

PUBLIC PETITIONS COMMITTEE

Tuesday 19 February 2008

Session 3

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PUBLIC PETITIONS COMMITTEE

3rd Meeting 2008, Session 3

CONVENER

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Bashir Ahmad (Glasgow) (SNP)

*Claire Baker (Mid Scotland and Fife) (Lab)

Angela Constance (Livingston) (SNP)

*Nigel Don (North East Scotland) (SNP)

*Rhoda Grant (Highlands and Islands) (Lab)

*Robin Harper (Lothians) (Green)

*Nanette Milne (North East Scotland) (Con)

COMMITTEE SUBSTITUTES

Jim Hume (South of Scotland) (LD)

Marilyn Livingstone (Kirkcaldy) (Lab)

John Scott (Ayr) (Con)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Brian Adam (Aberdeen North) (SNP)

Keith Brown (Ochil) (SNP)

Malcolm Chisholm (Edinburgh North and Leith) (Lab)

Kenneth Gibson (Cunninghame North) (SNP)

Paul Martin (Glasgow Springburn) (Lab)

Gil Paterson (West of Scotland) (SNP)

Mike Pringle (Edinburgh South) (LD)

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

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERK

Franck David

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 19 February 2008

[THE CONVENER *opened the meeting at 14:07*]

Current Petitions

The Convener (Mr Frank McAveety): Good afternoon everyone and welcome to the third meeting in 2008 of the Scottish Parliament's Public Petitions Committee. As always, I ask everyone to switch off mobile phones and other electronic devices. I have a standing apology from Angela Constance, who is still on maternity leave. Once again, I welcome John Wilson, who is her substitute. Thank you, John.

We have a lengthy agenda this afternoon in terms of our consideration of current petitions. More than 46 petitions are before us today. The clerks provided members with the papers timeously, which has given us the chance to go through the extensive responses and supporting evidence. We have been thorough in doing that, which is also the reason for the slight delay in opening today's meeting. We had an update to ensure we are clear on the status of the petitions.

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

The Convener: I welcome Keith Brown MSP and Dr Richard Simpson MSP to the committee. They have joined us for our consideration of the first current petition, PE812. The petition is by Caroline Paterson, on behalf of Stirling Before Pylons, and calls on the Scottish 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 as a matter of urgency effective planning regulations to protect public health.

We have debated the petition at previous meetings. Today's discussion allows us to give an update on the progress of the issues that are raised in the petition. I invite one, or both, of our guest elected members to comment on PE812, before I open up the discussion.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Thank you for allowing us to speak on the issue. We will be brief because we know that you have a full agenda.

I draw to the committee's attention the parallels between the health hazards in this area and those

of smoking. In 2001, when Kenny Gibson and I sought to introduce a member's bill to ban smoking in public places, there was not a great deal of evidence on passive smoking. However, within a few years there was significant evidence on the subject, and the Parliament introduced a ban. The situation with transmission lines is almost identical. Evidence on the health hazards associated with such lines is growing day by day. The report of the cross-party inquiry into childhood leukaemia and extremely low frequency electric and magnetic fields by the United Kingdom Parliament indicates that children living within 200m of high-voltage overhead power lines have an increased risk of leukaemia. Within the past month or two, evidence has been published to support the previous anecdotal and poorer evidence that transmission lines are associated with Alzheimer's.

If transmission lines cause identifiable increases in the level of childhood leukaemia, the effect of such lines on children throughout their growth is likely to be significant. Further associations may be identified in the future, but by that time it will be too late, if we have already erected the lines. The committee needs to consider the issue carefully. It should invite the Government to examine the most up-to-date evidence, especially when it considers the report of the public inquiry into the proposed Beaulieu to Denny line, which is now closed. The inquiry will consider issues relating to the Cairngorms national park, but the proposal raises health issues in my constituency and that of Keith Brown that are more serious.

Keith Brown (Ochil) (SNP): I endorse Richard Simpson's comments. We hope to enable Scotland to consider directly and extensively the scientific evidence, through a reasonably competent authority, so that we are not required simply to trust the Health Protection Agency report on the issue.

Richard Simpson mentioned the Westminster cross-party inquiry into childhood leukaemia and ELF EMF, which in a parliamentary context has made serious, concrete recommendations for action that could be implemented. The most notable of those is that we should not build within 60 to 200m of power lines. The inquiry's recommendations match what is now common practice in many countries. I could list those countries, but I know that the committee does not have a great deal of time. However, public concern about the issue is evidenced by the fact that 14,000 people signed objections to the Beaulieu to Denny proposal on the ground of health alone.

This is a long-running petition that has been on the books both here and at Westminster for some time. Given that the public inquiry into the proposed Beaulieu to Denny line, to which both

Richard Simpson and I gave evidence, has now closed and a decision on the proposal is due this year, there is a pressing need for us to address the matter. We hope that the committee will see fit to continue examining the evidence.

The Convener: I thank both members for their contributions.

Nigel Don (North East Scotland) (SNP): I hesitate to congratulate a doctor, because I am not one, but Richard Simpson made a hugely important scientific point that I have not heard articulated recently. If I understood him correctly, he was saying that, over time, research builds up a body of information from which, eventually, even the most blind can deduce what is totally obvious. The risk is that Governments and other organisations will wait until the evidence is totally overwhelming, when—possibly reluctantly—they are overwhelmed.

