since the age of 12 and is on insulin. I am very much an evidence-based doctor, and with reference to that I want to make it clear that I fully support the pharmaceutical industry. Indeed, one of Scotland's undeclared heroes is Dr Macleod, the co-inventor of insulin, who got the Nobel prize in 1923. Another of our great scientists and one of my heroes is James Clerk Maxwell, without whom we would not be able to communicate in the way that we do today.

Conflicts of interest feature daily in the news and occur in many different areas, as we all know, and healthcare should not see itself as immune from them. In the 1970s, the academic Robert K Merton commented on the loss of disinterestedness, and it has become a much-discussed problem in scientific journals. He was interested in the ways in which the cultural structure of science guarantees scientific objectivity. My main point today is that I believe in

evidence-based science and I want it to be as objective as possible. Disinterestedness is the assumption that scientists are not influenced by personal material gain and that their reward lies in recognition by their peers. I suggest that the situation has changed significantly in the past few decades.

I have been looking at the area for a few years now, and I have been confused about what regulations and guidance exist. When I initially contacted the Scottish Government, I was told that NHS boards should follow "A Common Understanding 2012—Working Together For Patients: Guidance on Joint Working between NHSScotland and the Pharmaceutical Industry". However, that document, which I was forwarded by the Scottish Government, makes it clear that it excludes research, procurement and sponsorship. It therefore excludes quite a lot. Within the document, the reader is directed to NHS circular MEL—management executive letter—48 of 1994, entitled "Standards of Business Conduct for NHS Staff", which is 20 years old.

10:30

I wrote again to the Government and on 31 October I had a helpful reply from Cabinet Secretary for Health and Wellbeing, who told me:

"HDL (2003) 62 made it clear that all Health Boards should establish a register of interest for all NHS employees".

The key word there is "should".

Here we have two pieces of guidance, one of which is 20 years old—pre-devolution—and one of which is 10 years old.

Alex Neil went on to say:

"In addition, healthcare professionals will continue to be bound by the codes and standards of their regulators and professions."

The current Scottish appraisal form for consultants and doctors asks doctors to confirm annually that they have

"complied with the conflict of interest mechanisms of the Boards"

within which they work.

That leads me to the research that I have done using the freedom of information legislation. I found that none of the 22 NHS boards in Scotland has a completely open-access, routinely populated, central register for recording interests as per the guidance in a health department letter of 10 years ago. A few boards have a register but completion is patchy. The board closest to the request in HDL (2003) 62 stated that

"the information is not routinely collated".

The rest of the boards do not have routine collation of the details either. Basically, we do not know which doctor gets paid what, and there is no way of finding out.

Last year, for the first time, it was revealed that, throughout the UK, £40 million was paid to healthcare workers by the pharmaceutical industry. It has been estimated that £4 million of that was paid to Scottish healthcare workers. That does not seem to appear in the existing registers in Scotland.

My concern, as an evidence-based doctor, is about maximising benefit and minimising harm; my concern is also that resources should go where they are most needed in medical care.

I will finish on harm.

"I think the scale of this might slightly amaze you".

That is a quote from Dr Ben Goldacre.

A recent report in the *British Medical Journal* said:

"Three quarters of guideline panellists have ties to the drug industry".

A recent study by the ethical standards in health and life sciences group concluded that

"89% of 1056 respondents agreed that payments to individually named healthcare professionals by companies should be transparent".

That is important, because much of the continuing medical education in the UK and Scotland is led by key opinion leaders. I became interested in the issue through working with our vulnerable elders in the area of dementia.

The United States has a sunshine act, and France and Australia seem set to follow.

Harm comes from the misleading promotion of continuing medical education and products. My wife and I, who have both been NHS medical practitioners for 20 years, went through the British national formulary for examples of misleading drug marketing where the potential for harm was underestimated. In every chapter, we found obvious examples. That is the result of marketing education—rather than scientific objectivity—where benefits are maximised and harm is not fully represented. The sum of £4 million may not seem a lot in relation to the budget for medicines. However, given the inverse care law, if we are seeing repeated examples of harm, those who most need it will not get the treatment that they should be getting, based on objective science.

It is important that I conclude with a few examples. I wanted to cover all areas, and while my area of expertise is in psychiatry, particularly in relation to our elderly, my wife is a general practitioner.

Each of these is an example of where a drug has been promoted through the involvement of the pharmaceutical industry, with the benefits being promoted first and the harms having appeared later.

Chapter 1 of the BNF is on gastrointestinal disorders. Cisapride was most commonly used for gastro-oesophageal reflux, including in infants. It was withdrawn from the market in 2000 because of the risk of cardiac arrhythmia.

Chapter 2 deals with cardiovascular issues. There is a very recent example. The new oral anticoagulants are said to be safer than warfarin. Extra warnings have now been issued as the drugs still increase the risk of bleeding and, unlike warfarin, have no antidote.

Chapter 4 is on issues of the central nervous system. There are so many examples that it would be impossible to list them all. They include paroxetine, reboxetine and pregabalin. Pregabalin is a painkiller that has been widely promoted, with big awareness campaigns and lots of educational meetings about neuropathic pain. These drugs are now commonly sought for abuse.

I am just about finished, convener. In relation to chapter 5, overuse of antibiotics and appropriate use of antibiotics might well be another area where there is an issue. Most people will probably be aware of the debate on Tamiflu, which shortens any influenza illness by only half a day and probably risks making people sick. Huge quantities of unpublished data on that have still not been released.

Chapter 6 is on the endocrine system. On glitazones for diabetes, there has been a marked number of educational meetings. However, their use has now declined, because of the association of glitazones with heart failure and bladder cancer. On hormone replacement therapy, when long-term studies demonstrated that its proposed cardiovascular benefits appeared in fact to be harms, marketing of the products virtually disappeared overnight. The marketing bill for the pharmaceutical industry is twice the amount that it spends on innovation.

I have just three more examples, convener. Chapter 7 is on obstetrics and gynaecology. I have come across oxybutynin, which is used for urinary frequency and incontinence but which has now been shown to have a risk of cognitive impairment, especially in the elderly, and that fact is now being used as the basis for marketing other, newer still-under-patent drugs of the same class.

The drug Vioxx was used for musculoskeletal and joint disease but was withdrawn from the market. Following that, a rival firm was quick to push its product Celebrex, although significant warnings are now attached to its use. That class of drugs was marketed as causing fewer gastrointestinal side-effects than older drugs, but they had increased cardiovascular risks. The scandal that arose because trials had shown that to be the case but were not published led to the first steps towards the sunshine act in the USA.

I will finish there. I am absolutely not arguing that we should outlaw conflicts of interest, which are part of life; I am arguing that we should insist on transparency. I believe that sunshine is a powerful disinfectant. There are a number of ways that we can go about this, but Scotland could lead the way by introducing a sunshine act.

The Convener: Thanks for your evidence, Dr Gordon. You mentioned important international examples from places such as America. Will you say a little bit more about those and what lessons we in Scotland can perhaps learn from them?

Peter Gordon: I am definitely not an expert on that, but I am aware that, since August this year, America has implemented a sunshine act. Stories are now emerging online, because it is now mandatory that payments to doctors, particularly key opinion leaders, are published in an open-access database. Indeed, anybody can look that up on the “Dollars for Docs” website. The amount of money that is involved is staggering. That applies not to healthcare professionals across the board but to a number of individuals who are targeted as key opinion leaders and who are paid significant sums. If we follow the stories on each of those key opinion leaders, we find that, although there are benefits from the medication concerned, there has been underreporting of the harms.

To return to Scotland, the main issue is that sponsorship by the pharmaceutical industry is the mainstay of continuing medical education once people have graduated as doctors. The medical profession has the notion that we can be more objective and rise above the potential for marketing, but I argue that scientific objectivity should be presented first and all that data should be available. We should know about the conflicts of interest. Those should be open and it should be mandatory to record them annually. We need action on several levels, and not just a sunshine act. We also hope to convince the General Medical Council that the issue could be a regular part of its appraisal system so that doctors record any payments or sponsored education of any sort.

The Convener: You will know that, under UK legislation, the Bribery Act 2010 makes it an offence to take bribes in return for services of any sort in public service or anywhere else. This is a hard question to answer, but are you suggesting that there are breaches of that act in the NHS in Scotland because of the interaction between pharmacy companies and doctors across the board in Scotland?

