



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 9 February 2010

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PUBLIC PETITIONS COMMITTEE

4th Meeting 2010, Session 3

CONVENER

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

DEPUTY CONVENER

*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

COMMITTEE MEMBERS

*Rhona Brankin (Midlothian) (Lab)

*Bill Butler (Glasgow Anniesland) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Robin Harper (Lothians) (Green)

*Anne McLaughlin (Glasgow) (SNP)

*Nanette Milne (North East Scotland) (Con)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Ted Brocklebank (Mid Scotland and Fife) (Con)

Bob Doris (Glasgow) (SNP)

Murdo Fraser (Mid Scotland and Fife) (Con)

Kenneth Gibson (Cunninghame North) (SNP)

Margo MacDonald (Lothians) (Ind)

Pauline McNeill (Glasgow Kelvin) (Lab)

Mike Pringle (Edinburgh South) (LD)

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

Graham Ross (Scottish Parliament Research, Information and Reporting Group)

CLERK TO THE COMMITTEE

Fergus Cochrane (Clerk)

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 9 February 2010

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

Current Petitions

The Convener (Mr Frank McAveety): Good afternoon and welcome to the third meeting in 2010 of the Scottish Parliament's Public Petitions Committee. This afternoon's agenda is very full, with 45 current petitions to consider. Usually we would take oral evidence on a number of new petitions, but we will not do that today because we need to process as many current petitions as possible. I remind members of the public to switch off all electronic devices as they can interfere with the broadcasting system.

Criminal Memoirs (Publication for Profit) (PE504)

The Convener: PE504, by Mr and Mrs James Watson, calls on the Scottish Parliament to take the necessary steps to prevent convicted murderers, or members of their families, from profiting from their crimes by selling accounts of them for publication. A submission from the petitioners has been circulated to members.

I seek members' views on how we should proceed with the petition, which has been before us on a number of occasions and on which we have taken oral evidence.

Anne McLaughlin (Glasgow) (SNP): I understand why the petitioners are disappointed that families of convicted criminals are still profiting from memoirs. Perhaps we should write to the Government and ask it to involve Mr and Mrs Watson in the forthcoming consultation on defamation of homicide victims. I know that they have been very good in providing the Government with information and evidence and their participation in the consultation might be worth while.

Nigel Don (North East Scotland) (SNP): I am concerned that family members are still able to benefit from writing up the account of their parents' lives. I am not sure how we overcome that, but the situation is certainly unsatisfactory.

Bill Butler (Glasgow Anniesland) (Lab): I agree with Anne McLaughlin. Given the time and effort that Mr and Mrs Watson have expended on the petition, we should ask the Scottish Government to involve them in the consultation. It would also be handy if the Government could

submit to the committee a detailed response on the results of the consultation so that we can see what it has come up with. I also agree with Nigel Don that it is inappropriate for people to make money in this way.

The Convener: For the sake of clarity, do members wish to close the petition or to pursue further the issues that have been raised?

Bill Butler: As I said, we should follow my colleague Anne McLaughlin's suggestion.

The Convener: Okay. That recommendation has been accepted.

High-voltage Transmission Lines (Potential Health Hazards) (PE812)

The Convener: PE812, by Caroline Paterson on behalf of Stirling Before Pylons, calls on the Parliament to urge the Scottish Government to acknowledge the potential health hazards associated with long-term exposure to electromagnetic fields from high-voltage transmission lines and to introduce urgently effective planning regulations to protect public health.

Dr Richard Simpson, a regional member for the area, has expressed interest in the petition on a number of previous occasions. I welcome him to this afternoon's meeting and invite him to comment before we consider how to deal with the petition.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): As members know, a decision has been made on the Beaully to Denny power line and the fact that we finally have a decision is welcome. The section of the line at Stirling—the area about which I am most concerned—will be the subject of mitigation measures, but it is totally unclear from statements by the Minister for Enterprise, Energy and Tourism and from correspondence that fellow MSPs have sent to constituents whether mitigation could include undergrounding or whether that has in effect been ruled out.

The committee may help my constituents by getting some clarity on the issue. I understand that permission has been given for an overhead line, mitigation measures for which are subject to ministerial approval. It is not clear whether such measures could include undergrounding, but I understand from the power companies that are involved that they will not. Constituents should not be misled—that is the kindest word that I can use—by being sent correspondence that encourages them to continue to campaign for undergrounding, unless the committee determines, from answers that it may wish to get, that there is still potential for that.

My main concern about both the inquiry reporter's report and the Minister for Enterprise, Energy and Tourism's statement and observations on it is that the health issue appears to have been almost totally ignored. That has been done largely on the basis of the report of the stakeholder advisory group on extremely low frequency electric and magnetic fields, which is run by the United Kingdom Government. The problem with SAGE is that the evidence that it has taken and the reports that it has published are consistently out of date, running as much as four years—or more—behind the medical evidence.

I remain concerned, both as a representative for the area and as a doctor, that the precautionary principle, which I have previously advocated to the committee and which is part of both the Rio declaration and the Maastricht treaty, to which we are a signatory, is being largely ignored. It is politically unacceptable that the health issue was not discussed before the overt rejection of the precautionary principle. We owe it to people who will be affected by the line to present them with the medical evidence and to say that we do not intend to adhere to the precautionary principle because we do not think that it applies. It is unacceptable for there to be no discussion or consideration of the issue.

I have set out the position. I invite the committee to assist my constituents further by clarifying whether undergrounding is ruled out and inviting the minister to give his views on the health issues, as opposed to the evidence that the reporter considered. The minister said specifically that he would take into account additional health evidence that was not considered in the report.

Bill Butler: Mr Simpson makes two good points, which is not unusual. The mitigation measures in and around the Stirling area need to be made clear. Do they relate to overhead lines, or is there still a possibility of undergrounding that stretch of the proposed line? Clarity on that would be helpful.

I take the point—especially because it is made by Dr Simpson, who is a real doctor, rather than merely someone with a PhD—that there are concerns about the proposal. The health concern is the main driver for the petition.

If the Government is proceeding on the basis of evidence that may be four years out of date, and given that the minister has said that he would be open to comment on the particulars even at this stage, a question about that concern should be asked, especially in relation to the SAGE report.

We should pursue the petition on those two particular points.

Nanette Milne (North East Scotland) (Con): I was going to say much the same. I listened to the minister's statement on the decision and it lacked

both detail and clarity. We need to know a lot more, so I back up what Bill Butler suggested.

The Convener: If there are no other comments or observations, we will keep the petition open to explore the options with the minister and ask him to address the petitioners' points through the process of the broader decision. I thank Dr Simpson for his time.

Electricity Transmission Lines (Underground Cabling) (PE1087)

The Convener: This petition is broadly connected to the previous one. PE1087, by Nancy Gardner, calls on the Scottish Parliament to consider and debate using underground and, where appropriate, undersea cabling for new electricity transmission lines such as that proposed between Beaulay and Denny.

We have received no communication from the petitioner since the petition was first considered. In light of that, we will assume that she does not wish to pursue it further. On that ground, shall we close the petition under rule 15.7 of the standing orders?

Members indicated agreement.

Judicial Office-holders (Age of Retirement) (PE1276)

The Convener: I ask members to bring forward consideration of PE1276, in the name of John Ferguson, on the age of retirement of justices of the peace. The two individuals who made representations to the committee the first time that we considered the petition are here but would like to return to Glasgow soon. I should declare an interest as the key petitioner is chair of my local housing association and is therefore one of my constituents.

The petition is quite far down the agenda—the papers are in the fourth bundle—so we will take a moment to get all the information.

PE1276, by John Ferguson, calls on the Scottish Parliament to urge the Scottish Government to remove the requirement on judicial office-holders, including justices of the peace, to retire at the age of 70. The petitioner has spoken directly to us before. Do members have any comments?

Bill Butler: I am not quite sure what we should do, although colleagues will obviously have their views. As always, we received a helpful response from the Lord President, which refers to active debate on the issue. Although it takes us a little way forward, it does not definitively address the petitioner's concerns.

I would be loth to close the petition, even given the helpful correspondence from the Lord

President, because I think that we should pursue the issue further—although I admit that I am at a loss as to how we should do that.

Robin Harper (Lothians) (Green): If Bill Butler is at a loss, one could assist him by pointing out that there are already provisions for judicial office-holders to be employed up to the age of 75 under certain circumstances. Given that the issue could come back because retirement age is a discussion point not just with respect to judicial office-holders but in general, perhaps we could safely close the petition and then reopen it at the appropriate point as the debate develops.

14:15

Nanette Milne: Suspending consideration of the petition until the outcome of that debate seems very indefinite. The debate seems very open-ended and has no timescales attached to it. I do not know whether we would be better to close the petition and suggest that a further petition be lodged in the future when that debate comes to some conclusions or whether we should just suspend the petition until such time.

The Convener: I am loth to close the petition because it makes a reasonable suggestion on a matter that concerns many individuals throughout the country. A lot of experience could be lost from the bench, especially in areas where particular individuals really understand the local community. We could suspend the petition until the issues that are raised in the comments of the Lord President and others are explored further. That might be more helpful than closing the petition. However, I seek guidance on that from members and the clerk.

Anne McLaughlin: Is the “active debate” to which the Lord President’s letter refers structured in any way, or is it just that people chat about the issue? If the debate has no structure to it, we will have suspended the petition just in the hope that the debate will one day come to some conclusion on which we can comment. Would there be any point in writing back to the Lord President to ask what format that debate is taking, who is involved in the debate and when we are likely to know its outcome? Would that be worth doing?

Robin Harper: In the interest of keeping the debate open a few minutes longer, I might play devil’s advocate by pointing out that I am coming up for 70 quite soon and I would not be happy if someone said that I may not continue doing what I am doing.

The Convener: In our game, we leave that to the electorate.

Robin Harper: I say that just to keep the debate open. I would be quite happy for the petition to continue.

Bill Butler: Further to Anne McLaughlin’s point, perhaps we could ask the Lord President whether there is a framework for that debate. If there is such a framework, we could then suspend the petition for a defined period of time. If there is no such framework, we will have a problem because we cannot really suspend a petition for an indefinite period. Otherwise, we might do that with everything.

The Convener: We will pull those comments together and see whether we can navigate a way through the issue. We will keep the petition open and explore the points that have been raised. I thank members for those helpful suggestions.

Common Good Sites (Protection) (PE1050)

The Convener: PE1050, by Councillor Ann Watters, calls on the Parliament to urge the Government to introduce legislation to provide better protection for common good sites such as Ravenscraig park in Kirkcaldy and to ensure that such assets are retained for their original purposes for future generations. As members will know, we have received a further submission from the petitioner, which is included in our papers today.

Do members have any comments on the petition? It has been in front of us before, so we need to consider what should be the next stage for it.

Robin Harper: The petition raises an important issue, which Audit Scotland is currently looking at. Therefore, I propose that we postpone consideration of the petition for four months.

The Convener: Are members happy with that?

John Wilson (Central Scotland) (SNP): I support Robin Harper’s suggestion that we postpone consideration of the petition for four months, but it is also incumbent on us to ask the Scottish Government both what it reads into Audit Scotland’s findings and how it will take forward any recommendations that are contained in the Audit Scotland report to the benefit of the communities involved.

The Convener: We will take those points on board, but we will postpone consideration of the petition until we can consider the Audit Scotland report.

Wind Farm Developments (PE1095)

The Convener: PE1095, by Sybil Simpson on behalf of the save your regional parks campaign, calls on the Scottish Parliament to urge the Government to provide greater protection for the

national and regional parks of Scotland from industrialisation, including wind farms and their associated quarries, roads, cable trenches and sub-stations. In a previous meeting, we had the opportunity of a round-table discussion to explore many of the points that the petitioner has raised. I know that the local constituency member, Kenneth Gibson, is also pursuing the issue through a private member's bill proposal on regional parks.

John Wilson: Convener, is there such a thing as a private member's bill in this Parliament?

The Convener: Sorry, that is my fault. I meant to refer to a member's bill proposal. The problem is that I am not such an anorak about parliamentary process.

John Wilson: You mean to say that you never read standing orders, convener.

The Convener: I have been far too busy.

Robin Harper: Given that a member's bill is about as far as a petition could hope to get, I recommend that we can safely close the petition because the issue will be further debated in Parliament.

The Convener: Okay.

Scottish Prison Population (Catholics) (PE1073)

The Convener: The next petition, by Tom Minogue, calls for the Scottish Parliament to investigate and establish the reasons for the apparently disproportionate number of Roman Catholics in Scottish prisons. Again, the committee has had a chance to discuss this on a number of occasions and we have had a chance to look at the options that are available to explore some of the points raised by the petitioner. Can I have comments from members on how we would like to deal with it? A representative from the Scottish Parliament information centre, Graham Ross, is with us to respond to any points raised.