I endorse Richard Simpson's suggestion that we should consider how evidence is building up and recognise that, if work is generating more evidence that points in a particular direction, it is perfectly reasonable for us to deduce what is probably over the horizon. If we hang around long enough, enough evidence will be built up, but by that time it will be too late. We need to encourage the Government not to look at what the evidence adds up to at the moment but at where it may reasonably point. It should look over the horizon and draw the correct conclusions about what we might well see there.

Nanette Milne (North East Scotland) (Con): I endorse those comments, and those of Dr Simpson. There are uncertainties. This has been a grey area and until fairly recently there was no proof of detrimental impact. As work goes on, it is likely that there will be more evidence of harm. At this stage, the precautionary principle should apply. It is incumbent on Government to consider up-to-date information before it makes decisions.

14:15

Robin Harper (Lothians) (Green): Keith Brown mentioned that other countries have set minimum distances between new buildings and high-voltage transmission lines. It would be interesting to know whether their approach is precautionary or based on an appreciation of a growing body of evidence.

Keith Brown: Examples come from the Netherlands, Switzerland, Sweden, various American states, including Tennessee, and Lower Saxony in Germany. In Sweden, a cost benefit analysis was done, in which consideration was given to potential child deaths from leukaemia but not to the cost of non-fatal illnesses. That analysis concluded that there should be an avoidance distance of up to 100m from the highest-loaded

lines. The approach in Sweden is about money. In other areas the precautionary principle, to which Nigel Don referred, has been adopted instead of the procrastination principle, whereby we wait until there is overwhelming evidence.

Robin Harper: I presume that those countries have identified enough evidence to enable them to decide that they need to take precautionary regulatory measures.

Dr Simpson: The problem is that the number of people who are close to lines is small and conditions are rare—unlike the situation in relation to smoking, which used to be almost universal in this country. Therefore, getting evidence is difficult. However, the amalgamation of evidence during the past three or four years has certainly shifted my view. Five years ago I would have said that there was only anecdotal evidence. There is now probably sufficient evidence to justify the application of the precautionary principle, to save lives. Nigel Don's point should be reinforced. The evidence about leukaemia is almost clear; the evidence about Alzheimer's disease is getting clearer; and there is a list of other neurological conditions, many of which are very rare, which might be related to transmission lines—in which case, the cost of the lines that we put up would be very high.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I am aware of how the issue raised in the petition was regarded in the past. When planning applications were being made for mobile telephone masts and so on there was little response from local authorities or national Government, who just said that according to professional advice such structures produced no harmful emissions. However, the recent report suggests that there is a possibility of damage to public health from such structures. How seriously is the Westminster Government taking the report?

Keith Brown: I think that the report of the cross-party inquiry into childhood leukaemia and ELF EMF is being taken seriously, but nothing has happened yet. The report was produced in July 2007 but still sits with Dawn Primarolo, the Minister of State for Public Health in Westminster, whose response is awaited. The issue was certainly taken seriously—I think that Michael Connarty was one of the main people involved in the inquiry. Of course, given pressing concerns about the proposed new Beaully to Denny transmission line, we need a response quickly. I understand that the report was well received in the medical community.

Dr Simpson: Telephone masts are a separate issue, to which careful consideration was given by the Stewart independent expert group on mobile phones.

The high-voltage lines have a very high set-up cost and are really problematical once they have been set up, because taking them down afterwards will be a very expensive business.

John Farquhar Munro: The argument is quite topical at the moment because of the proposed Beaulieu to Denny high-voltage transmission line. I have seen various reports on that issue that suggest that there are no harmful effects. Something must have changed drastically if we now have a report that says that there is a possibility of damage to public health. The local authorities or planning departments are not obliged to respond to that report at present. When they make a decision on a planning application, will they have to consider the report that Dr Simpson mentioned?

Keith Brown: The report was eventually received into the inquiry's evidence, but not at the crucial point. Much of the evidence that came to the inquiry early on was of the type that you suggested—that the lines had no harmful effects. As a result of assiduous attempts by the protesters and objectors, more evidence was taken in and put on the record, but it was not heard during the inquiry.

Interestingly, although John Farquhar Munro is right to say that there was not a lot of response from local authorities in relation to telephone masts, they regularly refused telephone mast applications throughout the country on the basis of perceived concerns about health. Sometimes we are behind public opinion in these matters.

The Convener: I detect a consensus among committee members that we should respond constructively to the petition. Obviously, broader decisions will have been made on the relevant areas at the Government and planning levels. Today's debate is about the precautionary principle, which we are edging towards. How do members want to respond? I know that guidelines are out for consideration at the moment. I am looking for members' views about how we can respond and take on board the submissions from the petitioner and parliamentarians.

Robin Harper: Perhaps we could write to the Executive to ask for some clarification of the advice on the precautionary principle. In terms of telecommunications masts, as has already been shown, local authorities can use the precautionary principle; I remember sitting through the previous Transport and the Environment Committee's debates on the subject some years ago. However, we have a new element now and perhaps the Government should be asked if it is prepared to give clear advice on the use of the precautionary principle, and what its approach would be to accepting guidance from relevant organisations,

such as the National Grid, the Health Protection Agency—[*Interruption.*]

The Convener: I remind folk of our general expectations in relation to mobile phones. A nearby mast obviously has a communication for someone in the public gallery.