Peter Gordon: No, I am not suggesting that, and I do not know much about that act. I am merely commenting that the evidence in recent freedom of information returns from all 22 NHS boards in Scotland is that transparency is talked about but is just not happening.

John Wilson: In your introductory remarks, you referred to marketing budgets compared with research and development budgets, and you have just talked about sponsorship issues. How do you envisage our creating legislation that can separate out the legitimate marketing of a drug, the research undertaken to make that drug suitable for use and sponsorship?

Peter Gordon: That is a good question. It would be relatively straightforward; indeed, I am surprised that it has not happened already. We just need an open, central register on which payments from the pharmaceutical industry are recorded. We all understand that conflicts of interest go far wider, but such a register would be the starting point. America has decided that that is the right route and the fact that France and Australia are considering it too says a lot.

I have a copy of the ABPI's helpful reply to the committee, but we cannot rely totally on outside agencies ensuring that a register is set up. The letter provides a lot of information on a European disclosure code but, having read it, I am not convinced that that will meet the standards of a sunshine act. We need the sunshine act as the background; we also need the GMC to regulate across the UK to ensure that an open register is used. That would be good for us all.

We could tackle the inverse care law by ensuring that our medical prescribing resources go to those who most need them. We have so many lessons on overprescribing from history—even in my short time in medicine. I believe in the use of antidepressants and antipsychotic medications, but I want them prescribed appropriately to those who are most in need, and the risk is that that will not happen if education is marketed. The benefits are presented while the harms are not, and usually there is a combination of those.

John Wilson: You have made an interesting point about what market-led educational opportunities there may be in the industry. There is an indication that the drugs that are in most common use may be the ones that sell better through the marketing, training and other facilities that are available to doctors.

You have indicated that you do not think that the recommendations in the ABPI submission go far enough. Do you think that a register should be kept by NHS boards or NHS Scotland? Do you envisage a crossover between two registers, given that the European pharmaceutical industry is talking about setting up a register? Do you envisage any such register that is kept by the pharmaceutical industry being tied into any register that is kept by NHS boards or NHS Scotland?

Peter Gordon: That is a good question. We should have both. MEL 48 has been around for 20 years, so it is pre-devolution. It says that NHS boards should have a hospitality register, but they do not. That letter was issued two decades ago. Just recently, the Scottish Government finally confirmed to me the existence of another piece of guidance—HDL (2003) 62, which is headed "A Common Understanding". That health department letter was issued 10 years ago but we still do not have functioning hospitality registers. That is shocking.

NHS boards should be working with the pharmaceutical industry now. Any moves towards a national collective database can happen in addition to that. I do not see any problem with that.

John Wilson: You mentioned the role of the medical profession. An issue that has come up recently is that, after GPs prescribe a drug and the patient takes the prescription along to a pharmacist, the pharmacist can change the prescribed drug to one that is similar but which is made by a different manufacturer. Do you envisage the inclusion of pharmacists in the register?

Peter Gordon: Not at this stage. The register that I envisaged was only for NHS healthcare workers. However, it needs to apply across the board, so you make a good point.

Jackson Carlaw: Good morning, Mr Gordon. Firstly, you listed some drugs in your opening statement. I take it those are all Scottish Medicines Consortium and National Institute for Health and Care Excellence approved products.

Peter Gordon: Yes.

Jackson Carlaw: We need to be careful. You made suggestions about those drugs that I do not think the committee should, in accepting your evidence, say that we are endorsing, because to do so would be inappropriate.

A register is coming from the pharmaceutical industry. What do you envisage would be the cost of your proposed register?

Peter Gordon: I am just a doctor; I do not know about costs.

Jackson Carlaw: Have you given thought to how the register would operate? Who would sustain and be responsible for it? What penalties would apply? Last week, for example, we had the Scottish health awards. Tables were hosted and nurses and other healthcare workers were

rewarded. Would everybody who had been at a table be required to register that they had been hosted by, for example, a pharmaceutical company? Is that the level of detail and the range of inclusion that you are looking for? You talk of all healthcare workers having to record any example of hospitality.

10:45

Peter Gordon: The starting point is just payment or payment in kind. I think that that is relatively straightforward, not controversial, and in the spirit of transparency and objectivity.

Jackson Carlaw: It is, but if somebody does not act in that spirit, there must be some sort of police force that is responsible and some form of inquiry into why they did not, and then some form of redress or penalty. All that could become a considerable additional burden. I wonder whether, in having something so all embracing, we would create something of a sledgehammer that could become an expensive and bureaucratic nightmare. That is my experience of such initiatives generally, but especially of those in the NHS.

Peter Gordon: How come in the Houses of Parliament scandal about payments transparency was seen as—

Jackson Carlaw: Yes, but that was for 600 people. We are talking about tens of thousands of people in the health service in Scotland. The scale of what is proposed is way beyond the monitoring of 129 MSPs or 600 MPs. You propose a very much broader register.

Peter Gordon: Absolutely. The potential for harm is significant, as has historically been shown by repeated overprescribing of medications, which has caused a lot of harm and has diverted resource away from people who need it. I do not see why you think the introduction of a register would be a problem.

Jackson Carlaw: I am trying to define it. There is an issue about overprescribing, but it seems to me that the register that you propose would reach way beyond any potential conflict of interests to go much wider.

Peter Gordon: No. I do not accept your argument at all.

Jackson Carlaw: You did accept it; you said that any nurse who had been at the event last week would have to register on a website that they had been there.

Peter Gordon: No. I make it very clear in my petition what I am asking for, which is for payments to be recorded. America has accepted that that is the right way forward.

Jackson Carlaw: America has an entirely different health service; it does not have a national health service.

Peter Gordon: Are you defending the fact that, although there is guidance from 10 and 20 years ago, we still have no properly functioning hospitality register? Surely that would be a very easy thing to implement that would not be very costly.

Jackson Carlaw: You say “surely”, but you actually do not know.

Peter Gordon: Yes, but it is part of Government guidance.

Jackson Carlaw: There was a bit of a fuss in the press recently about an issue that was identified in the health service in England relating to GPs’ prescribing generic products. It appeared that the health service was picking up a very considerable additional bill because of marketing by pharmaceutical companies that resulted in GPs promoting particular products despite there being alternatives at much lower costs. I am slightly confused, because my understanding is that GPs are self-employed and so are not employed by the NHS. Does that mean that the register that you propose would not cover GPs?

Peter Gordon: The register that I propose is about continuing medical education. The payments to doctors as key opinion leaders can amount to considerable amounts of money, as is also the case for training, lectures and sponsored symposia. I understand that the GMC takes the matter very seriously and is considering implementing registering on a regular basis. I am not a financial expert, but I do not see a register as being a difficult thing to produce. I understand that the range of guidelines needs to be clear about what has to be declared and what does not, but the implementation of a register would not be difficult.

Jackson Carlaw: I am trying to establish whether I am right that GPs are not employed by the NHS.

Peter Gordon: I think that GPs are employed by the NHS, but as private contractors. I am not an expert on that, though.

Jackson Carlaw: So, would a register cover GPs?

Peter Gordon: We would need to confirm that.

The Convener: No other member wishes to ask questions of Dr Gordon, so I ask him to stay here while we move to the next stage, which is to decide where the petition should go. Members will note that the clerk’s paper mentions two options. The first is to seek further information on the petition’s proposal from, for example, the Scottish

Government, the British Medical Association and the ethical standards in health and life sciences group, and the second is to take any other action that members feel would be appropriate. Can I have recommendations from members?

John Wilson: We should continue the petition. As well as the Scottish Government, the British Medical Association and the ethical standards in health and life sciences group, we should contact the Royal College of Nursing, the GMC, which has been mentioned, NHS Scotland, possibly one or two health boards, and Unison, to find out their views on such a register being introduced and applied to the medical profession in Scotland.

Jackson Carlaw: I, too, think that we should continue the petition. It raises some interesting issues. International comparisons have been drawn to our attention, and by some means I would like to know a little bit more about how they operate, the costs and the circumstances that led to their introduction. If we are drawing parallels with them, we ought to do that on an informed basis, so I would find that information useful.

The Convener: That is an excellent point. I am sure that our colleagues in the Scottish Parliament information centre can provide some research for us for a future meeting.

Jackson Carlaw: I also wonder whether, on this issue, we should write to the Department of Health in England. The issues there will be similar, so it would be useful to have any information that it has and to know about any investigation that it has done, which might also inform our view.