Nigel Don: We have talked about the issue and I am conscious that there has been some e-mail correspondence, which might represent the belief that, if we ever talk off the record, we are doing something awful. I think it is worth pointing out that we were not; we were just trying to work out over a cup of coffee what we could do. I am therefore delighted that the SPICe representative is here. We drew the conclusion that we do not want to do anything terribly long-winded. We really just want to research the data that are already available to get some clues about what is happening in the criminal justice system. It might be helpful if the SPICe representative can give us some feedback on what might now be possible. That might help us to make a decision about where we are going.

The Convener: Before I invite Graham Ross to speak, do any other members wish to raise any points that he can address?

Bill Butler: I was unable to come to the private session, but I take my colleague Nigel Don's point that nothing untoward happened at it; I accept that absolutely.

More seriously, my recollection is that at the committee meeting at which we discussed the petition, it was thought that any research that we asked SPICe to undertake would need to be very focused. Can our colleague from SPICe tell us about the focus that it is suggesting?

Robin Harper: We also identified that one of the things that ought to come out of the research is whether we need to do more research. If that is the outcome, we would want to commission more research. It might be that we conclude that all the figures that we need are available, but we should keep an open mind about what the initial round of research should be.

Nanette Milne: The timescale of the research is also quite important, because we are quite far through the current session of Parliament, and if the current committee is to be able to discuss the results of any research, it would have to be done in quite a short timeframe.

The Convener: So we pass over to Graham Ross, who has the wisdom of Solomon.

Graham Ross (Scottish Parliament Research, Information and Reporting Group): I have to say, Bill, that nothing untoward was said or happened at the informal meeting.

SPICe has to be guided by what the committee wants to examine. Our previous discussion concluded that, instead of going straight into a full-blown report on the issues that the petition raises, it might be more prudent to do a review of the existing literature on offender and prisoner demographics in Scotland and in other parts of the UK. If we decided to do a literature review over maybe three months, we could specify in the research proposal that the academics who undertake the review should come back and say whether there was scope for further research into the particular issues that the petition raises, or whether the literature review had thrown up other results and such research might be going down a blind alley. From the discussion that we had, I believe that members feel that a literature review to find out what is out there now would be the best way forward.

The Convener: And the timescale?

Graham Ross: If the committee decides on a literature review, we must put together a research proposal, which I will do in conjunction with the clerks and the convener. We can obviously bring

that back to the committee, if it wants to approve it. The proposal goes to the Conveners Group for approval, then we get it back, draw up a specification and put it out to tender. Including the completion of all the formalities, we could be looking at a timescale of three to five months. We would probably give researchers three months to do that kind of work, given our previous experience of doing literature reviews. So, once we jump through the hoops in the Parliament, the timetable could be five months.

Bill Butler: Having heard from SPICe, I believe that undertaking a focused literature review over three months would be the wise way to proceed, as it will keep the timescale tight. If the review suggested scope for further work, we could come back to the petition at that stage; if it did not suggest that, then we would not.

John Wilson: We are presupposing that the Conveners Group will approve the research work. It is only fair to caution the petitioner and the committee that the committee is making a recommendation, based on SPICe advice, that the research review should be funded. In order not to build up a false expectation on behalf of the petitioners and perhaps be accused of all sorts of things in the future, by e-mail or otherwise, I put it on the record that whether the research goes ahead will depend on the Conveners Group and other factors.

I think that everybody around the table agrees that the informal meeting that we held was extremely useful in getting advice from SPICe about how to take the issue forward. Clearly, the other option is to go for a full-blown research project, which may take years and not months to complete. The members who were at the informal meeting were keen to get something resolved as quickly as possible so that we could take the petition forward with the knowledge that would allow us to argue, if need be, for future research to be carried out—not by the Parliament but by other authorities that should undertake research as a matter of course to determine what the prison population in Scotland is like at any particular point.

Robin Harper: A timescale of three months might be unnecessarily restrictive. I appeal for SPICe to be given the latitude to be able to come back to us during the first scanning of the available papers to say that it might need a bit more time. The initial calculation is that the timescale will be three to five months, so let us ensure that SPICe can cover the field of available literature effectively.

The Convener: We will recommend a literature review, identify issues that emanate from that and perhaps consider further issues with the Conveners Group. I acknowledge that the expert

on standing orders has given us guidance on the matter, and I accept his guidance—it keeps me on the straight and narrow. We will continue the petition and explore the issues raised.

Stewart Committee Report (PE1106)

The Convener: The next petition is PE1106, by Jamie Webster, calling for the Scottish Parliament to urge the Government to review those aspects of the Stewart committee report “Keeping Offenders Out of Court: Further Alternatives to Prosecution” that relate to the rights of victims of crime to obtain information on the handling of the case. We have had the petition in front of us before. Do members have views on how we should deal with this particular issue?

John Wilson: We need to continue the petition. After all, you and the clerks have received no acknowledgement from the Lord Advocate’s office on the various issues. We could, of course, write again to the Lord Advocate, but perhaps we should also ask the Government whether it has received a response from the Lord Advocate about the report and, if so, what its view on the matter is.

The Convener: Those points are well made. We will pursue the matter.

Nature Conservation (Scotland) Act 2004 (Snares) (PE1124)

14:30

The Convener: PE1124, by Louise Robertson on behalf of the League Against Cruel Sports, Advocates for Animals, the International Otter Survival Fund and Hessilhead Wildlife Rescue Trust, calls on the Scottish Parliament to urge the Government to amend the Nature Conservation (Scotland) Act 2004 to introduce provisions to ban the manufacture, sale, possession and use of all snares. Again, we have discussed the petition on a number of occasions.

Given that the Food and Environment Research Agency is carrying out research on behalf of the Department for Environment, Food and Rural Affairs, I suggest that we suspend consideration of the petition to allow those investigations to take place and then invite the Scottish Government to outline, in light of that research, the actions that it will take and the impact of that work on its position on snaring. Do members agree?

Members indicated agreement.

Community Prisons (PE1150)

The Convener: PE1150, by David Wemyss on behalf of the Aberdeen prison visiting committee, calls on the Scottish Parliament to urge the Scottish Government to consider whether large

prisons remote from prisoners' families offer the best way of rehabilitating offenders or whether the alternative of localised community prisons should be supported strongly to maintain genuinely easy access to family links and other community virtues. The committee has explored the petition extensively with not only evidence taking from Government ministers but a debate in Parliament during which we again had the opportunity to question ministers. Meetings involving members of all parties have also taken place at a more regional level. My feeling is that we have explored the issues as much as we can, but I defer to members who have better knowledge of the subject.

Nanette Milne: I am sad to say, convener, that you are probably right. Given that we have explored all the options and given the fact that there has not been very much movement, I genuinely cannot see how the committee can take the petition any further. I am not convinced that what is going to happen will be the right decision—in fact, I think that it is probably the wrong decision—but we have raised all the concerns with the minister on more than one occasion and heard his views. Sadly, we should close the petition.

The Convener: To be fair to the petitioner, I think that he has managed to get an extensive debate going and get some of his concerns addressed. Nevertheless, do members agree to close the petition?

Members *indicated agreement.*

War Veterans (Health Care) (PE1159)

The Convener: PE1159, from Mrs S Kozak, calls on the Scottish Parliament to urge the Government to provide NHS Scotland and other relevant organisations and individuals, including veterans of the Gulf war in 1991, with all necessary information and facilities in order that veterans exposed to nerve agents and their preventive medications are assessed, advised and treated appropriately and fatalities are prevented. We have previously discussed a number of issues raised in the petition, but I invite further comment from members on whether we should continue it.

Robin Harper: Given the huge number of concerns about the continuing care of and support for veterans both in general and with regard to their mental and physical health, we should keep the petition open.

The Convener: Do any members feel otherwise? I think that it is worth continuing the petition because certain issues still need to be explored.

Anne McLaughlin: I understand that, at the end of last year, the chief executives of national health

service boards met to discuss the delivery of health services to veterans. It might be worth writing to the Scottish Government to find out what the outcome of that meeting was, whether any changes will be made to services and, if so, when that will happen.

Bill Butler: Perhaps we can also write to ask the Government what the effect has been of the guidance that was issued early in 2008. Has it worked or does it need to be changed—what is the position?

Nanette Milne: I would like to know what involvement veterans organisations have had in the development of the policy.

The Convener: We still have three concerns in relation to the petition. I thank members for those points. Do other members have comments?

John Wilson: We need to concentrate on what the petition concerns, which is veterans of the 1991 Gulf war. The meetings that were held at the end of last year with NHS board chief executives and chairs were more generally about veterans who return from active service. There are particular health implications for those who served in the 1991 Gulf war. The UK and Scottish Governments have recognised those issues in the long-term treatment of veterans of that conflict. When we write to the Scottish Government and other bodies, I suggest that we mention the 1991 Gulf war, so that the answers cover what those bodies are doing on the issues that the petition raises.

The Convener: We will continue the petition and explore the points that members have raised, with the focus that John Wilson identified.

Befriending Services (PE1167)

The Convener: PE1167, from Christine McNally, on behalf of Clydesdale Befriending Group and other organisations, calls on the Government to recognise and promote the positive impacts that befriending services for adults with learning disabilities have on its “The same as you?” strategy and to ensure the provision of adequate funding to support befriending opportunities and promote social inclusion.

I hope that members have received the late submission of a letter from Karen Gillon MSP, who spoke to the petition a considerable time ago. I invite comments on the petition.

Nigel Don: Given the letter from Karen Gillon MSP, it might be good—exceptionally—to defer the petition for a couple of weeks, if that is possible. That would give the local member an opportunity to speak to the committee later.

The Convener: Is everyone happy to do that? The letter raises issues, so I invite comments from members. Nigel Don's suggestion is helpful, as we want to pull together other things.

Bill Butler: "The same as you?" will be reviewed in 2010. Perhaps we could ask the Scottish Government how services are funded and who funds them, when the review's findings will be known and—equally important—whether the petitioners will be involved in the development of the evaluation structure. That would be useful.

The Convener: We will take on board those points and provide the opportunity for the local member to express a view on the petition.

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

The Convener: PE1169, from Margaret Forbes, on behalf of Scottish Women Against Pornography, calls on the Scottish Parliament to urge the Government to introduce and enforce measures that ensure that magazines and newspapers that contain sexually graphic covers are not displayed at or below children's eye-level or adjacent to children's titles and comics and are screen sleeved before being placed on the shelf. We have discussed the issues that the petition raises in the past. I invite members' comments on how to proceed with the petition.

Nigel Don: A couple of matters lurk in here. First, the issue is important and, as a society, we ignore it at our peril. Underneath that, the second question is how any industry deals with guidelines.

The reality of observable life is that an industry will ignore guidance when it finds it expedient to do so and particularly when it will affect profits. There is a lesson in that somewhere.

A third issue is about how we do research. We are returning to the same issue that we had earlier with SPICe. I am not sure how substantial a piece of research would be required to tell us any more than our observation of what happens in the local newsagents has already told us. I am not sure that there is a mechanism for doing that research that would not cost a great deal of money that we probably do not have. If the requirement is in fact for research, which the Government is not prepared to do, I wonder whether we have taken the issue as far as we can, because there is no mechanism for us to do that research.

John Wilson: The issue takes us back to the Parliament's legislative competence and whether we can take further action. Like Nigel Don, I have sympathy with the petition, but my understanding is that the industry's agreement on the display of such material on shelves is with the UK Government. Do we then write to the UK

Government to try to reinforce the point that that voluntary agreement is not working? As Nigel Don said, it is clear that it is not working. If we walk into any major newsagent in Britain, we will see materials displayed with which we would be uncomfortable. The issue is whether we have reached the end of our deliberations on the matter because, under the Scotland Act 1998, we do not have competence to make a legislative change.

Bill Butler: Two research options are before the committee. The first is for a piece of research on compliance—or non-compliance—with the voluntary guidelines and the second is for research on the public's perception of the effects of the display of such magazines and whether there is a causal link. I take the point that Nigel Don and John Wilson made about legislative competence. Even if we could carry out one or other of those pieces of research, I am not sure what we would do with the results. However, the issue is worth exploring because, as Nigel Don said, society ignores such a serious issue at its peril.

I am not saying that this should become custom and practice but, if we want to focus the research in a way that might be productive, we could do what we did with a petition that we discussed previously and have an informal session to find out whether SPICe can narrow the focus. In that way, we might get something that would be of worth, although it might not do more than focus our minds and the Parliament's mind on what could be done if the Scottish Parliament and the Parliament at Westminster could liaise or co-operate on what is a serious issue. That is my suggestion, for what it is worth.

14:45

The Convener: We are in a dilemma. As John Wilson said, the legislative framework is an issue, but there is also an issue to do with the scale of any research. The first option for research seems to be more realisable. The second one is big and open-ended—it could be an extensive range of things.