We need to send a strong letter to the Government to say that we are keen to explore ways in which minimum recommendations on the precautionary principle could be made. Ministers would then have to decide whether they wanted to consider a possible legislative framework and, if they were so inclined, to find a window of opportunity. From what committee members are telling me this afternoon, my instinct is to send the Scottish Government a strong letter saying that we have heard evidence and think that there is a need for greater caution around these issues. We should also say that perhaps support should be given to councils that might well be inclined to use the precautionary principle, but are uncertain about whether they would receive broad governmental back-up during the appeal process, in which applicants might find themselves caught between a rock and a hard place. We can accept that as a broad principle, but do members want to add anything else?

Nanette Milne: Could we bring it to the Government's attention—if it does not already know—that more up-to-date research might be available and that that might be taken into consideration?

The Convener: Obviously, we would like to know if the Government is looking at engaging with the research. As our two guest parliamentarians have said, our dilemma is that the body of research will be fairly narrow, given the proximity of populations to pylons, unlike the evidence in the passive smoking debate, which related to members of the public, on a social night out or in another enclosed public space, encountering smoke. This situation is a bit more difficult. Perhaps we should draw attention to that, but the fundamental issue is about encouraging a debate around erring on the side of caution.

Robin Harper: We should take on board Richard Simpson's point, which Nigel Don backed, that we should canvass what research has been done in other countries. That is important. Cases are comparatively rare and we need a critical mass of evidence, so we should look for the evidence as soon as possible rather than waiting for it to accrete over a number of years. The Government should consider what research has been done elsewhere in the world as a matter of urgency to get that critical mass of evidence.

The Convener: We are fairly consensual on the issues. Are we happy to accept the

recommendations and try to progress some of the issues in the petition?

Members indicated agreement.

The Convener: I thank the petitioner and the parliamentarians who have taken time to support the petition.

National Planning Policy Guideline 19 (PE1048)

The Convener: PE1048, by Kitty Bell, calls on the Scottish Parliament to alter national planning policy guideline 19 to correct an anomaly contained in paragraph 21.4 and ensure that the precautionary approach also applies to pre-school children and all children at play, thereby giving them the same protection from telecommunication masts as that given to their older brothers and sisters while at school.

We have seen the petition before and the petitioner has sent a letter—it was certainly sent to me although I do not know whether it was copied to other committee members—updating us on her concerns. I will give a summary. She is concerned that under-fives could still be at risk, and she is worried about the timescale for action on NPPG 19 and the observations in the Stewart report. Are there any strong views on how to handle the petition?

Nanette Milne: The Government has clearly committed to review NPPG 19, but the timescale is of concern to the petitioner. She is obviously happy that the Government is going to review it, but she says that a review has been promised for at least two years and, so far, no date has been given. We should not let the matter go but should press the Government on when it will begin the review.

The Convener: Gil Paterson has made himself available this afternoon. Do you wish to add some comments on the petition?

Gil Paterson (West of Scotland) (SNP): It is apt that it follows the committee's discussion on the previous petition, which seeks a precautionary approach. The precautionary principle is used when it comes to placing mobile phone masts near schools. The petitioner seeks the same protection for children when they are at play in designated areas—such designation is a critical factor. It seems from research that the greatest potential for damage is among younger children and, although we protect children at school, we do not protect their younger siblings when they are at play.

On the Government's suggestion of a review, Nanette Milne has hit the nail on the head. It is a carry-forward of a review that was promised some time ago. My worry is that although we have picked up that a review is in the offing, there is no

timeline for it. I ask the committee to get a timescale from the Government, if the Government is minded to go along that route.

I am grateful for the opportunity to speak today.

The Convener: Are there any other comments? We are trying to find ways to get solutions.

Robin Harper: I endorse Gil Paterson's suggestion. However, pro tem, surely all councils could be reminded that they are at liberty to address the anomaly themselves and take into account the health concerns for small children when applications for phone masts are made.

14:30

The Convener: Okay. I accept that.

Nigel Don: As someone who was a councillor only a year ago, I merely observe that, with regard to Robin Harper's suggestion, any such decisions made by the council were overruled by the reporter. My council quite routinely turned down mast applications for all sorts of apparently good reasons, only for our decisions to be then quite routinely overturned by the reporter. Some guidance from the Government will be required before the world can change.

The Convener: Nanette Milne has made the very strong suggestion, amplified by Robin Harper, that we should not let this matter go. We could simply say that the on-going review should take some of these issues into account, which would allow us to close the petition. However, I feel that members are reluctant to do that until the Government clarifies its timescale for the review and tells us whether the review itself will genuinely assess what the petitioner has described as "an anomaly". We can send a strong message to the Government that the petition will remain open, because we feel that the issue remains unresolved and, indeed, are concerned about the timescale for dealing with it. Kids could well have gone through nursery before anyone bothers to address the anomaly.

No matter whether the Government says that we should not have these fears or confirms that it will adopt the precautionary principle, we should get something together and send it to the relevant minister. Are members agreed?