The Convener: Thank you for that.

Anne McTaggart: Should we write to pharmaceutical companies, chemists and pharmacies?

The Convener: We have a submission from the Association of the British Pharmaceutical Industry. Do you wish something more than that?

Anne McTaggart: Given the evidence that we have heard today, yes I do.

The Convener: Okay. As no other members wish to contribute, are members happy with the course of action that Jackson Carlaw and John Wilson have suggested?

Members *indicated agreement.*

The Convener: Thank you for that. As you have heard, Dr Gordon, we will continue the petition on the terms that John Wilson and Jackson Carlaw suggested, and we will keep you up to date with developments. Thank you for coming along. We will let you know how the petition goes in the longer term.

10:52

Meeting suspended.

10:53

On resuming—

Secret Society Membership (Declaration) (PE1491)

The Convener: Our second new petition today is PE1491, by Tom Minogue, on the declaration by decision makers of secret society membership. Members have a note by the clerk, the SPICe briefing, the petition and a letter from the Grand Lodge of Antient, Free and Accepted Masons of Scotland. The previous petitioners who are referred to in the clerk's note and the SPICe briefing are Sidney Gallagher, who lodged PE693, William Burns, who lodged PE652, and Tom Minogue, who lodged PE306.

I welcome Tom Minogue and thank him for coming along. Also with us is Peter Stewart-Blacker, who is the convener of Accountability Scotland. Thank you for coming along as well, Mr Stewart-Blacker. If you want to intervene at any time, please indicate that to me and we will be happy to hear your views. Mr Minogue, we would appreciate a short presentation of a maximum of five minutes.

Tom Minogue: I ask the committee to take the SPICe briefing with a pinch of salt because it is misleading and does not tell half the story. That might not be the fault of those who compiled it, as the Parliament's archives are not very helpful to researchers.

For a start, the Speculative Society of Edinburgh was reported in the Parliament in 2002 and was not brought to the public's attention by Robbie the Pict in 2003. The all-male Spec's domination of the judiciary was raised by me in Parliament by way of a written submission in 2002. You would not know that from the Parliament's summary of PE306, but the *Official Report* of the Justice 2 Committee's meeting of 30 October 2002 records it, and you can see it on my blog.

It is a sad fact that I can follow public petitions from 1817 but not those from 2003. In the internet age, that is ridiculous. At the click of a mouse, I can access every issue of *The Scotsman* and *The Glasgow Herald* back to March 1817 and read, for example, about a petition by the borough of Rutherglen to the Westminster Parliament that proposed electoral reforms and opposed the Government's suspension of habeas corpus, but I cannot readily find out what happened to my petition on 4 March 2003.

On that day, Jim Wallace killed off my petition. When he gave evidence to the Justice 2 Committee, he said:

"Mr Minogue is almost unique."—[*Official Report, Justice 2 Committee*, 4 March 2003; c 2589.]

The claim that I was the only one with a concern about undeclared freemasonry in the judiciary was astonishing given that it was made at a time when the UK Government insisted on knowing, as a condition of employment, the masonic membership status of new judges in England and Wales, and when Norway had similar rules. In effect, the justice minister was saying that public concern about judges' masonic membership hit the buffers at Berwick-on-Tweed and the east coast ports.

The SPICe briefing is not even handed. It features two cases in which the United Grand Lodge of England threatened to cite for judicial review of the judges' masonic registration regulation in England and Wales. The two Italian cases were never tested in the UK courts and are not relevant to my petition, yet SPICe features them while ignoring and omitting to show a Scottish case that is absolutely relevant to my petition—a case in which a social security commissioner upheld the appeal of a Dundee claimant who demanded to know whether he was being assessed by masonic decision makers. The commissioner held that, under article 6 of the European convention on human rights, the claimant had the right to ask.

Two spurious Italian cases are featured by SPICe while a highly relevant Scottish case is suppressed. I say "suppressed" because SPICe alludes to it, albeit obliquely, as

"additional evidence"

that

"the Committee declined to publish".

You might ask why the publishing was censored. The Dundee case is a publicly reported one that was discussed with the then justice minister on 4 March 2003 in connection with my petition, but you would need to be a super-sleuth—a modern-day Sherlock Holmes—to find it in the Parliament's archives.

To conclude, I ask the committee to look at my petition afresh and judge it on its merits. In my opinion, that should be done by way of forensic research and examination involving academics and should not rely solely on those with vested interests—judges and politicians—who, for whatever reason, might want to gloss over the issue. Jack Straw was such a politician. In an election manifesto, he promised a register of freemason judges and was instrumental in introducing it, but as Home Secretary in 2009—not in 2007, as SPICe reports—he did a U-turn and scrapped it. With an election looming and his party trailing in the polls, he sought to gain ground by bribing the masonic voter.

I ask the committee to follow the example of Scottish politician John McAllion, the Public Petitions Committee's first convener, who boasted that his committee never met in private. That is as it should be. He was true to the promise that the Scottish Parliament would be open and accountable.

Too often, I watch video coverage of committee meetings at which the members rubber-stamp briefing papers that have been prepared by bureaucrats or arrive at conclusions that are the result of private meetings. Some committees remind me of television cookery programmes in which celebrity chefs produce a perfectly cooked dish with the comment, "Here's one I prepared earlier." Faits accomplis appear where the public has seen no due process, and that is simply wrong. Future generations should be able to examine every step of the petitions process, just as I can read the archives of *The Scotsman* and follow those petitions from 1817 that supported the blanketeers and the Hampden clubs.

The Convener: Thank you, Mr Minogue. For the record, I stress that we invited you along today because we want to hear about the merits of the petition. You are here so that we can examine your petition and look at the next steps.

I think that I speak on behalf of the committee when I say that we have always been keen to go the extra mile with every petitioner. You will know that we considered a similar petition involving the registration of judges' interests. You might have seen some press coverage of that.

Tom Minogue: I have followed it closely.

The Convener: That has resulted in the deputy convener and I meeting the Lord President in a week or so. We are not discussing anything in private. Everything that we do is open, which is why you are here with your colleague. I am delighted that you are here and I wanted to make sure that all that is on the record.

11:00

Tom Minogue: I would clarify, convener, that my remarks were predicated on my experience of other committees. I watched your committee, particularly Jackson Carlaw, when you talked about Lord Gill's refusal to attend, and I was very impressed with that. You are certainly thorough. I was basing my remarks on my experience of other committees.

I want to ask why there is an additional submission to my petition from the Grand Lodge of

Antient, Free and Accepted Masons of Scotland. When I accepted the committee's invitation, I included additional information from the Domstol—the Norwegian court service—and an article from the political editor of *The Guardian*, but they do not appear.

The Convener: It might be useful if I ask some questions about your current petition and then allow my colleagues to come in. Although I totally understand that you wish to air some issues about the past—you have done that very ably—our job is to look at the current position. We are not responsible for what happened in the past, but we are keen to explore your petition.

You touched on one of my questions when you mentioned the situation in England and Wales, where there was a register from 1998 to 2009. As I understand it, that involved judges, the police, prison staff and probation officers, which is quite interesting. They were asked to declare whether they were freemasons. Have you been able to analyse the results of that? The register operated for a fair length of time. Have you looked at any academic evidence that has analysed how effectively the register operated? I have picked up from the equivalent of the Crown Office that there were a lot of nil returns, which was an issue. I am partly answering my own question, but I wanted to raise that point. Perhaps you can give me your views on the register, Mr Minogue.

Tom Minogue: As you say, there was a problem in the lack of co-operation, particularly from the United Grand Lodge of England and the judges themselves. In its overall conclusions, the second report of the Home Affairs Committee said that between 5 and 10 per cent of the professional judiciary in England had declared masonic membership.

If we extrapolate that figure to Scotland, which has the highest per capita masonic membership in the world—it is more than four times as high as in England—we could be looking at between 22 and 44 per cent of judges here being in organisations such as the freemasons. The requirement for registration in England and Wales was ditched because an election was looming and Jack Straw—on his own and after having been instrumental in introducing the register—decided to scrap it as a vote catcher. It was nothing to do with the two Italian cases that were quoted in the SPICe briefing. He produced a straw man of an argument and gave his reason for scrapping the declaration rule as being that no evidence of criminality had been found among judges. However, the rule was brought in not to find such criminality, but for no other reason than to reassure the public and increase its confidence in the judiciary. The declaration rule was scrapped on a whim with an election looming by a man who, just the other week, had to apologise to the Hillsborough families because he had got that wrong. I suspect that he got the decision on the declaration rule wrong, too.