Most people know that the commonsense and appropriate approach to the display of adult material should be to minimise its visibility to youngsters in newsagents and retail outlets. I would expect and hope that the voluntary code would be adhered to, but enough concern has been expressed to suggest that that is not always the case. We can all identify shops in our own areas, particularly smaller newsagents, where such material is clearly on display.

We want to continue the petition, but perhaps we need to have a discussion about whether we wish to do further extensive research on the first

item—how the code is being complied with. The first item is realisable and we might want to have a discussion on how best we can take it forward. I do not know whether other members feel strongly about that, but that is a matter that we could explore. We want to keep the petition open and we will come back to the committee with options after further discussions with SPICe.

Members *indicated agreement.*

Acquired Brain Injury Services (PE1179)

The Convener: PE1179, from Helen Moran, on behalf of the Brain Injury Awareness Campaign, calls on the Scottish Parliament to urge the Scottish Government to introduce a separate and distinct health and community care client category of acquired brain injury, to ensure that people with acquired brain injury and their carers get the services and support they need and that agencies can plan and deliver services more effectively.

The matter has been discussed and we have had the papers to look at in detail for the past fortnight. Are there any views on how we wish to deal with the petition?

Bill Butler: It is disappointing that, despite repeated requests from the clerks, the committee has received no formal note of the meeting that has taken place between the petitioner and the Scottish Government.

The Convener: That has now been tabled.

Bill Butler: It has been tabled today.

The Convener: It is a bit like “Blue Peter”—we have one that we prepared earlier.

Bill Butler: You have got me there, convener. I will stop there and have a look for the document in our papers.

Nigel Don: I am one small step ahead of Bill Butler, as I am aware that the document is in our papers but, because it is four and a bit sides long, I have not read it yet, so I am not sure how we can proceed. Perhaps we could have a five-minute reading break.

The Convener: We will have a short break at 3 o'clock. We can perhaps revisit the petition after that and continue the discussion, so that members have a chance to digest the late submission.

Sorry about that. I know that one or two members have been at other committees and that the two members who have expressed concerns are constantly up against it because of the scheduling of committees in the Parliament. We will revisit the petition shortly after the suspension.

Road Bonds (Sewers and Drains) (PE1185)

The Convener: PE1185, from Andrew Kaye, on behalf of the Coopersknowe residents association, calls on the Parliament to urge the Scottish Government to amend relevant legislation to ensure that sewers and drains associated with roads from new developments are included in road bonds and to give local authorities enforcement powers in this regard. Members have had a chance to discuss the petition in detail and raise issues. Are there any comments?

Bill Butler: I do not know whether we can do any more on the petition. Both the Scottish Government and Scottish Water have reiterated that current practices are sufficient and provide adequate protection. I see no way for the committee to take the matter further, but I do not know what other colleagues think.

John Wilson: I agree with Bill Butler. The only option for the committee is to close the petition. Having said that, in some ways I am reluctant to do that, because I know that there are real issues out there, as many communities throughout the country have identified problems and identify with the petition. Given the responses that we have received from Scottish Water and the Scottish Government, we should close the petition but advise residents to be vigilant in relation to planning applications and how local authorities enforce them.

Local authorities should adopt roads in private developments at some stage in their life. When developers submit the plans, people need to understand what is being presented. Also, we should hold the officials from local authorities, Scottish Water and the Scottish Government to account. They have to ensure that the work is carried out adequately to everyone's satisfaction.

The Convener: Do we agree to close the petition but to highlight John Wilson's observations to the appropriate representatives in government?

Members *indicated agreement.*

Independent Vehicular Ferry Routes (PE1192)

The Convener: PE1192, from Donald Ewen Darroch, calls on the Parliament to urge the Government to state how it is supporting and promoting independent vehicular ferry routes between the islands and the mainland and how the planning system is playing a constructive role in supporting the economic and social future of such routes.

We have had the petition in front of us before. There is a consultation paper on the review by the Scottish Government. I suggest that we suspend the petition for eight months. Hopefully, during that

timescale, some of the issues that the petitioner has identified will be addressed, which might help us to have more informed knowledge on which to base a decision on the petition in due course. Is that agreed?

Members *indicated agreement.*

Bone Marrow Services (PE1204)

The Convener: PE1204, from Jessie Colson, on behalf of the Richard Colson Severe Aplastic Anemia Fund, calls on the Parliament to urge the Government to recognise and promote the life-saving impacts that bone marrow testing and donation can have on people with life-threatening illness and to provide adequate funding to the Scottish National Blood Transfusion Service to support bone marrow services and encourage more donors.

We have received a submission from the petitioner, which is contained in the additional papers that have been circulated by the clerks for today's meeting. We had a chance to discuss the petition thoroughly, to explore issues with the SNBTS and to discuss with international representatives broad issues to do with blood transfusion that could have an impact on the process here.

Since the petition was addressed, the Government has had the chance to meet the petitioner. A range of discussions have taken place with the Anthony Nolan Trust and the SNBTS about the points that the petitioner has raised. We have opened up dialogue for the petitioner—frustrating though much of her journey has been.

I believe that we should close the petition and wish the petitioner well in their discussions with the national agencies. Are members happy to do that?

Anne McLaughlin: I think that the Government is going to be chairing a follow-up meeting, in which it will include the petitioner, to see how effectively the proposed measures have been in encouraging more bone marrow donors. There will be an on-going relationship between the petitioner and the Scottish Government. I think that we have done as much as we can.

Bill Butler: The letter from the Richard Colson Severe Aplastic Anemia Fund states:

“Regarding publicity, we believe that on all major health issues the Scottish Government is responsible to educate and inform its people and not the Anthony Nolan Trust”.

I think that we would all agree with that.

My information is that it would take only a very small amount of cash, which has already been given down south I think, to promote the life-

saving impacts of bone marrow testing. It is good that discussion is continuing, but will the Scottish Government provide that small amount of cash? I think that it is in the region of £15,000; I might be wrong about that, but it is not a huge amount. Although, obviously, I welcome the continuing dialogue, I would like us to ask the Scottish Government that particular question.

The Convener: Okay, but the immediate issue is whether we want to keep the petition open or to follow the recommendation to close it?

Bill Butler: I would rather keep it open for now, because if there is a simple answer to that fairly straightforward question, we can easily close the petition at the next meeting. It is not meant to be an unhelpful question, and it is not a difficult one to answer. Talking is great, but talking plus resources is better.

The Convener: As there are no further comments, we will keep the petition open, but we want to ensure that we bring it back as soon as possible so that we can decide what to do with it. Is that agreed?

Members *indicated agreement.*

Athletes (Rural Areas) (PE1219)

The Convener: PE1219, from Christina Raeburn, calls on the Parliament to urge the Government to ensure that adequate funding is available to allow young talented athletes in rural areas to travel to competitions at regional and national level, and to provide coaching support and training facilities across Scotland so that no young talented athlete in a rural area is disadvantaged as a result of their location. We have discussed the petition in detail on previous occasions. I invite members' comments.

Bill Butler: I do not know whether there is anything more that we can do, given the replies that we have had from sportscotland and its partners. I think that we have gone as far as we can. Sportscotland has said that it will ensure that its partners are fully aware of the guidance on funding and that it will encourage them to promote it more widely in the sporting community. If other members think that there are ways of pursuing the issue, that is fine, but I do not see how we could take it much further.

The Convener: Dialogue involving sportscotland and Scottish Government ministers is on-going. Margo MacDonald is here for another petition, but I know that, through her convenership, the cross-party group in the Scottish Parliament on sport has pursued the development of sports hubs, to which the Government has a broader commitment, and the proposals on regional centres and facility development in Scotland.

Access for people from extremely remote parts of Scotland will always be an issue, just by dint of geography and the competition pool that exists, but we should try to minimise the disadvantage that the petitioner has highlighted. We hope that the Government will take on board the points that she has made, but I know that many other members are pursuing the issue, through their role as individual MSPs and because they have an interest in the topic. I think that we should close the petition but recognise that access to sporting facilities and competition is an issue that we all have a responsibility to pursue effectively for young people throughout the country.

I mentioned Margo MacDonald to pay her a minor compliment; I did not expect her to take over the show.

Margo MacDonald (Lothians) (Ind): I will not do so. I just suggest that you send a letter to the Minister for Public Health and Sport to say that you have closed the petition but that you urge her not to let the issue go by the board. As the hubs are in position, she could get a monitoring unit to look at whether they are meeting demand.

The Convener: Without going over old ground on the petition, I think that there is probably not a requirement for a great deal of resources; we just need people to think intelligently. Issues that come up in the context of the development of regional hubs are the quality of competition in an area and whether it is good enough to allow highly talented athletes to get further, and the cost of access for the families of those athletes.

Scottish Courts (McKenzie Friends) (PE1247)

The Convener: PE1247, from Stewart Mackenzie, calls on the Scottish Parliament to urge the Scottish Government to introduce a McKenzie friend facility in Scottish courts as a matter of urgency. We have received a submission from the petitioner, which has been circulated with the additional papers.

I welcome to the meeting Margo MacDonald and Murdo Fraser, whose sudden arrival shows fantastic timing. Both members have expressed views on the petition in the past, so I invite them to comment but ask them to be reasonably brief. Ladies first.

Margo MacDonald: Thank you—I am certainly no gentleman.

The Convener: That is a good start.

15:00

Margo MacDonald: The petition and the back-up material are self-evident. An opinion poll has been conducted and, although we should take the

results with a pinch of salt, there is a consistent level of support—66 per cent—for the idea of McKenzie friends. We have had word from the bench—from on high—that it has always been open to litigants who defend themselves in Scottish courts, but there does not seem to be one view from the bench on the matter. The view that figures in our papers has it that

“a McKenzie Friend must sit behind”

the person in court. That is of no use at all, as anyone knows, because people need someone beside them. It seems a nit-picking point, but it is a matter of whether the support or information that can be given to the person pleading their own case is functional or dysfunctional. I personally think that it is self-evident. We should just do it.

Murdo Fraser (Mid Scotland and Fife) (Con): Hear, hear, convener.

The Convener: That's enough.

Murdo Fraser: If I could expand briefly.

The Convener: That is the best parliamentary contribution that I have heard from you this year.

Murdo Fraser: I will briefly expand on that. Margo MacDonald has referred to the Which? survey. To be precise, I think that 85 per cent of Scots who were surveyed said that it would be useful to have a scheme whereby those who could not afford or find a lawyer could have a knowledgeable friend sitting beside them—that shows the level of support for the McKenzie friend.

I wrote to the Cabinet Secretary for Justice on the matter before Christmas, and I got a reply on 31 December, which considered the idea of legislation to amend the current rules so as to allow lay representatives rights of audience. That misses the point. Mr Mackenzie is not looking for rights of audience for McKenzie friends; he just wants them to have the right to sit beside the litigant in court, not behind them. That is the point that Margo made well. All that requires is a change in the court rules. The procedure is simple, and I am not aware of any serious policy objection to such a change happening—it just needs to happen.

Margo MacDonald: As I should have mentioned earlier, there is also some debate as to whether we want the judge to have the determining voice on the matter. Should it be a right? I am not quite sure about that. I cannot see anything about that aspect in the papers that have come back to us.

Nigel Don: The papers that are before us are interesting, and they demonstrate that certain people have got the wrong end of some sticks. There is clear confusion as to what on earth a McKenzie friend is supposed to be. I thought that

the Lord President put it kindly, saying that there are two meanings of the term. Actually, there was only ever one, but some people did not bother to find out what it was before deciding to call it something else. We now have two meanings, and that is not helpful.

If we go back to the original meaning, which is a friend who sits beside the person in court and helps them through, it is not difficult. I think that the Lord President is saying that he thought there was no reason for the possibility not to be there, but the rest of the papers seem to indicate that it was actually never there. However, that seems to have changed within the past few weeks. We should take it that there has been a step in the right direction, and we should not worry about why exactly that happened. It might be coincident with what is happening with the petition.

If we can persuade our legal brethren and the gentlemen and ladies on the bench that it would be a good idea for the friend to be allowed to sit beside the party litigant, that would help—as I am sure judges would agree.

We need to be careful in the Parliament not to start telling judges what to do. Parliament has given, and the courts have acknowledged, rights of audience for lawyers. It would be very difficult to start deciding what the rights of audience should be for people who are not qualified as lawyers. It rightly belongs to the judge on the bench to decide what is helpful in that respect and what is not helpful. We must be careful how to phrase any recommendations on that point.

The other meaning—or rather, misuse—of “McKenzie friend” involves extended rights of audience for lay folk in certain circumstances. I suggest that, however important that point is, that is not what the petition is about, and it never was about that. That is a substantial issue that will have to be addressed in its own right at some point if we think that it is important to do so. I suggest that we cut that issue off from the clear purpose of the petition.