Members indicated agreement.

The Convener: I thank Gil Paterson for attending the meeting.

Electricity Transmission Lines (Underground Cabling) (PE1087)

The Convener: PE1087, from Nancy Gardner, calls on the Parliament to consider and debate the

use of underground and, where appropriate, undersea cabling for new electricity transmission lines such as the proposed line between Beaully and Denny. The committee agreed to seek responses to the issues raised in the petition from a variety of organisations.

Do members have any strong views on how to proceed with the petition? We should perhaps bear in mind that the public inquiry has not yet reported and that, once it has, ministers will then have to make a determination on its report.

John Farquhar Munro: There has been a very heated debate on and protracted inquiry into not only the Beaully to Denny issue but other transmission lines. The proposal to put lines underground has been debated at length, but the argument against it is, of course, cost. Some transmission and generating companies have suggested that the ultimate answer is a subsea cable. I do not know about that, but I know that a tremendous campaign against the erection of that transmission line has sprung up all the way from Ullapool down to Denny. If we wait until the results of the inquiry are known, it might be too late.

Rhoda Grant (Highlands and Islands) (Lab): Given that a publicly funded inquiry is on-going, we should suspend any further consideration of the petition until after it has reported, consider its findings and take the petition from there.

The Convener: I am minded to take that course.

Robin Harper: I agree that we should keep the petition open but suspend any further consideration of it until after the inquiry report has been published. In response to John Farquhar Munro, I say that transporting electricity is just as important as transporting goods by lorry and the cost per mile of burying an electricity cable is a fraction of that of building a motorway.

The Convener: I think that the M74 is a very good motorway; it will certainly benefit my constituents. I had to get that in, Robin.

In any case, we should wait for the public inquiry to report, as it might well throw up issues in addition to those highlighted in the petition. We will come back to the petition when appropriate and when ministers have responded to the inquiry's findings.

Dementia Treatment (PE886)

The Convener: PE886, by James McKillop on behalf of the Scottish Dementia Working Group, calls on the Parliament to urge the Government and NHS Quality Improvement Scotland to ensure the continued availability on prescription of a whole range of medications for use in the treatment of Alzheimer's disease and other forms

of dementia. Do members have any views on the petition?

The note that we have received indicates that many of the petitioner's concerns are now being addressed centrally through the dementia forum. I think that the petitioner is comfortable with the idea that, rather than keeping the petition live, the forum could be the vehicle to address those concerns. Given that advice, I suggest that we close the petition. If any issues remain unresolved, the petitioner has the right to resubmit a petition to the Parliament. However, it might be better to deal with the issue through the forum.

Do members accept the recommendation that we close the petition?

Members indicated agreement.

The Convener: I thank members for their time on that.

Animal Carcasses (PE1004)

The Convener: PE1004, by David Adam, calls on the Scottish Parliament to consider and debate the environmental impact of animal gasification plants and to urge the Government to ensure that the Scottish Environment Protection Agency has sufficient powers and resources to deal with the environmental problems that are associated with the burning and rendering of animal carcasses. Do members have any views on how we should deal with the petition?

Nanette Milne: Can I have a wee minute to read the late letter that we have received?

The Convener: Sorry, I meant to say that we have received a letter from SEPA that addresses some of the issues that the petitioner raised and contests some of the points that he made. The letter clarifies what has been done and the issues on which there might be disagreement.

John Farquhar Munro: SEPA seems to be in control of the situation. It is keeping a watching brief on the issue.

The Convener: Do members have any other views? The issue is technical but, to be fair to the petitioner, the petition has been in the system for a while now. We would like to see some sort of response for the petitioner's benefit. We could continue to work with SEPA by asking for further updates from it and from the Government on the conclusion of the reviews that have been initiated.

Rhoda Grant: Can we hang fire until we see the enforcement policy, which is currently being revised? We can then ask the Government for its views to see whether the policy addresses the petitioner's concerns.

The Convener: Rhoda Grant has helpfully suggested that we might want to see how the reviewed policy fits in before we take action. We can note the petition at the moment and not close it until that further information is available. Is that agreed?

Members *indicated agreement.*

The Convener: I thank members for their patience on that.

Mesothelioma (Prescribing) (PE1006)

The Convener: PE1006, by Bob Dickie on behalf of Clydebank Asbestos Group, calls on the Parliament to urge the Government to ensure that the current prescribing arrangements for mesothelioma sufferers under which Alimta is made available are continued. Obviously, members have also debated the issue in the chamber. Are there any strong views on how we should respond to the petition?

I suggest that we ask NHS Quality Improvement Scotland about the National Institute for Health and Clinical Excellence guidelines.

Nanette Milne: As I recall, the recent NICE guidelines recommend that Alimta can be used. Perhaps we should ask what impact that will have on the use of the drug. We can put that question to the Government.

The Convener: We can ask the health department and NICE about the criteria for the provision of Alimta and whether the drug will continue to be made available. Is that agreed?

Members *indicated agreement.*

The Convener: I thank members for their patience on that. We will pursue that issue.