The Convener: My question was whether there had been any specific academic assessment of how effective that register was when it was operational in England and Wales.

Tom Minogue: I could not say. The Home Affairs Committee seemed to like the register but Jack Straw, using his power as Home Secretary, overturned it. To my knowledge, that was not done for any academic reason.

The Convener: It was interesting to look at the analogies because, as you will recall, the measure was recommended by a Westminster select committee and accepted by Government. I just wondered whether there had been any assessment of it.

Do you have any evidence of wrongdoing by masons in public life through a non-declaration of any conflict of interest? If you do, the committee would be interested to hear it.

Tom Minogue: No. It is impossible for me to find out wrongdoing by people who do not admit to being members of that group.

The Convener: It is your petition, Mr Minogue, but Mr Stewart-Blacker should also feel free to respond to questions or make other contributions. You can come in now if you want, although I have one more question for Mr Minogue.

Peter Stewart-Blacker (Accountability Scotland): Accountability Scotland's objective is to deliver effective administrative justice for Scotland. I do not have any specific concerns about the masons; I am much more concerned about the broader aspects. Scotland is a village and people have relationships that can be damaging. Indeed, I have been subject to such a relationship in which a chief executive was a co-director with a contractor who had been appointed to deliver a contract that he was not qualified to deliver. We need effective investigation and assurances that any civil servant or MSP whom we might sit in front of does not have some agenda that is hidden or unavailable to us.

In view of the examples that we have of situations that have been covered up in the health service, in planning and what have you, I support the broader aspects of Tom Minogue's petition. I should add that Tom is a member of Accountability Scotland, but we came to the issue rather late—indeed, we met to discuss it only last Saturday—so we are perhaps not up to speed on the freemasonry element. Nevertheless, we feel that freemasonry is a metaphor for a much broader problem in Scotland.

The Convener: Before I ask you a specific question, Mr Minogue, I should advise you that if you want us to see any additional papers such as the article from *The Guardian*, there should be no problem with that. I apologise if there have been transmission problems. You should send the material to the clerk, Anne Peat—

Tom Minogue: The links to the Domstol documents about Norwegian judges and the article by the political editor of *The Guardian* were sent when I accepted the invitation to appear before the committee.

The Convener: I apologise if, for whatever reason, we have not received that information. My point is that we are very happy to look at any material that you might have. If you send it to us, I will ensure that all members see it and that we discuss it at a future meeting.

Now that we have seen your petition, can you tell us in a couple of sentences what you want the committee to do?

Tom Minogue: I would like the committee to examine the conflict of oaths for, say, a 21-year-old man who might be a law student and who follows the family tradition of joining the masons. That is fair enough, but it is an onerous business. He will have a noose put round his neck, will be blindfolded and will have to roll up his trouser leg and bare his breast. Then, with a dagger pointed at his breast, he will swear to do certain things and keep the organisation's secrets on pain of suffering all sorts of horrible punishments if he does not. He will, for example, get his tongue torn out and his body will be left to the sea and the wind. One imagines that a 21-year-old law student would take that sort of thing seriously.

When he is 40, the same man gets the call to become a judge or sheriff and is asked to swear an oath to judge without fear or favour. Apologists for freemasons will say, "Well, he's now judging without fear or favour, so the previous oaths don't matter." What kind of man would take an oath and not mean it? I think that there is a conflict of oaths there. Someone's promise to prefer their brethren in the masons cannot simply be dismissed when they become a judge. Personally, I see that as a problem.

Nevertheless, my petition is not aimed only at the things that Tom Minogue is worried about. People have the right to know whether a judge who sits in judgment and balances evidence from two people—one of whom might be a non-mason while the other is a mason—is a mason or a member of Opus Dei, the Orange order or the British National Party. I see conflicts in some of the demands that are made by those organisations.

That is where I am coming from. Indeed, it is not just me who has seen the issue—the two Home Affairs Committee reports make it clear that all England and Wales, too, saw it and there was great public concern. Parliament would not spend all that time on the matter for nothing, and Norway's Government has not demanded the declaration of membership of freemasonry for nothing.

Freemasons are a ubiquitous part of our national culture. In fact, one ex-master mason described them as

"part of the warp and weft of public life in Scotland".

I have drunk in the Masonic Arms, have attended weddings in masonic halls and have worked on bridges and buildings that have been inaugurated or consecrated with masonic ceremonies. However, I cannot think of the last bridge that I worked on that was dedicated by a senior official of the Ancient Order of Hibernians, I have not attended a wedding in a Knights of St Columba hall and I would be teetotal if I relied on getting a pint in the Opus Dei Arms. If masonic organisations have similar demands for the preferment of or bias against people, I would want them to be introduced into the argument because they would be just as relevant.

The Convener: Thank you for that. Some of my colleagues will now ask questions.

Angus MacDonald: You and your petition make the rather bold assumption that freemasons

"demand fraternal preference to their brethren over non-brethren",

after which you mention

"organisations which have constitutions or aims that are biased against any particular sect, religion or race."

What proof do you have that masons demand such "fraternal preference" and that they are

"against any particular sect, religion or race"?

Tom Minogue: As I am not a freemason, I have not taken the oaths myself. Like everyone else I get my information from libraries, the internet and countries that, unlike Scotland, are not secretive about freemasons. I find Scottish freemasonry very secretive and unique in other ways. No less a person than the grand secretary of the grand lodge agrees with me on this point; he is a nice chap called C Martin McGivern, who gave me a tour of the grand lodge. We talked about the unique aspects of Scottish freemasonry, which for historical reasons has a sort of sectarian or what one might call Orange flavour. He told me about visiting America and seeing bumper stickers that said, "Toot if you're a mason," and he said, "Tom, I live in Glasgow. If I put one of those stickers on my car, it would be wrecked." As I have said,

freemasonry in Scotland has a unique, secretive nature that does not exist elsewhere; indeed, English masons have told me about its sectarian aspect and that they are shocked when they come to Scotland and find that the freemasonry here has an Orange flavour.

I have learned about all this from not only my reading but the university of life and bitter experience. I have negative views of freemasonry. Some of the best people I have ever known have been freemasons, but my general experience in the engineering and construction industry is that freemasonry is not a good but a corrosive influence. When I was tried, there was no doubt that freemasonry was at the back of it; logic was stood on its head and I decided to look into and challenge the matter. All of my life I have had negative experiences of it—it is the very antithesis of meritocracy and a terrible thing. Of course, that is only my view.

11:15

Angus MacDonald: It is your view—you do not have proof.

On your point about openness—to pick up on what the convener said—it would be helpful to get hold of the document that you forwarded on operations in Norway.

Tom Minogue: You have it.

Angus MacDonald: Yes, we will get it.

You will be aware of the cases that have been heard in the European Court of Human Rights—you alluded to them in your presentation—that suggest that the introduction of the kind of law that you suggest would breach the right to freedom of association, which is guaranteed under the Human Rights Act 1998. In addition, the court held that treating membership of the freemasons differently from membership of non-secret societies was unjustified discrimination. Therefore, if the Scottish Government or the Parliament were to take on board your petition, would it not be breaching a ruling of the European Court of Human Rights?

Tom Minogue: No, it would not be, because that is not what the two cases in question establish. Jack Straw—who, as Home Secretary, had a team of lawyers at his disposal—did not rely on those cases. He never said that they would have blown the legislation out of the water. He did not say that that was why he overturned the rules. He said that the sabre rattling of the United Grand Lodge of England as a result of those two spurious Italian cases caused him to reconsider. What caused him to change the rules was the fact that he could not find any evidence of criminality among the judiciary. I can read out what he said, if you would like.

Angus MacDonald: That is up to the convener.

The Convener: Is it brief, Mr Minogue?

Tom Minogue: It is fairly brief. In a statement to Parliament, Jack Straw said that the review of the policy—which he carried out because of the sabre rattling of the United Grand Lodge of England—had

"shown no evidence of impropriety or malpractice within the judiciary as a result of a judge being a freemason".

He did not change the policy as a result of the two Italian cases. It was because he found that there was no impropriety that he felt that

"it would be disproportionate to continue the collection or retention of this information."—[*Official Report, House of Commons*, 5 November 2009; Vol 498, c 55WS.]