In summary, the clear purpose or intention of the petition is to allow the introduction of McKenzie friends—using the correct meaning of that term—into the Scottish courts. It appears that the petition has succeeded. Perhaps we need to sit on our hands for a little while and see how things develop.

Bill Butler: I do not disagree with the points that Margo MacDonald, Murdo Fraser and Nigel Don have made. However, I think that we should write to the Scottish Government and to the Lord President of the Court of Session to ask whether they will recommend that McKenzie friends should sit beside, rather than behind, the litigant. Perhaps we can ask them to respond to the petitioner’s

concerns about the Court of Session’s lack of awareness of the existence of such a facility. We need to take a belt-and-braces approach.

I take Nigel Don’s point that the facility is always at the court’s discretion, and we do not want to tell the Lord President what to do, but it seems that the Lord President is more than amenable to the system. We need to disseminate the information among those who hold court.

Margo MacDonald: Can I ask—

The Convener: I will invite comments from committee members, and then you can make another contribution. Are there any views from committee members on the issue?

I see that there are no other views.

Margo MacDonald: I simply wanted to ask—Murdo Fraser might be able to help with this question—whether we can, on our knees, suggest to the Lord President that it would be better to clarify whether there is a presumption that a McKenzie friend can assist in court unless the judge feels that the person is inappropriate or unsuitable. One can imagine some of the friends who McKenzie might bring with him. [*Laughter.*]

We are laughing about it, but you can imagine what some of the friends might be like—particularly in your case, convener.

The Convener: I wonder whether Murdo Fraser can follow that.

Murdo Fraser: I class myself as a friend of Margo; I do not know how that qualifies me.

Nigel Don made a fair point in suggesting that things seemed to be happening; I would like to think that that is the case. However, it would be better to have some clarity, so that anybody who turns up in court with a friend knows that they will not suddenly be told by the presiding judge, “No, your friend cannot sit beside you—I don’t like the look of him. He will have to sit at the back of the court.” I am inclined to agree with the course of action that Bill Butler proposes.

The Convener: I see that there are no further comments. Given our discussion today, we should continue the petition. There are a number of areas in which we seek clarity and precision. We should seek responses on specific issues such as the awareness and understanding of the court system with regard to the capacity to have a McKenzie friend.

Robin Harper: I would bend a knee to Margo MacDonald, but not to the Lord President, with due respect.

The Convener: That is your card marked, Robin.

I thank Margo MacDonald and Murdo Fraser for their time. We will continue the petition and explore those points through letters and inquiries to the Government and to the Lord President of the Court of Session.

Vitamin D Supplements (Guidance) (PE1259)

The Convener: I suggest to committee members that we bring forward consideration of PE1259, from Ryan McLaughlin, which calls on the Parliament to urge the Scottish Government to produce new guidelines on vitamin D supplementation for children and pregnant women and to run an awareness campaign to ensure that people know what level of vitamin D supplements they should be taking.

Although the petition should come five or six petitions further down the list, we will deal with it now because Ryan McLaughlin and his family, who were coming through for the broader launch of the Parliament petitioning process, are here now. We will then take a short comfort break to address a couple of matters before returning to the other petitions. The committee has considered the petition before, and we had a substantial opportunity to examine the issues when Ryan gave his presentation at a previous meeting.

Subsequent to that, there has been greater dialogue on the issue with officials at the health department and with the minister. I invite Bill Butler, who is Mr McLaughlin's constituency member, to comment.

Bill Butler: We should close the petition, on the basis that the petitioner, Ryan McLaughlin, has indicated that he is content for it to be closed, as a great deal of progress has been made on the issue. That progress has been made because Ryan and the McLaughlin family have persuaded the Government, which has listened to the sensible suggestions that are contained in the petition and has agreed to a co-ordinated programme of action with NHS Health Scotland to produce guidance on vitamin D, to educate women on its importance, to consider different messages for different groups of people and to ensure that health professionals give correct and consistent advice to pregnant women and new mothers in relation to vitamin D.

We should congratulate not just the McLaughlin family but the Scottish Government and the ministerial team, on listening. The Government has committed itself to keeping the petitioner informed of progress and to involving him in the development of the awareness campaign. That is a significant success not just for the petitioner but for the committee. We should acknowledge the constructive part that the Scottish Government

and the ministerial team have played. People have listened to a sensible set of suggestions from someone whose personal circumstances have convinced them that there is a need for a reform. The petition is a success story.

Anne McLaughlin: Bill Butler is the constituency member, but I am part of the same clan as the McLaughlin family, who are sitting in the public gallery. I agree with everything that Bill Butler said. The petition is a complete success story for the committee. As Bill Butler said, the petition made sensible suggestions and the Government listened. The way in which Ryan McLaughlin conducted the campaign, the support that he received from the clerks to the committee and the coverage that he managed to get are an indication of how much can be done with one petition. I congratulate everyone who has been involved with the petition.

The Convener: When I think of Jack McLaughlin, Anne McLaughlin and Ryan McLaughlin, I see that the McLaughlin family motto is not "shy and retiring".

The committee would like to put on record its appreciation of the petitioner's endeavour. We hope that the long-term outcome of the petition will be an opportunity to change the way in which individuals are dealt with by the health service and the support that they receive to deal with ill health. That is a positive development. I suggest that we close the petition. The nature of the petition and the way in which it was brought forward are testimony to the fact that a young man believed in a cause strongly enough to highlight it to the Parliament. Hopefully, that will make a difference not just to him and his family but to families in similar circumstances.

I suspend the meeting for a short comfort break. When we resume, we will consider the substantial number of petitions that remain to be dealt with this afternoon.

15:14

Meeting suspended.

15:28

On resuming—

Court Reporters (PE1257)

The Convener: PE1257, from Mark Hutchison, calls on the Parliament to urge the Government to take measures to ensure that solicitors acting as court reporters who knowingly supply false information to a sheriff are not immune from prosecution and that their reports are amended to correct any inaccuracies before the court makes a decision. The committee has considered the

petition previously. I invite members to indicate what they wish to do with the petition.

Nigel Don: Improbably, I confess that I have considerable sympathy for the petitioner's point of view. His last letter suggests that the petition is born of unsatisfactory personal experience. The question is, how do we address the rare occasions when people act in a way in which they should not? All the replies that I have read have glossed over that issue and assumed that a court reporter will automatically act in the best interests of everyone concerned and could not be maliciously motivated. I do not believe that court reporters are often so motivated, but that may happen occasionally, because we are all human. Clearly, the petitioner thinks that it has happened, but no one seems to want to address that issue.

As is often the case, I am not quite sure what else we can do, other than invite the people to whom we have already written to consider the issue that the petitioner raises. If someone is not doing their job properly and the presumed professionalism is not there, what mechanisms exist or, more particularly, should exist to pick that up?

Anne McLaughlin: When we visited Govanhill—

The Convener: That is the next petition.

Anne McLaughlin: In that case, I have nothing to say.

15:30

Bill Butler: I agree with Nigel Don. In a letter dated 27 November 2009, the Government referred to paragraphs 109 to 112 of the Gill report—the Scottish civil courts review. We could ask the Government what bearing that has on the petition and how the outcome of the review will address specifically the points that the petitioner has made. I am rather at a loss to see that, so we could get the Government to clarify the matter. I agree with Nigel Don that we should continue the petition.

John Wilson: I agree with Bill Butler and Nigel Don that we need to continue the petition. Importantly, the petitioner has raised the issue of how court reports can be amended to reflect accurately the views that have been expressed. We should seek to establish what procedure is available to anyone who thinks that they have been misrepresented and that the report does not accurately reflect the issues that have been discussed or the case as presented. We should also seek to resolve the issue that Bill Butler raised in relation to the Gill report. I ask the committee to support my view that we need to clarify how an inaccurate report can be amended.

The Convener: We will continue the petition and pursue the issues that members have raised.

Holiday and Party Flats (Regulation) (PE1249)

The Convener: PE1249, from Mr Stanley Player, calls on the Scottish Parliament to urge the Government to introduce a statutory duty on landlords offering short-term holiday and party flat leases to register the property as such and to comply with all necessary houses in multiple occupation, noise, safety and environmental regulations. We have received a letter from Sarah Boyack, who expressed an interest in and support for the petition when we last considered it. Margo MacDonald has also been supportive of the points that petitioner makes. I invite her to comment on the petition, before we decide what to do.

Margo MacDonald: I draw the committee's attention to points arising out of the meeting on 26 August between the Government, the City of Edinburgh Council and Lothian and Borders Police, at which it was agreed that there would be

"a more proactive approach to difficult cases"

and that the

"council and police would meet again to discuss the approach to party flats."

I ask the committee to find out whether the council and the police have met again. I suspect that they have not, because I have heard nothing more about the issue.

The problem has not gone away in any respect. The people in the public gallery from Edinburgh and Glasgow know to their cost that the party flats nuisance has not abated. There have been suggestions that the issue might be dealt with through antisocial behaviour orders, but because people are resident in the flats for only a couple of days, ASBOs are as much use as a chocolate teapot.

If members around the table have any good ideas that we might put to the Government to ensure that it carries the issue forward, we should take them up. The problem is not just confined to Edinburgh, and it does not affect only nice people living in nice houses; it is growing in all our cities and it affects all sorts of people.

Ted Brocklebank (Mid Scotland and Fife)
(Con): The problem that I am here to discuss, which is raised in a petition that the committee will deal with later, involves houses in multiple occupation. However, I observe at this point that, in parts of St Andrews, where I live, it sometimes seems as if parties in these flats go on all term long, not just two or three nights.

The Convener: You are just exhausted by going from one party to another all night.

I imagine that the problem will be an emergent one in the region that you represent because there is a kind of connectivity of available lets. That is the issue that has been identified in the petition.

Bill Butler: I agree with Margo MacDonald that we should continue this petition. There are issues that need to be explored further. Perhaps we could write to the Scottish Government to ask what issues and problems around so-called party flats are raised by local agencies such as council departments and the police. Do those agencies believe that they have sufficient powers to respond quickly and fully to instances of antisocial behaviour when they occur? Do they think that there needs to be a change in the law to help to prevent such unacceptable disturbances? Do they have concerns about how the flats are advertised? Do they have difficulties in identifying landlords and ensuring that they fulfil their responsibilities? Does the Government know how those issues are being addressed? I think that, as yet, they are not being specifically addressed—certainly not to anyone's satisfaction.

As Margo MacDonald said, this is not only an Edinburgh or an east coast problem; it affects people across Scotland. We need to write to the Government.

Robin Harper: I do not say this light-heartedly but it strikes me that, as it is the landlords who allow the activity that is making life intolerable for people living in the vicinity of these flats, it might be worth finding out whether the legislation would extend to imposing ASBOs on the landlords themselves and, if not, why not.

John Wilson: The committee should refer the letter that we have received from Sarah Boyack to the Government and ask it to respond to the issues that she raises. She discusses a number of important issues that relate to points that Ted Brocklebank made about HMOs. Clearly, landlords are using what they see as loopholes in the current legislation, and it is incumbent on the Government to address those loopholes. The Government should also address the reluctance of councils and other authorities to take the appropriate action against the landlords who let these flats. I know that the standard excuse is that it might just be one party weekend that has caused the problems, but, clearly, the landlords let the flats on the basis that they are used as party flats, and action should be taken against them in those circumstances, as they are, effectively, condoning the actions of the people who rent the flats.

The Convener: Do we agree to keep the petition open and explore the points that have been raised by members?

Members indicated agreement.

Planning (Playing Fields and Open Spaces) (PE1250 and PE1293)

The Convener: PE1250 and PE1293 are grouped together. PE1250, from Mel Spence, calls on the Parliament to urge the Government to consider measures, under Scottish planning policy 11, to ensure that robust sanctions are in place to prevent local authorities from proceeding with development on land that is currently used as playing fields or open spaces.

PE1293, from George Barr, calls on the Parliament to urge the Government to ensure that existing planning policies such as SPP 11 are rigorously followed by local authorities when considering development on land that is currently used as playing fields or open spaces.

We have received no further communication from the petitioner with regard to PE1250, so it might be that he is no longer pursuing the issue.

Bill Butler: The consolidated Scottish planning policy that is due to be published will contain a presumption against development on open spaces that are valued or functional, or are capable of being functional or of being brought back into use. Therefore, I do not think that there is much that we can do in relation to PE1293 and we should close it.

On PE1250, I think that we have no option but to close the petition, in accordance with good practice, as the petitioner has not got back to us.

Robin Harper: If, by any chance, the consolidated planning policy does not contain a presumption against such development, we should invite the petitioners to re-present their petitions.

The Convener: Do we agree to close both petitions, but accept that there might be an issue in future if matters remain unresolved?

Members indicated agreement.