Cancer-causing Toxins (PE1089)

The Convener: PE1089, by Morag Parnell on behalf of the Women's Environmental Network Scotland, calls on the Parliament to urge the Government to investigate any links between exposure to hazardous toxins in the environment and the workplace and the rising incidences of cancer and other chronic illnesses. It probably looks a wee bit worrying that many petitions would make us terrified to work outside, but the issue is obviously still relevant. Do members have any comments?

Nigel Don: I am approaching the petition as someone who spent a while in the chemical industry, and I must confess that it occurred to me early in my career that it would be an extremely good idea to move around. It is obvious to anyone who knows any chemistry that there is an awful lot of stuff that can do people damage, and it is a

good idea to minimise exposure to it. That is a sensible way of tackling life.

I found reference to a number of interesting chemicals in the committee papers. Again, we do not need to know a lot of chemistry to recognise that those chemicals tend to mess things around. They are catalysts in organic chemistry, so they tend to affect human beings. There are the bones of an important case in the petition. There are lots of things in industry that cannot do us any good and might well do us a lot of harm. We should therefore consider them.

I am not sure what mechanism the Government should have in place, but the view that there is no problem because something has not killed too many people takes us back to the first petition today—that is bad science. The Health and Safety Executive is entitled to take the view that there is not yet a body of opinion to prove that something is dangerous—this is almost exactly the same speech that I made earlier, and I will not repeat it too much—but we have to learn that scientific evidence builds up. If it is accumulating, we should be able to recognise where it is going.

Having said that, I do not know the way forward, other than that it is our job as custodians of the public mind to encourage the Government to think about the dangerous materials that exist and how to take them seriously.

The Convener: As the parliamentary representative of the constituency that covers Dixon's Blazes and the former Parkhead Forge site, I probably should be more worried than any other elected member present. We should take on board in principle what the petitioner has said and ask for an overview from whoever has responsibility in the Government for examining the long-term impact on health of hazardous materials and work environments.

Nanette Milne: Reading the Government's response, I found it interesting that it disputes as a matter of fact the rising incidence of cancer and other chronic illnesses. I was also interested by its conclusion, which I suspect is right, about whether the Scottish Government is best placed to consider studies in a complicated area and whether the work should perhaps be done at supranational level by organisations such as the World Health Organization and the European Union. I presume that Scotland's situation is not unique—I would have thought that this was a broad issue—but I do not know how to progress the matter to an international level.

Nigel Don: Nanette Milne's point is a rehearsal of what Robin Harper said earlier: little bits of evidence can be lost and we need to gather as much evidence together, from wherever it comes, to build up an opinion on where we are going. That

does not alter the fact that evidence builds up over time and that we need to get much better at recognising where it leads us.

The Convener: Are we clear on what we want to do? As members said, we should raise the issue with agencies that have responsibility for occupational health. There must also be at Westminster ministers and parts of Government departments with responsibility for occupational health issues. That combination of action will, in a sense, give the clerks a chance to distil the contributions that we have had and to find out whom it is best to approach.

Nigel Don: I have just one other thought, which I have mentioned in relation to other topics. The academic world is alive to such issues. I do not know where they are, but there is bound to be somebody who is thinking about the issue, and they may not be talking to the Government.

The Convener: Are we agreed on the course of action?

Members *indicated agreement.*

Cancer Treatment (Cetuximab) (PE1108)

The Convener: PE1108, by Tina McGeever on behalf of Mike Gray, calls on the Scottish Parliament to urge the Scottish Government to consider the provision on the NHS of cancer treatment drugs to ensure equity across NHS boards on the appropriateness, effectiveness and availability of such treatments.

This petition came from the powerful case, which was presented to the committee, of an individual who was seeking drug treatment from the NHS. His determination, and that of his family, was the critical factor in their success, but I would like to think that, in some small way, the Public Petitions Committee assisted with the necessary public debate involving the decision makers at health board level. For us, the petition threw up a national issue that we need to focus on, which is about what happens if a particular health board indicates that a drug is not available on the NHS, the rights of appeal that cancer sufferers have and the mechanisms that they must go through, which—given that they face potentially fatal illnesses—could jeopardise their survival. Every day and every week really matters to such people, so we need to expedite the process. Are there any strong views on how we should deal with the petition?

14:45

Rhoda Grant: Yes. It was good to hear that Mike Gray's treatment is now being funded and that the payments that he has already made are being repaid.

When I read some of the information that came back to us, which said that he could not appeal to have funding for the drug in question until he had been on it for a considerable amount of time, I was, if anything, even more concerned than I had been initially. I think we all remember that the petition was lodged on the basis that many people were in the same situation, so there are people who have no chance of getting treatment in the long term if they cannot fund the initial treatment.

I spoke to my colleagues Margaret Curran and Peter Peacock who attended the meeting at which we first discussed the petition—unfortunately, they cannot be here today—and they were keen that an inquiry into the issue be held. Given that the Health and Sport Committee decided that it was not able to hold such an inquiry at this time, perhaps we could hold a short inquiry into how people can access such treatment and how they can make the case that receiving it would be beneficial if they do not have access to funding.

The other issue is that if someone pays privately for part of their treatment, they will then be liable to pay privately for all their treatment. Some complex issues were raised. Given that areas of grave concern emerged, we cannot just let the matter go.

Nanette Milne: That last point—the fact that a person who has one drug paid for privately means that they must pay for all the other drugs that they receive as part of same treatment—caused a great deal of concern.