The second of the Italian cases was not even contested. One of them banned freemasons from certain jobs. No one is suggesting that that should happen.

Angus MacDonald: Notwithstanding that, surely you accept that those two rulings would cause the Scottish Government a problem?

Tom Minogue: No, I do not. Jack Straw did not believe that they caused a problem. He did not say that the UK Government was in trouble because of those two cases. He said that the fact that the United Grand Lodge of England might go for a judicial review on the back of them caused him to hold a review. When he held the review, it was because there was no evidence of criminality among judges that he decided to change the policy. Jack Straw created a straw man—funnily enough—as far as the Italian cases were concerned. The rules that he overturned were not about criminality among freemason judges; as the two Home Affairs Committee reports make clear, their purpose was to instil public confidence in the judiciary, not to catch crooked judges. Therefore, to scrap them because no crooked judges were caught was to use a straw man argument.

Jackson Carlaw: I reassure Mr Minogue that I have no vested interest in freemasonry. As a primary school pupil, I took an oath to the Tufty club. I hope that the fact that I have never renounced Tufty will not compromise me. The crucial thing about that is that my oath to Tufty was not an oath in law. I have sympathy with some of the arguments that you mount, if not all of them, but it is my understanding that the oath that freemasons take is not an oath in law, whereas the oath that a judge takes is an oath in law. I would have thought that that took primacy over a more casually delivered oath.

I want to ask you specifically what the practical consequence of your petition might be. It talks about giving the

"litigant, or plaintiff wishing to exercise their rights to a fair hearing"

access to a register of judges who belong to such organisations. Is the implication that, if a judge was a freemason, that would automatically invalidate the trial that took place, or that, if the plaintiff was a freemason and so was the judge, the verdict that was subsequently arrived at would automatically be rendered unsafe?

I am trying to understand what the practical implication of the petition would be. Forgive me for saying that it seems to me that the practical implication would simply be chaos in our legal system for a casually delivered oath. You articulated why part of the oath is, in some sense, a pantomime in contrast with the enforceable legal oath that is taken by judges and all the others who are involved in the criminal justice system. I am therefore uncertain whether the consequence of what you are seeking would be complete chaos that relates to a declaration that is not legally enforceable in the first place.

Tom Minogue: I do not think that anyone would say that the judicial system in Norway is in complete chaos because Norway has a register of freemason judges, and I do not think that a freemason's oath is, as you put it, a casual oath.

Jackson Carlaw: It is not legal.

Tom Minogue: You said that it is casual, but that does not involve getting a dagger pointed at your breast and a noose round your neck.

Jackson Carlaw: As far as I know, the dagger has never been plunged and the noose has never been pulled. To my mind, it is all slightly ridiculous, but an element of theatre is involved. I do not see the declaration as legally enforceable. To be fair, Norway is not one of the countries that I at least regularly point to as being a beacon of all hope, truth and justice in the world today, although others might do so.

Tom Minogue: You are one of the few. The oath is not a trivial thing, and I would not trivialise it, as you have, and say that it is just a piece of pantomime. In my experience, I have seen freemasons get away with virtual murder by dint of the fact that they were freemasons in industry. Therefore, I see the oath as a powerful thing, and I see logic stood on its head when a mason helps a mason.

I do not think that the proposal would cause chaos or invalidate every trial. It would help people such as me. Those people are not, as Jim Wallace said, unique. There has been an overwhelming groundswell of concern in England about the Stalker affair and the West Midlands serious crime squad, and we now have policemen investigating the Hillsborough cover-up—freemasons have been banned from that. There will therefore be another groundswell. We continually get those things; we currently have such a situation in the Metropolitan Police with the press leaks. There is public disquiet about masons subverting the course of justice.

People such as me want the right to ask whether a judge has such obligations. I should have had that right when I went to trial. I do not even say that I would always object about a judge; in fact, if a judge wore his freemasonry on his sleeve and said, "I'm a freemason, and I don't care who knows it," I would say, "Well, okay. I'll put my trust in you. You're a man who wears that on your sleeve." I have had many freemason friends who have been very good friends and honest men.

As I have said, the hidden element is peculiarly Scottish. The sectarian element and the massive numbers are also peculiarly Scottish. All those things cause me disquiet, and there are many people who are like me. The 3,116 people who supported my petition are obviously evidence of that.

I would feel a lot better if judges were open about all their memberships; I include not only the freemasons in that. When I was researching the Speculative Society of Edinburgh, I looked at every judge that we had. Over two thirds of them were members of that all-male elite from the University of Edinburgh. I could look into those judges and tell whether they were a member of the New Club, which Burns club they were a member of, and whether they were a member of the Tufty club or whatever you like, but I never found one who had declared membership of the Speculative Society of Edinburgh. As soon as people see that, it causes them concern.

Kennedy made a great speech about secret societies and our distrust of secrecy. It is true that most people who are not in those societies distrust them. In this day and age—the 21st century—people are having nooses tightened round their necks. You might say that that is a bit of theatre in making promises, but I do not see that that has any place in a modern society. If somebody is going to do that and pledge allegiance to their brother, I am entitled to know.

I am not alone in this. In evidence to the 1998 Home Affairs Committee, Lord Irvine of Lairg spoke about the column of mutual aid that we all perceive masons to have, to help a brother who is in trouble. He said—and he should know, right enough—that when people are in court they usually are in trouble.

If I were faced with someone getting the benefit of the preferential treatment that a mason gets and having the edge over me when our evidence was compared, I would be very concerned. If that was

likely to happen in a case, I would insist that I wanted to know.

However, it might be the case that I did not want to know. I have been married for 44 years. Say my wife said, "I'm getting rid of you." My wife is from a masonic tradition, as it happens, but if we went for a divorce case I would not say to the judge, "I want to know if you're a freemason, because you might favour her," because that would not be a concern of mine.

It would only concern me in certain instances. Each case would be individual and it would not apply across the board.

John Wilson: Your petition says:

"make it compulsory for decision makers such as sheriffs, judges"—

we are concentrating on judges at the moment—

"and juries at their courts, arbiters, and all panel members of tribunals that are convened and held in Scotland".

It seems to extend beyond judges and sheriffs—anyone can be called to serve on a jury. Do you honestly want everybody who is an arbiter or sits on a jury to have to declare, for the time that they sit on that jury, whether they are a member of an organisation such as a masonic order?

Tom Minogue: It would not affect cases across the board, but it would apply to people who sit on juries in certain cases. That would be decided by legal officials in the case, which goes back to Jackson Carlaw's question.

I did not include that in my first edition of the petition, but I was persuaded by the eloquent argument of the late Paul McBride QC, when he spoke on "Newsnight Scotland" after the Neil Lennon assault case. He described a completely and utterly inexplicable verdict in the case of the man who was accused of assaulting Neil Lennon. He said:

"In Scotland we have juries who don't have to read, don't have to write, don't have to count and may be full of prejudices, unlike other countries. We may have to visit this area again."

He was alluding to what I have alluded to: the historical orange flavour of freemasonry in Scotland. That is what I think, although I cannot speak for him; the man is dead. However, that is what he said—those are his words.

It struck me that, leaving aside illiteracy, innumeracy or whatever, you could have members of a jury who were, say, members of the British National Party—let us move away from the freemasons. You could have a jury with 15 members of the BNP or a majority of BNP members judging a black African asylum seeker. Would that be right or fair?

As things stand, nobody can question the membership of a jury. In Neil Lennon's case an Irish Catholic stood trial and it might have been fair to have had a certain amount of jury vetting to make sure that we was not tried in front of 12 or 15 Orangemen. I can see a requirement for vetting in certain circumstances. Of course, it could be the other way round. I think that such circumstances would be unlikely, but if a prominent Orangeman stood trial, would it be right for him to be tried by 15 members of the Ancient Order of Hibernians?

For the previous version of the petition I looked at my own case, in which decisions were made by a sheriff, and the sheriff was the sole arbiter of my guilt or innocence. However, I picked up on what Paul McBride said and after hearing him I thought, "That's right enough. It's normally a jury." I do not think that it would apply every time, but why can we not ask a team of jurors to do that? One of the supporters of the petition tells me that that happens in America all the time.