Sports Facilities (Primary Schools) (PE1256)

The Convener: PE1256, by Jack Ferrie, on behalf of the 2007-08 primary 7 class in St Machan's primary school, calls on the Scottish Parliament to urge the Government to provide additional targeted funding to ensure that all primary schools have access to appropriate all-weather sports facilities to encourage an active, healthy lifestyle from an early age.

The committee is invited to consider whether it wishes to close the petition under rule 15.7 of standing orders, on the ground that the petitioner has not submitted any communication to the committee on any occasion since the petition was first considered. Further, the Health and Sport Committee has undertaken an extensive pathways into sport inquiry; there is continuing debate and engagement with the Government in relation to its target of delivering two hours of physical exercise a week in primary schools; and a strategy review is being undertaken by sportscotland and local authorities in relation to the development of the school estate and links that might be made to opportunities for new investment that could be used to improve all-weather sports facilities—in the recent past, we have seen some developments that have included such facilities as an element of the school estate.

Do we agree to close the petition, while recognising that the issue is a continuing one that all parliamentarians will be pursuing through the parliamentary processes?

Members *indicated agreement.*

Police Officers (Convictions) (PE1252)

The Convener: PE1252, from Angus Grant, calls on the Scottish Parliament to urge the Scottish Government to review all legislation and guidelines that give chief constables discretion to retain police officers despite any convictions that they have. Do members have any views on the petition? I can sense Margo MacDonald reacting to this petition.

Margo MacDonald: It would be quite a good idea to look into the issue.

15:45

Bill Butler: It is a good idea to look into the issue. We could write to the Scottish Government to ask about its timetable for the review of the Police (Conduct) (Scotland) Regulations 1996. We could ask whether consideration will be given to the concern that the petitioner has expressed. That would be a sensible approach.

The Convener: Okay. Do members agree to keep the petition open and try to get a response from the Scottish Government?

Members *indicated agreement.*

Nigel Don: Might we also try to establish the facts about criminal convictions among serving police officers? I do not know to what extent information on individual officers or aggregated information is available. There might be understandable reasons why the information is unavailable, but it would be interesting to know a bit about the data.

Bill Butler: It might be interesting to know whether the discretion to which the petitioner referred is ever used.

The Convener: The critical issues are the nature and scale of the offence and whether, if such discretion has been used, it has benefited individuals whom the vast majority of the public would think should not continue to serve as police officers. We are not talking about the more minor offences, which might be considered in a more rounded way; the reality is that police officers who have been convicted of some offences should not continue to serve, given the trust that the public are expected to place in them.

Nigel Don: Yes, and that reinforces my point about establishing the facts. There might be policemen who have committed minor road traffic offences, for example, and we might understand where those offences had come from—we also understand that some such offences are not minor. However, if a police officer has been convicted of a significant offence, representatives of the public are entitled to ask why they are still serving. There might be a good answer, but we would like to know it. That is why information about the nature of offences would be more useful than information on the total number of convictions. We need to know what the offences are.

Robin Harper: I was going to make the same point. The issue is not the quantity. We do not want a huge tome that lists all minor offences; we need a broad-brush picture of the nature of offences. We might want to know about some offences that serving police officers have committed, but we do not want to trawl through every minor parking offence or whatever that police officers are registered as having committed.

John Wilson: I urge caution on how far we can take our inquiries into criminal offences by police officers. As I understand it, the chief constable is the employer of police officers in their area and it is for the chief constable to make a decision. Did we contact the Scottish Police Federation on the issue? The convener is indicating that we did. Did we get a response?

The Convener: I ask the clerk to respond.

Fergus Cochrane (Clerk): We got a response from the SPF. I am sorry, but I cannot remember its content. I think that after the committee first considered the petition, in May 2009, we wrote to the SPF and the Association of Chief Police Officers in Scotland.

John Wilson: We need to be careful about how we take the matter forward, but I agree with Bill Butler that we should keep the petition open and seek guidance from the Government on how it will

take forward the 1996 regulations and what advice it will give chief constables.

I think that the treatment of police officers who have been convicted of criminal offences is almost a moving target. Are they treated less fairly in an employment context than other members of the public who have been convicted of similar offences would be treated?

The Convener: We will keep the petition open and explore the areas of concern that members identified.

Medical Negligence (Pre-NHS Treatment) (PE1253)

The Convener: PE1253, which was lodged by James McNeill, calls on the Parliament to compel the Scottish Government to establish a discretionary compensation scheme, to provide redress to persons who suffered injury due to negligent medical treatment prior to the establishment of the national health service. I invite members' views on the petition.

It might still be possible to explore a number of questions with the Government. It is difficult to see who might be held responsible or liable within the legal framework, but the petitioner clearly feels strongly about the issue. We could perhaps still raise some points with the Government.

Bill Butler: We should perhaps write to the Government to ask whether it agrees that, when the NHS was formed, it took on the responsibilities of the medical service that existed before its establishment. We could also ask the Government whether it thinks there is a moral case for establishing a discretionary compensation scheme as proposed and, indeed, whether such a scheme should be set up. I hae ma doots, as they say, but I think that we should ask those questions.

The Convener: It might also be worth exploring with the Scotland Patients Association whether, in its experience, the issue still pops up because individuals are still raising it.

We will continue the petition, try to explore the issues and bring it back for further consideration in due course.

Fire (Scotland) Act 2005 (PE1254)

The Convener: PE1254, from Mark Laidlaw, urges the Government to amend section 51 of the Fire (Scotland) Act 2005 to allow flexibility so that an employee of a fire and rescue authority can also be employed as a special constable. Again, we have had a chance to discuss the petition on previous occasions, so I invite members to comment on how we should now deal with it.

Bill Butler: Such flexibility seems to be allowed in England and Wales. We should perhaps find out whether there is evidence that such arrangements cause a conflict of interest. In other words, an evidential base is always a good basis on which to proceed, convener.

The Convener: I think that we should keep the petition open, but I invite other members to express their views.

Nigel Don: I very much support the idea of keeping the petition open.

The issue actually goes a little wider than the petition suggests, although I know that we must be careful to consider matters in the context of the petition. Yesterday, I was above the snow line west of Braemar with people who are extremely concerned about the lack of resources available to those who live right at the end of the line. The people who could do a good job running the local volunteer fire brigade are the very people who might be the first aid responders, the local ambulance drivers and—an important point in the context of my conversation yesterday—the local special constables. In such communities, there just are not enough people around to have everyone in separate silos, with those who try to step from one to the other being told, “Thou shalt not.” In those end-of-the-road situations, a wider debate is needed about how all the useful people who want to contribute might do so across the range of things that need to be done. We need to allow people to get out of their silos.

The Convener: We will continue the petition and pursue the points that members have identified.

Social Rented Housing (Standards) (PE1189)

The Convener: We have already dealt with PE1259, so the next petition is PE1189.

PE1189, by Anne Lear on behalf of Govanhill Housing Association, calls on the Scottish Parliament to urge the Scottish Government to conduct an inquiry into the responsibilities of private landlords, the levels of social housing that are below tolerable standard, the impact of slum living conditions on the health and wellbeing of residents and the wider community, and whether such conditions merit housing renewal area status and additional Scottish Government funding. I declare an interest in that Govanhill is in my parliamentary constituency. Along with local residents and organisations, I have been dealing with the issues that the petition raises for a considerable period.

I take this chance to thank Anne McLaughlin and John Wilson for joining me on a committee

visit to Govanhill, where we saw at first hand the reality of the housing conditions in particular streets that have been most dramatically affected by changes in recent years. From that discussion and from our post-visit discussion with individuals from that community, we got a strong sense that people are looking for some direction from the Parliament. People also look to our committee to encourage others who have key responsibility over the legislative decisions at parliamentary level and over the resources at local government and Scottish Government level.

The petitioners and others have identified a range of points around the petition. I invite members to comment. I invite Anne McLaughlin in particular to come in on this one.

Anne McLaughlin: I would like to agree with Nigel Don—oh, sorry, that was the other petition. However, what he said as I was reading the detail of that petition is relevant to this petition. What I was going to say is that when we went out to Govanhill—obviously, as a Glasgow MSP and having worked in Govanhill I am aware of the area, although it has changed considerably in the years since I worked there—it became clear that there are multiple problems, but before and since then I have had representations from people in other areas who are scared that their problems will escalate in the way that Govanhill's problems have escalated.

The Local Government and Communities Committee will scrutinise the Housing (Scotland) Bill, and much of what the petitioners are looking for comes under that bill, but I think that the suggestion of having a special summit to consider the issues more closely is useful. The summit could be similar in form to the Public Petitions Committee's knife summit, which took place before I was a member of the committee. We could take evidence and provide information for the Local Government and Communities Committee for when it scrutinises the Housing (Scotland) Bill. Individual MSPs could take something from the summit, too.

It is clear that the problems in Govanhill need to be tackled quickly, but we must look not only at other parts of Glasgow, which is what I want, but at other parts of the country and ensure that we put measures in place to prevent their problems from escalating in the same way as has happened in Govanhill.

The Convener: John Wilson was also on the visit; do you want to comment?

John Wilson: No, I did not have my hand up to speak. I defer to Bill Butler in that regard.

The Convener: Okay. I thought that I was running this, but—[*Laughter.*]

John Wilson: If you think that, convener, it is up to you to—

The Convener: The standing orders indicate that the convener has the right to determine who speaks.

John Wilson: I was merely pointing out that another member had his hand up.

The Convener: I invite Bill Butler to comment.

Bill Butler: Thank you, convener. I defer to your judgment on all things—

The Convener: In the committee, anyway.

Bill Butler: —during the committee, of course.

The petition raises a serious issue. Anne McLaughlin's idea of holding a summit is good. The summit on knives and knife crime was effective, and I believe that a similar event that was held during the second session of the Parliament was effective for the anti-sectarianism strategy. I therefore think that a summit is the appropriate vehicle for this petition and I support the idea. We can bring together all the interested parties or, to use the modern jargon, all the stakeholders, to see what we can do to begin working together across the Parliament, across local authorities and across all the agencies and associations involved to come up with a solution or at least a way of proceeding that tries to arrive at a solution to this very serious issue.

The Convener: Okay. Are there any other comments or observations?

John Wilson: As you indicated earlier, convener, I was part of the committee visit to Govanhill. It is clear from what we saw and heard there that the area has a number of problems, as the petitioners highlighted in their presentation to the committee. However, it was useful to see at first hand the current situation in Govanhill. Given present circumstances, it is clear that the problems will not go away quickly. My only difficulty with having a summit-type event is how quickly it could be organised. The Local Government and Communities Committee is about to start its evidence-taking sessions on the Government's Housing (Scotland) Bill. There has been some discussion in the Local Government and Communities Committee about this petition and the issues it raises.

If we want to feed into that debate we will have to hold a summit pretty quickly to allow the Local Government and Communities Committee to take on board its findings in time for its stage 1 report to the Parliament. It is a question of how quickly we can arrange a summit.

There is also the question of who we would invite. There have been a couple of suggestions about the key players whom we would want to be

present, and the list in front of us includes Alex Neil as Minister for Housing and Communities, Steven Purcell as leader of Glasgow City Council, and the convener of the Local Government and Communities Committee, Duncan McNeil.

Considering the number of health issues that were identified on our visit, it would be interesting to invite someone from Greater Glasgow and Clyde NHS Board to find out how it is tackling some of the issues that people who are resident in or moving into the area face. There is a relationship between what Glasgow City Council can do and the health board's responsibility to ensure that adequate resources are available to tackle some of the underlying problems that are associated with housing conditions there.

16:00

The Convener: Given that, in the informal responses that we have had, Alex Neil and Glasgow City Council have been keen to discuss the issues, I think that we can pursue the option of a summit. We hope that it will synchronise with the investigations by the Local Government and Communities Committee, which John Wilson rightly referred to. We will endeavour to sort it out as soon as possible and to concentrate the minds of some of the protagonists.

I agree with John Wilson about the broader involvement of community health and care partnerships, health boards and social care services, because the social dimension of the issue involves vulnerable youngsters who are living in conditions that should be unimaginable in the contemporary age—and their behaviour. Their concentration, numbers and conduct on the street render them a danger to themselves, never mind other members of the public. We will take on board the points that have been raised.

There are some specific questions that we want to explore, underneath the submissions that we have received, about the dance that has to take place for the decision on renewal area status. The legislation allows it, but there needs to be some commitment of resources at local and national level—and, understandably given the difficult financial situations that they face, both levels will have to be very careful about what commitments can be made.

We will pull everything together and ask the clerk to give us a summary of progress for the next meeting. We will aim to have the summit by early March if all the key partners can participate.

Acquired Brain Injury Services (PE1179)

The Convener: We return to PE1179, which we dealt with earlier. The petitioner has been patient all afternoon but she has a return rail journey to

make so, as we have had more time to look at the supplementary notes, we will deal with the petition now. I ask members who have come to the committee for the houses in multiple occupation issues to bear with us.