I was led to believe that, when the health service was set up, guidance from the chief medical officer was put in place to ensure that a two-tier system involving a mixture of private and public treatment did not build up. However, the Scottish Executive Health Department circular that is appended to the letter from NHS Grampian seems to contain a discrepancy. The first bullet point in it says:

“There is no legislation that allows NHS Boards to require the patient to pay for all aspects of their treatment if they opt to pay for a particular drug or other treatment not currently available from the NHS”.

The final bullet point says:

“NHS Consultants cannot treat a patient both as a private patient and as an NHS patient for the treatment of one condition during a single visit to an NHS organisation”.

That discrepancy needs to be clarified.

Rhoda Grant: The case flags up a number of issues.

The Convener: It is a pity that the policy committee cannot find the time in its schedule to deal with the issues that the petition raises. There might well be compelling reasons why that is the case—the Health and Sport Committee probably

has a series of issues to explore. I have not looked into the detail of those circumstances.

Rhoda Grant has suggested that we could do a small piece of work to interrogate some of the issues that have been raised by the petition. To my mind, three issues have been identified. The first is the equity of a situation in which, if someone has one element of their treatment paid for privately, the whole of their treatment will have to be paid for privately. The second issue is the appeal mechanism and the third is the framework in which decisions are made. Do members feel that it would be okay for us to put aside time in the future to explore those concerns? Is there broad agreement to that proposal?

John Wilson (Central Scotland) (SNP): I have one point. The petition highlighted the decisions that health boards make about the administration of drugs and about which drugs they are prepared to administer. It might be useful to find out about other drugs that are not being used here but which are on the market and are being used elsewhere, perhaps in England and Wales. The difficulty that we face is that the individual concerned—the petition was lodged on their behalf—received a drug after an exceptional circumstances committee review. However, other people out there may have been denied drug treatments. As we discussed earlier, there may be evidence from other parts of the world that those drugs are beneficial and would have the desired effect on the individuals.

The situation is complicated, because individual health boards make decisions, and individual clinicians make decisions about which drugs they think would benefit individuals. If we agree to a review, we should examine the wider issue of how drugs are prescribed in those circumstances—we should not concentrate on one particular drug.

Robin Harper: The issue is horrendously complicated, although I fully back the idea that we should discuss it. However, we should not raise people's hopes that there could be an ultimate answer—a prescription for prescribing. The best that we could do would be a description of the boundaries, within which other people will always have to be free to take decisions.

The Convener: Do members agree in principle that we want to explore the issue? We will send an interim letter to the health department and perhaps all the health boards, saying what has come before the committee. We are looking to do some short-term interrogative work on some of the issues, based on the discussion that we had when we discussed the petition previously. We will get the clerks to come back to us with a timeline for that work.

Nigel Don: Are we clear that the Health and Sport Committee will not be able to do that work? It would be far better placed to do it, if that was possible.

The Convener: I have received a letter from the Health and Sport Committee, which states that it has asked the Scottish Parliament information centre to prepare a briefing on the process by which drugs are made available through the NHS and to share that briefing with our committee. The Health and Sport Committee will take up some elements of the matter in its inquiry on health inequalities, but it cannot consider the particular issue because of time constraints. Rhoda Grant, who is also a member of the Health and Sport Committee, has been asked to be a reporter to that committee on our considerations. The interplay can come through utilising Rhoda Grant's role of serving on two committees.

Robin Harper: On a point of clarification, when I used the word "we" in talking about taking decisions, I meant the Parliament rather than the committee.

The Convener: We can perhaps do some of the work. Rhoda Grant may want to add to that.

Rhoda Grant: The Health and Sport Committee is carrying out an inquiry into health inequalities and I have asked it to bear the petition in mind in doing so. However, that is some way off. If we did some work, we could then report back to the Health and Sport Committee. A short inquiry by this committee might air some of the problems and deal with them before the Health and Sport Committee inquiry begins.

The Convener: Do members agree that that liaison is okay? If so, we will put together a wee plan.

Members indicated agreement.

The Convener: I am conscious that we have many items on the agenda. We will take a five-minute break and then consider the next petition. We will do our best to get through as many as possible.

14:54

Meeting suspended.

15:01

On resuming—

St Margaret of Scotland Hospice (PE1105)

The Convener: I reconvene the meeting and thank members for their patience. The next petition is PE1105, for which I welcome Gil Paterson MSP, who is working for his money this

afternoon. The petition is by Marjorie McCance, on behalf of the St Margaret of Scotland Hospice, and calls on the Parliament to urge the Government to guarantee the retention of continuing care provision for patients who require on-going complex medical and nursing care, such as that provided at the 30-bed unit at the hospice, and to investigate whether arrangements for funding palliative care at hospices in the context of Health Department letter HDL(2003)18 are fair and reasonable.

A fair amount of correspondence is included in the papers. Some issues are contested quite strongly in the submissions—that is the best euphemism to describe the situation. I am happy to hear members' views on how to handle the petition. At a previous meeting we took oral evidence, so we have a substantial grasp of the issues. I am keen to have a sense of where members would like to take the petition. I ask Gil Paterson to speak first, after which committee members will respond.