11:30

John Wilson: My question was about people having to make a declaration if they sit on a jury. Your response was that law officers might make that decision, but only in certain cases. Should we prescribe who can sit on a jury or who can hear a case only in certain cases, or should it be in all cases, given the petition? You have gone through a list of organisations in your opening statement and answers, including the masons, the Ancient Order of Hibernians, Opus Dei, the Orange order and the Knights of St Columba. You have not mentioned the Eastern Star and you have not said whether church elders should be included, although you alluded to that in talking about the Paul McBride interview on "Newsnight Scotland" on the Neil Lennon case, in which Mr McBride said that we might have a built-in bias in Scottish society that could predetermine the outcome of judicial cases based on the jury of 15 peers judging a case.

If a member of a jury was a member of the BNP or another organisation with a leaning towards objections to colour or religious groupings, and that was known to the court officials, I would expect those officials, or the lawyers acting in the case, to make the court aware of that. However, if we widened out the proposal to include jurors as well as tribunal members and other such people in Scotland, in effect, who would sit on a jury?

Tom Minogue: I do not think that I am widening it out at all. I am talking about the ability to determine whether the members of a jury are members of organisations that demand a bias of their members or that have a bias against a group. Any body that considers the issue would have to determine which organisations fall into that

category. I do not know of many that would, and I do not think that it is such a big thing to ask people to declare membership of the freemasons, the Orange order, the BNP or the Ancient Order of Hibernians if that is necessary. I cannot speak for Paul McBride, but I quoted him because I took on board what he said. To move away from the petition, the bigger issue is that the system cannot be a good one if a man or woman on a jury can be illiterate. So our system for juries is not perfect. In America, for instance, jury vetting is quite a big thing, mainly on the basis of race. It might be an issue here but, if we get a better justice system out of it, so what? It is worth a bit of trouble.

John Wilson: To go back to my point, who determines whether someone can sit in a court case as a juror, a judge, or a sheriff or who can sit on a tribunal when a case is being heard? In terms of the petition, who makes that decision, because you are transferring—

Tom Minogue: Let us say that the prosecutor—

John Wilson: Let me finish, Mr Minogue. You are potentially transferring power to someone else. Paul McBride is not here to defend the statement that he made on "Newsnight Scotland" in relation to the Neil Lennon case. People can view that interview, but we are unable to question or examine what he meant by those comments. People from across society are asked to serve on juries. Who will determine whether they have a built-in prejudice in hearing a case?

Tom Minogue: The prosecutor—the procurator fiscal—and the counsel for the accused should have the right to ask for a declaration. However, my petition is not a perfect document that a subordinate legislation committee has examined for the kind of small nuances that you have described. The petition is about a principle, which still holds, so I should surely not be asked questions about administrative details at this point.

John Wilson: Mr Minogue, the committee members are here to examine petitions. We are at liberty to examine how or whether we will take a petition forward and we need as much information as possible from the petitioner to assist us in determining how best to do that. That is the reason for the questions that have been asked.

Tom Minogue: Of course.

The Convener: We are a bit short of time. If none of the members who have not asked a question wish to come in, we will move on to the next stage.

As you probably know, Mr Minogue, from seeing what happened with the previous petitions, we have a summation stage when the committee decides on the next steps for the petition. I therefore ask you to bear with us for a few seconds.

Members will note that the clerk's paper has a couple of options for the petition, one of which is to seek further information while continuing the petition; the second is to take any other action that seems appropriate to the committee. I think that it would make sense to seek further information on the petition. The paper suggests that we could write seeking information from, for example, the Scottish Government and the Lord President. Do members agree to take that course of action?

John Wilson: The paper suggests that we could write to the Scottish Government, the Lord President, the Sheriffs Association and the Scottish Justices Association. I suggest that we also write to the Lord Advocate, the Crown Office and Procurator Fiscal Service and Police Scotland to get their views on the petition.

Peter Stewart-Blacker: Can I—

The Convener: I am sorry. We are at the summation stage now and are not allowed to take any further evidence.

Jackson Carlaw: I would like views to be sought in two respects: first, on the desirability of the petition's proposal; and, secondly, on its practicality. I think that they are quite distinct themes, so that might affect our view when we finally consider the petition.

The Convener: We have agreed to write to the grand lodge of Scotland. I remind members that David Begg, who is the grand secretary, offered to come to the committee to give evidence. It is my duty to ensure that members are aware of that offer. Obviously, it is up to members to decide whether to have oral evidence rather than written evidence. Frankly, I am neutral on that, but if members feel that it is important to bring Mr Begg to the committee, I am happy to go along with that.

Jackson Carlaw: I would like to reserve my position on that offer at this stage.

John Wilson: Similarly, I suggest that we reserve our position on inviting Mr Begg until we receive further evidence.

The Convener: Right.

Angus MacDonald: I think that that is a sensible move. I agree that there is merit in contacting all the suggested bodies to get their views.

Anne McTaggart: I agree with what has been suggested as the way forward.

David Torrance: I am happy to go with the recommendations.

The Convener: I thank members for that.

Mr Minogue, we will continue your petition and write to the various organisations that you have heard mentioned. At the moment, we will not ask Mr Begg to give oral evidence and will reserve our position on that. However, we will seek the fullest possible information on the petition and we will keep you up to date with developments. When we get all the information that we have sought, the committee will discuss it at a future meeting.

I am sorry if there were some communication problems, but I remind you of my earlier offer that if you have any paperwork that you want the committee to be aware of, it is probably best for you to send it to us after you get home. I will ensure that it is circulated to all committee members. I thank Peter Stewart-Blacker, too, for attending the meeting. It was useful to get your views. I thank both gentlemen for coming and giving evidence.

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

11:39

Meeting suspended.

11:40

On resuming—

Current Petitions

Wild Animals in Circuses (Ban) (PE1400)

The Convener: Agenda item 3 is consideration of current petitions, of which there are 12. The first is PE1400, by Libby Anderson, on behalf of OneKind, on a ban on the use of wild animals in circuses. Members have a note by the clerk and submissions. I apologise to Libby Anderson: at our previous meeting, we had to defer consideration of the petition because of a very full agenda.

Members are probably aware that the UK Government intends to proceed with a full ban on all wild animals in circuses. Wild animals are well recognised in legislation. I had a question to which I do not have a particular answer: would it be possible to join in with a Westminster bill? Westminster is ahead of us and its intentions are clear. The Scottish Government's intentions are pretty clear, too. Perhaps we could write to the Scottish Government and ask it to confirm what action it is taking. Doing so would probably speed up the process. I invite comments from members.

John Wilson: The third paragraph of OneKind's response says:

"Developments south of the border suggest that we can no longer be confident"

that the UK Government

"will maintain its commitment to a full ban on wild animals in circuses. A pre-legislative report by the Westminster EFRA Committee"—

that is, the Environment, Food and Rural Affairs Committee—

"proposed that a ban might be confined to elephants and big cats."

OneKind's response raises concerns that the ban might not go as far as we had anticipated originally. If we are to write to the Scottish Government, it might be useful to ask whether it is minded to go further than the indicative outcome of the discussions at the UK level and to have a full ban on the use of wild animals in circuses in Scotland.

Anne McTaggart: I suggest that we ask the Scottish Government, in light of OneKind's submission, how it will take forward the matter.

The Convener: The clerk has pointed out to me that the latest note from Libby Anderson said that

"the UK Government has announced that it disagrees with the recommendation in the EFRA Committee report to restrict its proposed ban on wild animals to big cat species and elephants."

It sounds to me as if the UK Government and the Scottish Government are pretty much singing from the same hymn sheet.

Jackson Carlaw: Convener, you said that Westminster was ahead of the Scottish Government. When we considered the petition in April, that was not the case. Since April, it seems that the Scottish Government has kept its counsel to itself on the topic. We should therefore be looking to prod the cabinet secretary rather sharply into declaring his hand to ensure that we do not find ourselves falling behind Westminster. There is no need for that to be the case, and the committee could serve a useful function by ensuring that focus is brought to bear on the Government.

John Wilson: I apologise, convener. I cited OneKind's letter of 2 October, so I thank you for reminding me about its submission on 28 October, which gives an update on the UK's position. We should therefore seek clarification from the Scottish Government about its intentions and whether it will follow the UK Government's clear intention to opt for a full ban.

The Convener: At the weekend, I read that the UK Government had said that 48 wild animals are in circuses in England and Wales—that is the scale that we are talking about. I do not have a Scottish figure.

Do members agree to Jackson Carlaw's suggestion that we write a very straight note to the Scottish Government asking for action on the matter?