PE1179 is by Helen Moran on behalf of the Brain Injury Awareness Campaign. We have tried to explore with ministers and health boards the categorisation of injuries in local health board provision.

Our papers state that the petitioner has met health department officials to discuss some of the issues, but there remains a concern about the support that is required for individuals who have acquired brain injury and the role that social work and community health services can play in providing that support to make things more manageable when such injuries continue to cause difficulties. I invite comments from members.

Bill Butler: We should continue the petition and invite the Government to comment on the petitioner's latest submissions, of 21 January and 5 February. I suggest to colleagues that we comment on the length of time it took to hold the meeting to which the convener referred and then to get the note of the meeting to the committee. That is not very helpful, to put it mildly. One could even argue that our consideration has been hampered somewhat.

The Convener: That is a helpful suggestion. We want to continue the petition and explore the issues that are raised in the petitioner's additional submissions.

John Wilson: I agree that we should continue the petition, but I caution against criticism of the time it took to hold a meeting and to receive a note of it. We have considered other petitions today on which the response times have been much longer. In this case, I congratulate the Government on the time it took to get us the note of the meeting that was held in January. Members will recall that we have been critical of the Government's response times on other occasions, but it has sharpened up the response time in relation to the note and arranging a meeting.

The petitioner raised several issues in further correspondence with the committee. As Bill Butler said, we should try to get from the Government answers to the questions that have been asked. We need a co-ordinated approach from health boards and other bodies that are involved to ensure that appropriate services are provided for those concerned.

Bill Butler: I am more than willing to go along with that if it progresses this serious issue.

The Convener: We will continue the petition. We will explore the options and, I hope, get a

satisfactory reaction or response to assist the petitioner. I hope that the petitioner, who is in the public gallery, will be pleased that she has stuck around and that the petition has been continued. The fundamental point is that she wants issues to be dealt with more effectively at local level. I hope that we can continue to apply pressure on her behalf.

Houses in Multiple Occupation (Regulation) (PE1261 and PE1281)

The Convener: The next two petitions are on the better regulation of houses in multiple occupation. Each petition suggests a range of measures. PE1261 is by David Middleton, on behalf of Sustainable Communities (Scotland), and PE1281 is by Graham White, on behalf of North Kelvin Residents Group.

Several members have expressed an interest in speaking on the petitions. This might be defined as a committee in multiple occupation, given the number of members who are here. Mike Pringle, Ted Brocklebank and Pauline McNeill are here and I presume that Margo MacDonald wishes to stick around for this one, too, and is not still here just because of my natural charm.

Margo MacDonald: I stayed only because you are still here, convener. No, I am—

The Convener: I was not inviting you to speak first, Margo.

Margo MacDonald: I was going to make it easier for you, convener. Although I sympathise with the petition from Kelvinside, I can speak to the Sustainable Communities (Scotland) one a bit better.

The Convener: Ted Brocklebank has been patient.

Ted Brocklebank: I am grateful to you, convener, for letting me speak in support of both petitions, which, as the committee will be aware, have been supported by about 40 community councils and other organisations from all over Scotland. Representatives of some of those organisations are present this afternoon.

I hope that I am not misquoting the petitioners from north-east Fife when I say that they were somewhat underwhelmed by the initial civil service response to their petition. Although they welcome the proposals in the Housing (Scotland) Bill for planning consent to be a condition of an HMO licence, they feel that that, in itself, will not be enough. Given that not all HMOs require planning consent, a planning policy to limit concentrations of HMOs will simply shift pressures to housing types for which planning permission is not required. As you will be aware, convener, Northern Ireland and England have introduced secondary

legislation to bring all HMOs under planning controls, and I and the petitioners whom I represent believe that we need similar arrangements in Scotland.

It might well be that part 2 of the Housing (Scotland) Bill, which I believe deals with the private sector, could address specific problems such as the subdivision of rooms and the relocation of the traditionally stacked services such as water services serving kitchens and bathrooms in tenements. Such measures, which are usually implemented to increase occupancy and maximise profits, can lead to noise and flooding problems for downstairs neighbours.

Secondly, a significant group of unlicensed landlords is still operating with impunity under the present legislation and the petitioners believe that it would be more appropriate and effective to take civil rather than criminal action against those offending landlords. Perhaps the committee could consider that point.

Finally, my constituents believe that the Housing (Scotland) Bill should address the fact that local authorities lack any power to close down non-compliant and unlicensed HMOs that continue to operate and continue to put tenants at risk through problems with gas and other issues. On their behalf, I have put some of these points to the minister and we would be grateful for any support that the committee feels able to give us.

Mike Pringle (Edinburgh South) (LD): I echo Ted Brocklebank's comments. There is a lack of coherence between planning and licensing legislation, and licensing authorities act without reference to planning concerns or planning policy. These people do not talk to each other. Whereas planning authorities make policies to protect the amenity of an area and regulate building and development, no such powers exist to control the granting of HMO licences.

Licensing in all functions other than HMO licensing takes account of amenity, but licensing legislation does not allow the authority that grants the licences to consider either planning matters or amenity. As Ted Brocklebank has pointed out, HMO licences are granted even though the applicant has not obtained any planning permission that might be required. Indeed, HMO licences are granted in breach of the council's planning policy. How can one grant an HMO that breaches planning conditions? Again, conflict emerges.

By not providing specific powers to licensing authorities to refuse HMO licences that breach planning requirements or policies, the current legislation fails to provide the necessary protection for promoting sustainable mixed communities or for the amenity in an area. In the years that I sat

as a councillor on the licensing committee that dealt with HMOs, we never refused an HMO application. The applicants were always successful, as long as they had followed the fire regulations, installed the right doors and so on. No one ever looked beyond an HMO's legal requirements, and I do not think that that is right.

Any member who lives in an urban constituency will have had these problems raised with them by constituents. Indeed, a constituent of mine, who is here this afternoon, was out of her house for eight weeks after it was flooded by the HMO upstairs.

When she managed to get back in—and even while the dehumidifiers were still doing their work—she was flooded out again.

I know somebody who bought a lovely flat in the middle of the new town. Guess what happened not long after they moved in? An HMO was created in the flat upstairs. The flat was ruined—11 people were stuffed into it. In holiday times, the landlord flouts the regulations—because nobody keeps an eye on the regulations properly—and in go 22 people, apparently.

The conflict is between planning and licensing; that is where the problems lie and where they must be sorted out.

16:15

Pauline McNeill (Glasgow Kelvin) (Lab): I thank the committee for considering the two petitions, which are important and are becoming ever-more important as housing issues change. I, too, have constituents present to hear about developments with the petitions. We are working closely on the issue with Hillhead community council and other community councils that have an interest in my constituency.

I do not oppose HMOs, which are a necessary part of housing. In Glasgow's west end, we are used to HMOs. However, I oppose the dense concentration of HMOs that breaks up the balance of communities and leads to unsustainable communities. That is at the heart of PE1281. We have taken too long to produce a coherent policy to deal with the regulation of HMOs—on the number that local authorities want in any given area—and the enforcement of HMO regulation. Those issues are important and distinct.

I have had direct discussion and correspondence with the minister, Alex Neil, who is making progress. I give all credit to him for where he wants to go, but there is still resistance in the system to doing what Mike Pringle and Ted Brocklebank spoke about—putting planning and HMO licensing together—because the planning system likes to be almost pure of everything else. That situation cannot continue.

The minister has said that he wants the Housing (Scotland) Bill to give local authorities the power to refuse HMO applications that do not comply with their planning policies, if they so wish. That is a step in the right direction and it is important that that happens in this parliamentary session. If we do not give local authorities the power to enforce their planning laws when they wish to in relation to HMOs, the situation will go further out of control. I am not shy about saying that parts of Glasgow's west end have communities that are unsustainable because of the density of people who live in a small number of properties.

Ted Brocklebank introduced a new issue. I do not wish to add to the committee's woes in considering the petitions, but the matter is important. The subdivision of properties is making matters worse. People might live with five people above them in a house that was designed for three but, after the subdivision of rooms, they could have 16 people above them—people could live in a communal room above somebody's bedroom, for example. Issues such as the number of people who live above someone matter. Tenement properties are not designed for large numbers of people, and that leads to complaints about living arrangements.

When the petitions were previously discussed, I could not attend the meeting, but I wrote to the convener to say that it was important to press for the Housing (Scotland) Act 2006 to be implemented as the first step. I think that the committee asked about that, and pressing for that is the best job that the committee could do.

I have a lesson for all members. I moved an amendment to what was the Housing (Scotland) Bill in 2006 to increase the maximum fine to £20,000 because I believed that that would stop illegal HMO use—we have illegal HMOs because the fine is so low for some landlords that it is less than the cost of a licence—and would make a significant difference. The minister says that he cannot even give me a timetable for implementing that provision of the 2006 act this year. I say for the record that I have heard in meetings with my local authority—Glasgow City Council—that it is desperate to implement that provision. I do not know where the idea that local authorities say that they have too much to handle and do not want more legislation comes from—it does not come from Glasgow City Council, which is desperate to implement the provision.

It would like to have it now so that it has time to implement what I hope will be the next set of important HMO policies, which are about ensuring that an HMO can be refused on planning grounds, which will be in the next bill.

Thank you for giving me a hearing, convener.

The Convener: A number of points have been identified. Margo, do you want to focus on any additional points?

Margo MacDonald: I will take up where Pauline McNeill left off, on the occupancy density in any given area being increased by HMO licences. There should be a presumption against licensing flats, as that increases the density of occupancy and affects the amenity of neighbouring properties, especially when they are listed buildings. That suggests that the notions of planning and HMO licensing are indivisible. If an area is going to be planned, the maintenance, sustainability and the comfort of an area for the people who live there cannot be split up.

That said, I stress that all cities have their own character and geography, and the city authorities are the best authorities to determine how they put that principle into practice. I do not know that I can say any more than that, although I send a message of commiseration and congratulation to the poor souls that are putting up with an ever-worsening situation because of the shortage of affordable property in Edinburgh, for example, and the small numbers of affordable houses that we are likely to see being built over the next few years. I appreciate that the Government is doing its best, but that shortage can only make this problem worse.

The Convener: Members who are expressing support for the petition have had substantial opportunities to speak, which indicates the breadth of support for it. Members from our two largest cities, north-east Scotland and Fife have spoken.

We have the opportunity to pursue the matter. We know that members are following the progress of the Housing (Scotland) Bill closely, and I am sure that a number of amendments will feature in that debate. Do members have any comments on how we might pursue the petitions, given the fact that the Housing (Scotland) Bill has been introduced to Parliament?

Bill Butler: Members have given a detailed outline of the many, varied and serious problems that occur across Scotland in respect of HMO licences and what needs to be done to bring the situation under some kind of control. I suspect that there will be amendments that take up those issues as the Housing (Scotland) Bill proceeds down its parliamentary road.

I do not think that the members of the committee underestimate the problems—we acknowledge them—but, given the parliamentary process, it would be wise for us to suspend both petitions. Once the Housing (Scotland) Bill has been passed, we can address the issues raised in the petitions and ask how the Government thinks that the new act will bring about the improvements that

the petitions call for. That might seem to be a cop-out, but I do not think that the committee has a locus until the bill is passed. I am sure that the members whom we have heard from today will lodge amendments on the issues as the bill proceeds.

Margo MacDonald: Convener—

The Convener: I will invite committee members to comment first, Margo.

John Wilson: We should continue the petitions. There are issues that the committee can still drive forward, even if some of them are taken up in the debate around the Housing (Scotland) Bill. Pauline McNeill raised the issue of when we can expect implementation of the 2006 act. There is also the issue of the proposed private housing bill. The committee can quite rightly continue to question those points while following the progress of the Housing (Scotland) Bill.

It would also be useful to find out the Government's views. Bill Butler referred to amendments that members who have raised issues today might lodge. It would be useful to find out from the Government how it intends to take forward in the bill the issues that have been raised.

A twin-track process can take place in the committee. We can ask the Government how it intends to take forward the issues that are raised in the petitions and whether it would support amendments that other members might lodge, so that we can finally get an act that is fit for purpose. You can see from the various pieces of housing legislation that have been produced in Scotland over the past 20 years that we have been tinkering at the edges of some of the fundamental issues that people face. This gives the committee an opportunity to put pressure on the Government to come up with something that will, I hope, stand the test of time, rather than have to be amended every other year to take account of the issues that are being raised.

That also goes for the proposed private housing bill that the Government intends to introduce later this year. We should find out whether and how that fits in with the Housing (Scotland) Bill and whether it has to be a stand-alone bill, rather than being incorporated into comprehensive legislation that covers housing.