Gil Paterson: Thanks for putting up with me the second time round, convener. Several issues arise. First, what Greater Glasgow Health Board had in mind for St Margaret's way back in 2003 is unclear. St Margaret's is right to dispute hotly that any consultation took place. I have seen no concrete evidence that consultation took place and I concur with the strong language in the response from St Margaret's.

St Margaret's has a new facility in place and it is not a million miles away from Blawarthill hospital. I am not convinced that a simple transfer of beds is not involved. I remind the committee that Blawarthill was scheduled for closure and that a campaign was mounted to save that hospital, which succeeded. A new build is planned there, but its construction has not started yet. It is a bit coincidental that the changes are to take place over about the same timespan. Members can call me an old cynic, but that does not add up.

I remind the committee that St Margaret's is a hospice. That should be borne in mind before any other services are suggested for it. The hospice is not set up for and does not specialise in mental health problems, although I am sure that some patients will have mental health problems from time to time.

There is something of an impasse at present, judging from the responses that have been made. There should be a clean sheet—we should start again at the beginning. Because the health board has not diligently consulted the main institution that would be adversely affected, the hospice is owed a proper sit-down and a meaningful dialogue to ensure that the health board understands exactly what St Margaret's was set up to do and what it does extremely well. Because no

consultation took place, there is a duty to do that. Such a dialogue might break the logjam and move matters forward.

Nanette Milne: There is an impasse between the board of St Margaret's and the health board, and we cannot resolve the matter ourselves. Perhaps we should seek ministerial involvement. I hesitate to say that we need to knock some heads together, but perhaps we need to get the two boards to sit down together and have a meaningful discussion. We live in an age when public consultation is considered to be an essential prerequisite to any change. If matters have not been dealt with properly, they need to be looked into. I suggest that we write to the Cabinet Secretary for Health and Wellbeing asking whether she can intervene.

Rhoda Grant: I agree. I have concerns about the way in which hospices depend on fundraising, which is one of the issues relating to the catchment area of St Margaret's. The service should be provided; it should not be left to people to fundraise for it. Can we flag that up, and find out whether there is a long-term plan to ensure equity of access for people, regardless of where they live and what their hospice catchment area is?

The Convener: From what I have read, issues around the hospice are being contested at length. I have read a lot of reports about difficult issues over the years, but in this case St Margaret's and the health board perceive the process of events markedly differently. The health board's chief executive has indicated that he is willing to have further discussions. Part of the debate is about what is up for discussion in negotiating terms. It would be helpful to ask the Cabinet Secretary for Health and Wellbeing to try to pull everything together to get some clarity. I am sure that issues will be contested at the other end, regarding the use of the other hospital in west Glasgow and the retention of facilities. There are no angels in this debate. However, we need to find ways for people to get round the table to sort matters out.

Another aspect is equity and the question whether the figure of 50 per cent should be used or whether a different formula should be developed. We cannot resolve the issue instantly, given the recent announcements on budgets and so on, but we can flag the matter for consideration. There will be future spending rounds and policy priorities, which all Governments have the right to pursue. We can ask the Government whether there is a potential long-term shift in that regard. From memory, I think that the argument was that St Margaret's provided a level of service that was not being fully funded. That, however, is a matter for dispute, judging from the correspondence.

We need to get cracking and find some solutions. The St Margaret's board and staff will

need to address whether the hospice needs to redefine some of what it does. It will also have to be ascertained whether the health board is required to revisit some issues before closing the door. The health secretary's intervention might encourage progress; that is the best way to proceed. In addition, I encourage individual members who might have influence over some of the decision makers to try to persuade them.

Are there any other views on the petition?

Robin Harper: Do any of our witnesses wish to add anything?

The Convener: Gil, do you have any final comments?

Gil Paterson: Your suggested approach is reasonable and sound.

The Convener: As the convener of the Public Petitions Committee, I always seek to find healing words—except when Kenny Gibson is up, but there we are. This is an important issue, and although we cannot easily resolve it, we need to explore the background and the options that are available.

Members indicated agreement.

Urban Regeneration (PE911)

The Convener: PE911, by Paul Nolan on behalf of Craigmillar community council, calls on the Scottish Parliament to consider and debate the implications of the Scottish Executive's support for market-led urban regeneration projects and the operation of privatised urban regeneration companies. The petition has been before the committee at various times. Are there any strong views on how we should deal with it?

Nanette Milne: I am not sure that we can take it any further. Work is being taken forward by the Government. I wonder whether we should let this one go.

The Convener: I take the view that there are appropriate mechanisms in the circumstances. In some cases, we would want market-led regeneration; in others, it might be more public sector led. Decisions on that are best made at local level and through the relevant agencies. We are keen to ensure that those mechanisms are accountable and allow scrutiny and democratic input from elected members at council level and, potentially, parliamentary level. With that caveat, and given that there are mechanisms to address the issues in the petition, we should close it.

Members indicated agreement.

Play Strategy (PE913)

The Convener: PE913, by Debbie Scott on behalf of To Play or Not to Play, calls on the

Scottish Parliament to urge the Scottish Government to adopt a play strategy that recognises the right of all children in Scotland to a safe, accessible and challenging play environment.