Members *indicated agreement.*

The Convener: We will report back once we have a reply.

11:45

Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)

The Convener: The second current petition is PE1408 by Andrea MacArthur, on updating the treatment of pernicious anaemia and vitamin B12 deficiency. Members will have the clerk's note and submissions.

In inviting contributions from members, I should point out the options in the clerk's paper. The first option is to defer consideration of the petition until next year, following the publication of the guideline by the British Committee for Standards in Haematology. The second option is to take any other action that the committee considers appropriate. I certainly think that the first option seems fairly sensible and would recommend that we agree it. Are we agreed?

Members *indicated agreement.*

John Wilson: The only rider to my agreement is that we write to the BCSH about the comment in the clerk's paper that the BCSH expects to publish the guideline "by mid-2014". It would be useful to get a more specific date. I understand that it has gone into the matter in more detail but has found the workload involved greater than it had expected. I welcome the fact that it is carrying out the research, but I would like a clear indication of when the guideline is likely to be published.

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

Members *indicated agreement.*

Bond of Caution (PE1412)

The Convener: PE1412, by Bill McDowell, is on bonds of caution. Members will have received the clerk's note and submissions.

The first option with regard to the petition is to ask the Scottish Government for its view on the petitioner's suggestion that the categories of executor for which a bond of caution is required be restricted, and for an update on its work on succession law. It is fair to say that the issue is perhaps not a top priority for the Government but it is important that we find out its view on the petitioner's suggestion. Are members agreed?

Members *indicated agreement.*

Ferry Fares (PE1421)

The Convener: PE1421, by Gail Robertson, on behalf of the Outer Hebrides Transport Group, is on fair ferry fares. Members have the clerk's note and submissions.

As I think I have mentioned previously to members, with my regional member hat on, I have met Gail Robertson, who has great knowledge of the commercial vehicles industry and has really been leading the campaign in the Western Isles. She has sent a note that I think only I have received but which I am happy to circulate to members. In the note, she states her position, which is that she still feels that this is a huge issue in the Western Isles. Members will keep me right on this, but my assessment of the Scottish Government's view is that although it might be looking at extending the road equivalent tariff, there is not a lot of evidence of its changing its ruling on commercial vehicles. Although the petition has clearly had a big impact, one suggestion is that we close it under rule 15.7 but ask that Transport Scotland keeps closely in touch with the petitioner. If members have any

suggestions about some other way forward, I will certainly welcome them. It is fair to say that the petitioner's view is that this is unfinished business.

Given his Western Isles background, Angus MacDonald will know a lot about the issue. Angus, would you care to comment?

Angus MacDonald: Indeed, convener.

As far as I am aware, the transport minister has identified and publicly announced extra funding to assist the hauliers, and although that money might not go as far as the petitioner might like it will still help hauliers keep their costs down. On that basis, therefore, I am happy to go with the recommendation that we close the petition while at the same time enforcing the suggestion that Transport Scotland ensures that the working group consults the petitioner, who is a key stakeholder.

The Convener: I apologise—the clerk was just advising me that everyone got a copy of Gail Robertson's email, so they should all have it in front of them.

The only other point in the email that I want to highlight is that there was a meeting between the Outer Hebrides commerce group and Keith Brown, and that some follow-up request was made of Mr Brown. If it is competent to do so, I would certainly like to ask the minister whether he can get back to the group and confirm the points that it raised.

Angus MacDonald: Can we do that at the same time as closing the petition?

The Convener: Yes.

I thank Gail Robertson for submitting her petition. We will ask the minister to chase up the various points that were raised with him. However, I recommend that, under rule 15.7, we close the petition on the basis that a study on the impact of the removal of RET has been conducted. Are members agreed?

Members *indicated agreement.*

Fair Isle Marine Protected Area (PE1431)

The Convener: We move on to the fifth current petition, which is PE1431 by Nick Riddiford, on behalf of the Fair Isle community, on a marine protected area for Fair Isle. Members have a note by the clerk and the submissions.

I apologise for the fact that we had to defer consideration of the petition at our most recent meeting. As I understand it from the preparation that I did for that meeting, Marine Scotland will be happy to give evidence in 2014. Some of our longer-serving members will have been present when we took evidence from the Fair Isle community.

I think that it makes sense to defer consideration of the petition until the final assessment of Fair Isle's demonstration and research proposal has taken place. Do members agree to do that?

Members *indicated agreement.*

Planning (Protection for Third Parties) (PE1461)

The Convener: The sixth current petition is PE1461 by William Campbell, which is on protection for third parties in the planning process. Members have a note by the clerk and the submissions.

I draw members' attention to the fact that I have met Mr Campbell a number of times in relation to various constituency matters, so I know him personally. I know that Mary Scanlon has an interest in the petition, but I do not think that she can attend today.

The key point is that any intimidation in the planning process is a matter for the police. I do not think that Mr Campbell or anyone else disputes that. His key points were that he wanted to change Scottish planning policy and that he wanted the Cabinet Secretary for Justice to see the petition. Members will know that Police Scotland has set up a new-counter corruption unit to prevent public sector corruption, which I think might have some impact on the petition.

I invite views from members.

John Wilson: I suggest that we keep the petition open and that we write to the Scottish Government to ask it to respond to the latest submission from the petitioner.

When a third party who is involved in a planning application faces harassment and intimidation by an applicant, the only recourse is to go to the police. However, under the present regulations, there is nothing to prevent the planning committee from considering an application despite the fact that a third party might be being harassed and intimidated by the applicant. We should ask the Scottish Government whether it would consider halting a planning application's consideration by a local authority when legitimate claims have been made that the applicant has been involved in harassment and intimidation. Even if someone feels that they are being intimidated and harassed and they go to the police, consideration of the planning application will still go ahead. Regardless of any potential harassment or intimidation, the application can be considered and approved by a local authority without any reference being made to the actions of the applicant against third parties or neighbours.

Angus MacDonald: I think that there is merit in John Wilson's suggestion. We might not be in this

situation had the pre-2007 Administration not got rid of the third-party right of appeal, but that is an issue for another day.

The Convener: You have made your point, Mr MacDonald.

Do members agree to Mr Wilson's suggestion?

Members *indicated agreement.*

Scottish Living Wage (Recognition Scheme) (PE1467)

The Convener: The seventh current petition is PE1467, which was lodged by Andrew McGowan, who is a member of the Scottish Youth Parliament, on behalf of the Scottish Youth Parliament. It is on a Scottish living wage recognition scheme. Members have a note by the clerk.

I flag up the fact that I spoke to a group on Friday, and Andrew McGowan was another of the speakers. I wanted to pass on to the committee his congratulations to us on our petition handling.

I think that it was at the Scottish National Party conference that there was mention of a potential manifesto commitment to have what would be a Scottish living wage recognition scheme, in effect. It did not have the same name, but it was the same idea, so it sounds to me as if there is some movement on the issue. There is some debate about whether the powers involved are reserved or devolved.

It has been suggested that we could ask the Scottish Government what plans it has to fund the Poverty Alliance. I stress that it looks as though the Government will adopt such a scheme.

John Wilson: I note the quote that Mr McGowan has used in the second paragraph of his letter, which states:

"the government will fund the Poverty Alliance to deliver a Living Wage Accreditation Scheme to promote the living wage and increase the number of private companies that pay it".

Promoting an accreditation scheme is different from funding the Poverty Alliance. I should declare an interest as a former employee of the Poverty Alliance.

When we write to the Scottish Government, we should seek clarification of whether it is to fund the accreditation scheme. As I understand it, the accreditation scheme, which is in operation, helps to promote among employers the introduction of the living wage. Employers receive accreditation from the living wage campaign if they deliver the living wage. We should ask the Scottish Government to clarify whether it intends to provide funding for the Poverty Alliance or for the living wage campaign's accreditation scheme. The Poverty Alliance is one organisation among others that are involved in the living wage campaign in Scotland, including the Scottish Trades Union Congress, several unions, churches in Scotland and other interested organisations. We should get that clarification from the Scottish Government before we proceed.

The Convener: Sure. Do members agree to that approach?