Nanette Milne: I apologise for not being present for the very beginning of the discussion. We could certainly pursue the implementation of the 2006 act. I agree with John Wilson that there are things that we could do while we are waiting for the new bill to go through the Parliament.

Bill Butler: John Wilson and Nanette Milne made much better suggestions than I did. I withdraw my suggestion.

The Convener: Okay. We want to continue the petition. I am conscious that we have a lot on the agenda. We want to pursue the issues that have been raised. Given the breadth of interest in this matter, there will be much debate as the bill goes through the committee and eventually to the chamber. I invite members of the public who are present and those who are watching the meeting or reading about it in subsequent days to lobby elected members to see whether we can strengthen the bill. I will invite two final comments, from Margo MacDonald and Pauline McNeill.

Margo MacDonald: We could acquaint the appropriate members of all parties with the contents of the petitions and send them a note asking them to look into the matter and consider it in conjunction with the Housing (Scotland) Bill. We should draw it to their attention—you know how much stuff we have to deal with and it might otherwise be lost.

The Convener: Are you suggesting that we refer the petitions to the spokespeople in each party?

Margo MacDonald: Aye. They will know whether to put them out or deal with them themselves.

The Convener: What about the independent party? Would we send them to you?

Margo MacDonald: Yes. I will have a discussion with myself.

The Convener: That will be confusing.

Pauline McNeill: It would be extremely helpful if the committee divided off the issue of the 2006 act and pushed for progress. My impression is that you would be pushing at an open door. I think that Alex Neil wants to get on with it. I sense some resistance from other quarters, but I could be wrong about that. Could you press him for a timetable? He told me that he would get on with it as quickly as possible. If we do not have what we are asking for by the end of this year, that would be a problem.

The other issue was further regulation, including bringing planning and licensing together. I do not know whether the committee wants to take a view on that at some point. I would like to see that this session. I would be concerned if that was in the private housing bill, which is due to be introduced in early 2011. That would push things into the next session of Parliament. I argued for it during the passage of the 2006 act and gave way because of a commitment that local authorities would be given guidance on it. It is not something new, but it is

time to bring it into legislation. There is support for it now; perhaps there was not in 2006.

The Convener: I thank members for their contributions on the petitions. Members may wish to continue pursuing the issues, and the committee can do so.

Dairy Farmers (Human Rights) (PE1263)

16:30

The Convener: PE1263 is by Evelyn Mundell, on behalf of Ben Mundell, calling on the Parliament to urge the Government to accept that individual dairy farmers have human rights, which have been breached by the operating rules of the ring-fencing mechanism that is attached to the management of milk quotas—which should have been set out in accordance with objective criteria and in such a way as to ensure equal treatment among farmers and to avoid market and competition distortion. An e-mail on the matter has been sent by Jamie McGrigor.

There are a couple of questions that we may wish to ask the Scottish Government regarding the issues. Will it make public the case papers relating to the matter? There is a whole question around how human rights have been factored into the consideration of the issue.

Nanette Milne: We should continue consideration of the petition. The human rights aspect is significant. There are issues around the possibility of farmers losing their livelihoods. Are they to be compensated in any way? A number of matters arise from the petition. The points that the petitioner makes are important, and we should pursue the matter and explore it further.

The Convener: There are a number of points on which we need further clarification. We will pull them together and we will try to get a response from the Scottish Government. Is that okay?

Members *indicated agreement.*

Geodiversity Duty (PE1277)

The Convener: We have already dealt with PE1276, so we will move on to PE1277. I am sorry about the to-ing and fro-ing as far as the agenda is concerned, and I appreciate that members are trying to catch up.

PE1277 is by Mike Browne, and calls on the Parliament to urge the Government, through Scottish planning policies and planning advice, to establish a geodiversity duty that integrates all necessary local and national structures for the efficient collection, analysis and sharing of geodiversity data so as to inform improved decision-making processes.

Mr Kenneth Gibson is in on the issue.

Kenneth Gibson (Cunninghame North) (SNP): Yes—I would like to speak to the petition if that is okay, convener.

The Convener: He is here as a new expert on geodiversity.

Kenneth Gibson: Over the past 90 seconds, certainly—it has been a steep learning curve.

To be serious, this is an important issue, and the petition has the support of Scottish Natural Heritage and the British Geological Survey, both of which believe that there should be a geodiversity duty in the context of a Scottish geodiversity framework.

I ask the committee to support the continuation of the petition. SNH and the British Geological Survey are collaborating on a partnership study, to be completed this year, to establish an evidence base for the development of a framework for the conservation and protection of Scotland's geodiversity, incorporating the wider role of geodiversity services. The idea is to provide an environment in which Scotland's rich geodiversity can be understood, valued and conserved, making it more relevant to how we work and live.

There is a strong feeling that geodiversity is not well understood compared with biodiversity, that it is undervalued in national planning guidance and that a duty would help the understanding of it. Such a duty would also help society in dealing with land and water issues.

Scotland has a great geological heritage, with rocks going back some 3 billion years. I did a year of environmental science when I was at university and I remember going to the Trossachs where, I understand, the British Geological Survey wishes to carry out an audit involving many of the minerals that can be found in our country.

We should continue the petition, at least until the study that I have just mentioned has been completed and the Scottish Government has been allowed an opportunity to establish the evidence base for a geodiversity framework.

Robin Harper: I would be happy for the petition to be suspended or continued until such time as we get the results of the investigation that is being carried out into an evidence base for setting up a geodiversity framework.

The points about the issue's importance have been well made by Kenny Gibson. We should remember that some of the founding fathers of geology were Scots.

Anne McLaughlin: Robin Harper has said exactly what I was going to say. I will not take up time by repeating what he said.

The Convener: The question is whether we continue to explore issues that remain to be considered, given the time lapse before the completion of the research that is being undertaken. I propose that we keep the petition open and ask the Government a series of questions. We can ask the clerks to bring the petition back to us at an appropriate time, which will depend on the timetable for the research. Are members okay with that?

Members indicated agreement.

The Convener: I thank Kenny Gibson for his input on the petition.

National Youth Volunteering Policy (PE1278)

The Convener: PE1278, which was lodged by Kimby Tosh on behalf of Project Scotland, calls on the Parliament to urge the Scottish Government to demonstrate how it supports national youth volunteering opportunities that deliver skills development for all young people in Scotland and to develop and implement a national youth volunteering policy for Scotland.

Bill Butler: Members will recall Kimby Tosh's impressive presentation on behalf of Project Scotland when we considered the petition not long ago. During that meeting, we talked about how structured, paid volunteering opportunities are as rare as hens' teeth. Members will know that support for a national youth volunteering strategy was expressed in all the responses that we received on the petition. It is acknowledged that an element of financial support will be required if we are to ensure that opportunities are inclusive and open to all. It is unfortunate that local authorities confirm that no funding is available locally to support young people who are volunteering.

Scotland's Commissioner for Children and Young People fully supports the idea of a national youth volunteering scheme—so much so that I understand that his office has been in touch to recruit two volunteers to work on a rolling project.

For the record, I should say that it is unfortunate that the response from Culture and Sport Glasgow contained many inaccuracies, principal of which was the perception that Project Scotland has placed about 100 young people in Glasgow since its launch. In fact, 698 young people have been placed with 55 third sector partners throughout the city—I am sure that the Official Report got that loud and clear. It appears that there is confusion at local authority level about the outstanding success of Project Scotland.

We should continue our consideration of the petition. It is obvious that the issues that it raises are all to do with funding. We should ask the

Government to consider the issues that the petitioner raised. How is it ensuring that full-time volunteering is available to all, if there is no financial support for individuals who take part? How does it propose to build on the experience in operating volunteering schemes that bodies such as Project Scotland have gained? What plans does it have to further support and enhance volunteering at national level?

We should also ask what progress—if any—Skills Development Scotland has made on the national delivery of non-formal and volunteering options for 16-plus learning choices. We need a response from Government on such issues. On that basis, I ask members to continue consideration of this eminently supportable petition.

Anne McLaughlin: I was struck by something that the petitioner said in her response. She said:

“As stated at the petition hearing there is an expectation from corporate funders that central government should fund the subsistence allowance for young people who choose to volunteer in order to develop their skills and improve their chances of success in life given they would be entitled to claim unemployment benefit or a training allowance if on a Get Ready for Work programme.”

Have we written to the Westminster Government? After all, benefits are reserved to Westminster. It is all very well writing to local authorities and the Scottish Government to ask them to fund a youth volunteering policy, but have we tried writing to the Westminster Government? If not, can we do that? After all, the money that is being saved is being saved by that Government, which is the only Government that has any borrowing powers or any leeway as regards funding for such projects.

The Convener: I am in total agreement with 98 per cent of that, and I loved the leverage at the end. It would be sensible to explore that option.

Robin Harper: In order to address the many anomalies, one of which Anne McLaughlin has referred to, I think that we should keep the petition open until a national youth volunteering policy has been implemented that covers all those organisations that provide and encourage volunteering for young people.

Bill Butler: I agree entirely with Robin Harper and I do not disagree—in other words, I agree—with Anne McLaughlin’s suggestion. There is an issue with the £55 that is always factored in when such projects are considered. I hope that the Westminster Government can look at that.

It was remiss of me not to mention it before, so I will put on record that it seems clear from the correspondence that we now have a cost figure of just over £2,000 per volunteer. It is good to get that clarified because, unfortunately, the First

Minister misled Parliament—obviously inadvertently—when he mentioned a figure of £8,000 per volunteer. He was talking about something else and was comparing apples with oranges.

On that basis, I think that we should keep the petition open.

The Convener: With that remarkable outbreak of unity and support among members, is it accepted that we want to keep the petition open and explore the issues that Bill Butler has identified?

Members indicated agreement.

Physical Disability (National Reports) (PE1279)

The Convener: PE1279, from John Womersley, on behalf of Disability Concern Glasgow, calls on the Parliament to urge the Government to establish processes to ensure that health boards and local authorities fully implement the changes that are recommended in national reports that are aimed at improving the wellbeing of people with a physical disability. All members will be familiar with the issue from their case loads.

I think that we should continue the petition. There are fundamental issues to do with implementation at local level that we should work on with local authorities and other partners, because too many of our constituents are struggling as a result of the failure of systems at local level to implement recommendations. They see documents being produced at a national level that do not correlate with their direct experience. We are all conscious that there is nothing more dispiriting than people coming to our surgeries and telling us that. We should not only keep the petition open but identify ways in which we can explore some of the points that it raises.

I invite comments from members, particularly on recommendations not being implemented, details of which the petitioner has provided us with. Perhaps those are issues that we can raise with the Government.

Nanette Milne: The petitioner has given us details of cases in which recommendations have not been implemented. Is there any merit in asking the Government whether it will respond to the petitioner or meet him to discuss some of those details?

The Convener: Among the other issues that we should consider are the measures that Audit Scotland has taken. We should look at the communications that we have received, pull them together and compare what was suggested should happen with the concerns that still exist, as outlined by the petitioner. Where we identify that

there are issues to explore, we will raise them with the health department and health ministers. Is that agreed?

Members *indicated agreement.*

The Convener: We will keep the petition open.

Fatal Accident Inquiries (PE1280)

16:45

The Convener: PE1280, from Dr Kenneth Faulds and Julie Love, calls on the Scottish Parliament to urge the Scottish Government to give the same level of protection to the families of people from Scotland who die abroad as is currently given to people from England by amending the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 to require the holding of a fatal accident inquiry when a person from Scotland dies abroad.

Bob Doris expressed an interest in the petition when we previously considered it. I invite him once more to say a few words on the petition.

Bob Doris (Glasgow) (SNP): I will try to break a habit by being as brief as possible—I know that the committee has had a long afternoon—but let me start by thanking the convener for allowing me to speak. I welcome Julie Love and her family, who are in the public gallery. Their presence is testament to the importance of the issue that Julie Love has raised about the sad death of her son Colin. She will continue to campaign on the issue and is here this afternoon to support the continuation of the petition.

It is just over a year since Colin Love passed away on Margarita Island. The family are very aware that the wheels of government do not move quickly—I pay tribute to the family's patience and perseverance—but I can inform the committee that Julie Love has written to the mayor of Margarita Island about how public safety might be improved. In conjunction with her, I have written to President Chávez—I never thought that I would say that when I became an MSP—about how the Venezuelan Government could improve public safety within territories over which it has responsibility. I point out to the committee that such tasks should not just be left to Julie Love or her political representative. I would like to think that, where it is appropriate, the state—be that the Scottish Government or the UK Government—could find a mechanism whereby such procedures could take place.

I will put on record the two simple improvements that we are keen to see, although these are not the substance of the petition. First, there should be lifeguards at beaches where the waters are notorious for drowning. Secondly, there should be

signs to warn about such risks. On those two suggested improvements, if fatal accident inquiries could be extended to cover the deaths of Scots citizens overseas, Scotland could make very subtle diplomatic representations.