Members *indicated agreement.*

Young People's Hospital Wards (PE1471)

The Convener: Our eighth current petition is PE1471, by Rachael McCully MSYP, on behalf of the Scottish Youth Parliament, on young people's hospital wards. Members have a note by the clerk, with possible options for action. I invite contributions from members. To prompt the committee, one possible action is that, given that the Scottish Government has said that responsibility for ensuring that staff are appropriately trained lies with NHS boards, we write to the Government to ask what actions would be required to ensure that all staff who routinely deal with young people have appropriate training. Do members agree to do that?

Jackson Carlaw: If we must, convener, but I have to say that we are stretching the elastic. I would certainly say that writing to the Scottish Government would be our final action prior to closing the petition. We have received pretty comprehensive responses on the principal request in the petition, which was on the establishment of such wards. I agree to our writing to the Government if that is our final action in respect of the petition.

The Convener: I take the member's point—thank you for that.

Interisland Air Services (PE1472)

The Convener: The ninth current petition is PE1472, by Councillor Gordon Murray and Councillor Rae Mackenzie, on behalf of Protecting Inter-Island Transport Links, on interisland air services. Members have a note by the clerk, and submissions. Members who were at the Parliament day in Stornoway—which was most of us—will remember that we considered the petition then. We are looking for possible actions. I would certainly find it helpful to hear evidence from the Minister for Transport and Veterans on public service obligation air services in the Highlands and Islands. That might well fit into part of a wider strategy.

Angus MacDonald: The problem that I have with that is that interisland PSO services are the responsibility of Western Isles Council, as we heard from the leader and convener of that council

when they were here prior to the recess. I am therefore minded to close the petition, on the basis that the Scottish Government has stated that it has no plans to review the number and range of air services that are subject to PSOs. I see little point in asking the minister to attend when that position has been clearly stated.

The Convener: I have met the minister and would certainly agree with Angus MacDonald's interpretation of the policy.

John Wilson: I am not minded to close the petition. Angus MacDonald made the interesting point that Western Isles Council is the responsible authority, but I am concerned that the letter from NHS Western Isles states, on page 1:

"NHS Western Isles has not been asked specifically to participate in work in relation to economic studies."

We should seek clarification from Western Isles Council of what consultation and engagement it had with stakeholders in the Western Isles who rely on the services before it made the decisions that it has made. It says that the Scottish Government is responsible, but we know that it is the council.

It would be also be useful to get clarification of the wider implications of the decisions that have been made. NHS Western Isles has said that travel times and costs have increased significantly because of the decisions.

12:00

The Convener: Members will probably recall that the services from Stornoway to Benbecula and Benbecula to Barra are quite heavily used by patients, and getting to Stornoway is crucial. A doctor told me that the stroke clinic in Stornoway is held on a Friday, but there is no flight from Benbecula to Stornoway on that day, so they cannot get patients there. John Wilson is right to say that there is a health component to the issue. I am not suggesting that the health service has a statutory responsibility to fund the service, as it is clear that it does not. However, not having the same frequency of service has certainly caused dislocation in the Western Isles.

John Wilson: I contend that this is also about the preventative spend agenda that is supposed to apply in services across Scotland, including the health service and local authorities. The council may have made a decision without consultation of stakeholders. You mentioned the effect on the stroke clinic, which is a good example because it has a serious impact on the health and wellbeing of residents on some of the remoter islands. Did Western Isles Council consider that when it made the decisions?

Jackson Carlaw: We have written to the Government, which is what the petitioner asked us to do, and it has said that it is not going to do what has been called for. We have had the relevant council here, and it has told us that the matter is its responsibility, and that it is not going to do it either. We are not able to meet the petitioners' requests any further. I have no doubt that the discussion is very interesting, but I do not see how it advances the petition. We have had a response from the Government and a response from the council that is responsible for the matter as far as the Government is concerned. This is just navel gazing on our part, and I do not see what its relevance is. It is for others to follow these matters through—not us.

David Torrance: I am happy to close the petition.

Anne McTaggart: There is still unfinished business. I hear what Jackson Carlaw says, but whose responsibility would it be if it was not our responsibility to ensure that the questions that John Wilson mentioned are answered?

The Convener: Local councillors have a responsibility to pursue the matter, as do local and regional MSPs.

A couple of members are suggesting that we should close the petition, and I think that John Wilson is suggesting that we should pursue the health board because there is unfinished business.

John Wilson: I would want to pursue the council, convener. It is clear from the response from NHS Western Isles that the decisions that the council made have had unintended consequences, one of which is that, as you mentioned, stroke clinic patients are having to find alternative ways of getting to the clinic. As I said, that has an impact on people's health and wellbeing.

The Convener: Angus, I take it from your comments that you are in favour of closing the petition. Is that correct?

Angus MacDonald: I was, but—

The Convener: I do not want to put words into your mouth.

Angus MacDonald: I take John Wilson's point on board.

The petition calls on the Scottish Parliament to

"consider the impact on local communities by the withdrawal of ... air services".

We have heard that there has been an impact, given that people from the southern islands cannot get up to the stroke clinic on a Friday.

The Convener: Perhaps one solution would be, as we did with a previous petition, to close the petition but in doing so to complete the tiny bit of unfinished business by writing to the local authority to seek clarification on that one point. We did that with a previous petition, so that should be competent and would meet the needs of both sides in the committee. On how we would then consider the response, if any issues arise, we can consider whether we need to forward the response to another committee that might be looking at the issue. Is that agreed?

Members *indicated agreement.*

Scottish Qualifications Authority Examinations (Independent Regulator) (PE1484)

The Convener: The 10th current petition is PE1484, by Ian Thow, on an independent regulator for national examinations that are set by the Scottish Qualifications Authority. Members have a note from the clerk, and the submissions.

It is suggested that, under rule 15.7, we close the petition on the basis that the Scottish Government has considered the two points that are set out in the petition and has stated that it does not intend to take the action that is sought by the petitioner.

Jackson Carlaw: That is fairly final.

The Convener: That seems to be a yes from Jackson Carlaw.

Jackson Carlaw: Convener, it is not for us to say what our preference is as a committee or as individuals, given the unequivocal response from the Government. Therefore, that leads us in one direction.

The Convener: That is true. Do we have unanimous agreement to close the petition?

Members *indicated agreement.*

Airgun Licensing (PE1485)

The Convener: The 11th current petition is PE1485, by David Ewing, on airgun licensing in Scotland. Again, members have a note from the clerk, and the submissions.

There are a number of options open to us, but it is suggested that the committee close the petition on the ground that the Scottish Government consulted on its proposals earlier in the year and the petitioner responded to that consultation. The licensing bill that will be introduced during the course of the current parliamentary year will provide a further opportunity for people to make known their views, as part of the legislative process.

Do members agree to close the petition?

Members *indicated agreement.*

Schools (Religious Observance) (PE1487)

The Convener: The 12th and final current petition is PE1487, by Mark Gordon and Secular Scotland, on religious observance in schools. Members have a note from the clerk, and the submissions. I remind members that we have received some additional papers, including submissions from St Louise primary school and St Matthew's primary school and, if I remember correctly, from Mark Gordon.

Before I invite contributions from members, I remind members that we have probably two main options. One is to write to the Scottish Government to ask it to respond to the points and evidence that have been presented by the petitioner, and to ask how it ensures that parents are informed of the right to opt out and—this point was made very strongly in Mr Gordon's evidence—that suitable alternative activities are arranged. The other option is to refer the petition, under rule 15.6.2, to the Education and Culture Committee as part of its remit. Of course, we could take any other action that the committee considers appropriate. What are members' views?

Jackson Carlaw: The Education and Culture Committee would not thank us for simply passing on the petition in its current form. At the very least, we should write to the Scottish Government, as is suggested, for clarification on those points.

Anne McTaggart: Are we aware of whether the issue is currently, or is due to be, on the Education and Culture Committee's agenda?

The Convener: I do not think that the issue is in that committee's work programme. Normally, the clerks discuss such things, so we would be told if the issue was already being actively considered. I have not picked up that it is actively considering the issue. However, I take Jackson Carlaw's point that we normally try to go to the ends of the earth with petitions, and we have not quite done that.

John Wilson: I agree that we should write to the Scottish Government to seek its views on the submissions that have been made to date.

The Convener: Do all members agree to that course of action?

Members *indicated agreement.*

The Convener: Thank you very much. We will continue the petition, which we will discuss again at a future date.

I now close the meeting. I will allow a few seconds for those in the public gallery to leave, but I ask committee members to hold on, as I have a couple of administrative matters that I want to speak about.

Meeting closed at 12:09.

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