I draw the committee's attention to some wider issues that Julie Love and I have identified, which the committee may decide to consider when it eventually looks at the issues in more detail. I need to be delicate in how I raise what is clearly a reserved issue—I assure committee members that that is not why I make this point—but there are wider issues to do with how the consular network across the world serves Scottish and other UK citizens, how the performance of the Foreign and

Commonwealth Office might be improved and, indeed, what role the registrar general for Scotland plays. Those wider issues perhaps need to be considered.

I have come across three other families from Scotland who have had similar experiences to that of Julie Love, so I suspect that improvements are needed in the system. The problem that she experienced after the death of her son Colin and the issues that the three other families have experienced may be just the tip of the iceberg.

I fully appreciate that the Cabinet Secretary for Justice is still considering Lord Cullen's recommendations, which include a recommendation to widen the scope of fatal accident inquiries so that they can include the deaths of Scottish citizens overseas.

Whatever is decided this afternoon, I ask that the committee continue the petition and, if appropriate, even widen it out slightly. I finish by paying tribute once again to Julie Love and her family for their commitment to campaigning on the matter.

The Convener: Do committee members have any comments or observations?

Nigel Don: First, these are desperately sad things to talk about, so we must just recognise that there is no way that one can discuss them in a dispassionate way.

The other side of the issue, of course, is that neither the Scottish Government nor the British Government—indeed, no Government—can have much influence over what another independent Government does. We cannot tell other Governments what to do. Therefore, we must recognise that, regardless of the jurisdiction in which a sudden death overseas occurs, it will often be impossible to get the information that a fatal accident inquiry would want. I put in that caveat so that we do not raise expectations about our ability to do things that might be physically impossible.

However, I am also conscious that the Government has been given Lord Cullen's report. Given that that report is currently on the table, I think that the best thing to do is to await the Government's response to it.

The Government is well aware of the issues and of what has been said this afternoon and on other occasions, so I think that we can be pretty confident that it will consider the issues. I suggest that we need to be patient at this point and await its response and see where it takes us.

John Wilson: Although I agree with Nigel Don that there are restrictions on what the British or Scottish Governments can do in relation to fatal accidents abroad, I am aware that, as Bob Doris has mentioned, the FCO has a duty to provide information about the circumstances that people who are leaving Britain might find themselves in and the conditions that might arise in the country that they are visiting. Clearly, the Government has a role to play in collecting and publicising information about, for example, different customs and transport issues that might be encountered. Such information, which could include information about the different standards of signposting in relation to swimming in dangerous waters, could be posted on the FCO's website.

The FCO could use fatal accident inquiries that are held in the United Kingdom to ensure that that type of information is made readily available on its website and in other ways for the benefit of people who are travelling abroad.

Anne McLaughlin: As Nigel Don said, a fatal accident inquiry might have difficulty in getting the information that it requires from other countries, which might be reluctant to provide it. However, at the moment, families find it almost impossible to get that information. Quite often, all they need to know is what happened, but they are not being afforded that information at the moment. Although a fatal accident inquiry does not guarantee that they will find out what happened, it gives them a far better chance. As John Wilson said, anything that is found out in the course of the fatal accident inquiry can be made part of the information that is given to people from this country who go abroad.

We should wait to find out what the Government's response to the Cullen inquiry is and we should continue the petition until then.

The Convener: We will follow the recommendation that we suspend consideration of the petition. However, I think that Bob Doris has raised a few issues that we can raise with the FCO. We can pursue them and consider any responses as part of the full picture.

Bob Doris: Could you ask the Scottish Government what its timetable is for responding to

Cullen? A bit of certainty would be good for the family.

The Convener: Okay, we will do that as well.

Overseas Aid (Cessation) (PE1282)

The Convener: PE1282, from Ronald Hunter, calls on the Scottish Parliament to urge the Scottish Government to cease overseas aid and donations immediately and to apply those funds to the more pressing demands of Scotland. I invite comments on how we wish to deal with the petition.

Bill Butler: I am in full agreement with the Scottish Government's opinion that the withdrawal of aid would have a devastating effect on some of the poorest people on the planet.

The Scottish Government—past and present—has always tried to use resources in a sensible way. Scotland spends only 0.009 per cent of its gross domestic product on international development, and the Scottish Government has always had a rigorous assessment process in place for the consideration of applications for grant funding.

We should close the petition. I will be frank: although the view that the petition expresses is sincerely held, it is completely misplaced and would have little, if any, support throughout Scotland, which is one of the most generous givers to international development.

Anne McLaughlin: I thought that Bill Butler was saying that he was one of the most generous givers.

Bill Butler: No—I said that the nation is.

Anne McLaughlin: I completely agree. I understand that the petitioner is concerned, as we all are, about problems in Scotland, but to say that we should apply those funds to the "more pressing demands" of Scotland after we have seen the footage of the earthquake in Haiti is just unbelievable. Within two weeks of the earthquake, more than 50 per cent of Scottish adults had donated money to the appeal. Haiti is just one example, but that indicates that the people of Scotland see themselves as global citizens with responsibility for other people. I do not think that many people in the world, never mind in this country, would agree with the petition, and we should therefore close it.

The Convener: Committee members agree to close the petition.

Postcodes (PE1283)

The Convener: PE1283, by Douglas A L Watt on behalf of Morvern community council, seeks support in addressing concerns about postal

addresses as designated by the Post Office. Significantly, since our last discussion on the matter, there has been a welcome change of mind by the Post Office, so the petition has resulted in success. I suggest that we close the petition—we can with confidence send a letter to Morvern community council in the knowledge that it will arrive in reasonable time, now that the area has an appropriate postal address.

NHS 24 (Free Calls from Mobile Phones) (PE1285)

The Convener: PE1285, by Caroline Mockford, calls on the Parliament to urge the Government to arrange for all calls from mobile phones to NHS 24 to be free of charge to users.

We have received communication on the petition, which deals with an emerging issue. The way in which people use telephones is changing; they no longer necessarily use either the household phone or the phone booth on the corner, and there is a practical issue with regard to individuals carrying mobile phones. We should continue the petition, and perhaps write to the health department to invite it to consider how three-digit number access can be utilised to minimise the problems that have emerged in relation to the use of mobile phones. Do members have any comments?

Bill Butler: I agree with what you say, convener, but that will probably take longer than the current session of Parliament. We could put a marker down and say that, on completion of the trial of the three-digit number for NHS non-emergency health care services in England, the Government—of whatever political complexion—will update the committee on the outcomes of the trial and its implications for Scotland.

The Convener: We will continue the petition and deal with those points.

Tobacco Products (Display) (PE1286)

The Convener: PE1286, by Kate Salmon, calls on the Scottish Parliament to urge the Government to amend the Tobacco and Primary Medical Services (Scotland) Bill by removing the proposals that relate to the ban on the display of tobacco in shops. The petition has been overtaken by the parliamentary decisions that were made last week. I suggest that we close it on the ground that the Parliament has made its views known on those elements of the bill.

Patient Medical Records (PE1287)

17:00

The Convener: PE1287, by Elaine Pomeransky, calls on the Parliament to urge the Scottish Government to clarify the rights and options of patients once they have accessed their medical records and seen what has been written about them, why and by whom; the guidance given to health professionals on what sort of information and details they should insert into a patient's medical records in terms of the need for the information, the language used and the appropriateness of any comments that could be considered libellous; and how it ensures that there is a process in place that provides a right for the patient to have a comment removed from their record.

I invite members to comment on how they want to deal with the petition.

Bill Butler: We should continue it, at least on the basis of saying that any amendments, changes or revisions made in patients' written notes are also transferred to their electronic notes. That is a reasonable suggestion.

Nanette Milne: Looking at the responses that we have had to the petition, is there anything that the Government can pick up on to see whether improvements could be made to the guidance that is issued to health boards on the keeping of notes?

The Convener: We want to continue the petition and we will explore with the Government the points about written notes and electronic notes as well as the issue that Nanette Milne identifies.

Members indicated agreement.

Disclosure Scotland (PE1289)

The Convener: PE1289, by David McNally, calls on the Parliament to urge the Scottish Government to clarify the legislation governing Disclosure Scotland processes to ensure that teachers who work for more than one local authority do not have to apply for a disclosure certificate from each authority.

I understand that the Government is looking at some issues in respect of Disclosure Scotland, so we might want to suspend our consideration of the petition while we await those further observations.

Bill Butler: That is correct. The protecting vulnerable groups scheme is being introduced towards the end of the year, so we would be as well to wait and see what comes from that.

Stillbirths and Neonatal Deaths (PE1291)

The Convener: The next petition, by Tara MacDowel on behalf of Sands, the stillbirth and neonatal death charity, calls for the Parliament to urge the Government to take a number of actions to address the concerns raised by individuals who have experienced the stillbirth or neonatal death of a child. The petition has been in front of us before.

We have been informed that the petitioner will not be involved in the meeting of the maternity services action group. We should consider whether we wish to postpone our consideration of the petition until the maternity services action group has considered the evidence on the issues raised in the petition and perhaps invite the Government to respond on what concrete improvements it can make to address the concerns. We may also want to consider writing to the Government on a range of other issues related to managed clinical networks.

Nigel Don: The letter from NHS Quality Improvement Scotland implies that more data will routinely be collected from 2011. Can we ask why it is waiting so long to do that? If the information is there and the physician has it in their mind, as it were, and it is just a matter of writing it on the right piece of paper or ticking the right boxes, it is not immediately obvious why it should take a year to put the boxes on the right bit of paper.

Nanette Milne: The petitioner raises particular issues about the workforce—nursing capacity, maternity staffing and so forth—and about whether there are any gaps in undergraduate training that could be rectified. It might be useful for the Government to give some thought to those matters.

The Convener: Do we wish to explore those issues, but postpone consideration of the petition for four months?

Members *indicated agreement.*

Schools (Health Promotion and Nutrition) (Scotland) Act 2007 (Fair Trade Products) (PE1290 and PE1292)

The Convener: The next two petitions are linked. PE1290 calls on the Parliament to urge the Scottish Government to allow schools to sell fair trade confectionery, and PE1292, on behalf of Dyce academy fair trade group, also raises the issue of fair trade products—we heard directly from the young people. The petitions reflect on the issue that we discussed in relation to PE1282 and show the global concerns of people in Scotland, particularly youngsters. There are issues that we might wish to continue to explore.

Nanette Milne: I would like to continue the petition. We have had detailed explanations from

the Government about the 2007 act. The Government says that there is an exception that allows schools flexibility for pupils to do what they have been banned from doing, but that point needs a bit more explanation. Clearly, Dyce academy did not pick up on the exceptions to the 2007 act; I wonder whether there is confusion about its interpretation.

Anne McLaughlin: The Government's response also referred to "limited occasions" when school managers could use their judgment to decide whether they could sell fair trade confectionery. It would be interesting to get clarity on what those "limited occasions" are and how often they could take place. There is no point in the Government giving us that information, if it does not tell us how schools can get round the rules.

Robin Harper: It would be useful to indicate to the Government that it would be very helpful if it indicated that there is, indeed, a presumption in favour of schools being able to sell fair trade goods on a regular basis and what the exceptions to other rules are that make them inapplicable in the case of selling fair trade goods in schools. We need clarity on that, because I do not think that there was any thought that the 2007 act would get in the way of fair trade development in schools.

Bill Butler: I agree entirely with what Robin Harper and other colleagues have said and that we must have clarity on the issue. For instance, would the upcoming Fairtrade fortnight be an exception? It seems to me that the position is a bit too ad hoc, because it is not well known even that there are exceptions. We need the Government to shine light on the issue very quickly.

Nigel Don: I do not disagree with my colleagues but, putting on my other hat as the convener of the cross-party group on obesity and given that I am the husband of a nutritionist, I want to point out to colleagues what they may not know, which is that chocolate is 30 per cent fat, of which 20 per cent is saturated, and 60 per cent sugar. In other words, it does not—

The Convener: You will take the fun out of it—stop it.

Nigel Don: Unfortunately, although I have not yet met anybody who does not like chocolate, it is not a routine part of a balanced diet. That is part of the Government's and the nation's problem. We must get our minds around the idea that chocolate, although it is wonderful, is not, in any significant quantity, very good for us.

Nanette Milne: Nonetheless, it is not totally bad for one, and eating it once a week will not be a particular problem.

Nigel Don: Exactly.

Bill Butler: I will take Nanette's opinion on the matter, simply because she is a qualified doctor—

The Convener: And not because you like any particular confectionery.

Bill Butler: And because I like confectionery.

The Convener: Do we wish to continue the petition and explore the issues that have been raised, while acknowledging the relation of consumption to issues around a broader awareness of one's health and general wellbeing?

Members *indicated agreement.*

Meeting closed at 17:08.

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