Are there any comments on how we should deal with the petition? We are awaiting the Government's formal announcement on the early years strategy. I presume that a play strategy will be contained within it. I see that Robin Harper is keen to play.

Robin Harper: It is important for us to keep the pressure on, to ensure that a play strategy is part of the early years strategy. We should therefore request that the Government reports to us on the place that a play strategy will be given in the early years strategy.

The Convener: That is probably the view of the committee.

Rhoda Grant: I fully agree. We need to put pressure on the Scottish Executive. Play is a soft target. Highland Council has had a play development officer, but the post is being axed because of budget cuts. It is important that such important posts are protected and developed and that we ensure that a play strategy is at the front of policy making.

The Convener: I agree. The issues of active Scotland and active citizenship are part of broader issues about tackling poor health. We should write to the Government for a further response, particularly on its early years strategy and the central role of play in the development of activity in Scotland.

Members indicated agreement.

NHS Dental Services (PE920)

NHS Dentistry (Remote and Rural Areas) (PE922)

NHS Dental Services (PE1018)

The Convener: We will consider the next petitions as a group. We are aware of today's ministerial announcement on funding for dental students to continue their studies. PE920, PE922 and PE1018 all concern the resources that are available for the provision of national health service dentistry. PE920 is by Helen Smith; PE922 is by Peter Thomson and is about models of development, particularly for dentistry provision in remote and rural areas of Scotland; and PE1018 is by Keith Green, on behalf of the Kinross group of the save NHS dentistry campaign, and urges the Government to restore NHS dental services throughout Scotland. Dentistry featured at First

Minister's question time recently in a very gentle exchange, and in a debate in Parliament.

Do members have any views about how to deal with the petitions, which broadly cover the same aspects of dentistry in Scotland?

15:15

Nanette Milne: The Government is taking some action to enable more people to access NHS dentistry. My area—Grampian—has been particularly badly served with NHS dentists in recent years. I am not yet convinced that the issue of retaining dentists in the NHS has been resolved. However, moves have been made, with the outreach centre in Aberdeen and an increase in the number of salaried dentists. Action is being taken. By all accounts, things are getting a bit better in my area, but it is early days for judging the situation. We should ask for a progress report, every six months or every year, to see how things are going. As I said, I am not convinced that we have resolved the retention issue.

The Convener: I think that committee members share that view. We will accept that recommendation and seek a report from the Government on the three areas that are raised by the petitioners and on the short-term, medium-term and long-term strategies for tackling the situation. The core issue is the retention of dentists in the NHS. We are haemorrhaging dentists who are available for the public.

Do we accept those points?

Members indicated agreement.

Hospital Patients (Spiritual Care) (PE923)

The Convener: PE923, by Ben Conway, calls on the Parliament to urge the Scottish Executive to promote pastoral and spiritual care in hospitals to ensure that the physical, psychological, social and spiritual needs of patients are properly addressed. Are there any recommendations on the petition? I understand that there has been an NHS national standards recommendation on chaplaincy services and support in NHS hospitals and care institutions from the different faiths. We could ask the petitioners about the review of existing guidance and close the petition, or we could seek further information on what the Government is doing to encourage or facilitate such services.

Nigel Don: It is a straight choice. Things are clearly going in the petitioners' direction. We either say that the objective of the petition has been achieved or we ask for a review, to see whether matters are going further. My instinct is to close the petition. We could keep it open and await further developments, but I am not sure that we are here to do that.

The Convener: That is fine, as long as we say that the petitioner may be consulted on the review of the existing guidance. Are we happy to do that?

Members indicated agreement.

The Convener: We accept that recommendation from Nigel Don.

Supporting People Funding (PE932)

The Convener: PE932, by Stella Macdonald on behalf of the Citizen's Rights Action Group, calls on the Parliament to urge the Government to review the supporting people funding arrangements to ensure that vulnerable adults receive the responsive services that are required to keep them healthy.

Supporting people forms part of the debate around ring fencing and local government allocations. From memory, the petition expressed a worry about a reduction in commitment and in the continuity of resources for the supporting people programme. In the past, budgets have been allocated to the programme, which deals with some of the most vulnerable individuals and communities in Scotland. We should try to ensure that it is not missed out in budget discussions.

What are members' views on how we should deal with the petition? In the absence of detailed outcome agreements, we need to discuss the issue with colleagues.

Claire Baker (Mid Scotland and Fife) (Lab): since the petition was submitted, which was a wee while ago now, the situation around supporting people funding has changed considerably. There has been a move from having a ring-fenced budget—with concerns about insufficient investment—to having a mainstream budget within the local authority settlement.

The Scottish Government plans to consult stakeholders, as it is in a state of flux about how the single outcome agreements will affect that funding. It would be sensible for the Scottish Government to meet the petitioner who represents CRAG as part of its meetings with stakeholders to discuss how it might continue funding work that supports vulnerable adults.

The Convener: So we should refer the petition to the Cabinet Secretary for Finance and Sustainable Growth and say, "This issue has come in front of the Public Petitions Committee. Maybe it is appropriate to address it." Are there any other views on the petition?

Robin Harper: Sorry, what was the last sentence?

The Convener: I said that we should raise the matter with the finance secretary. From John Swinney's position, the debate has been about

removing ring-fenced budgets and making the money part of the wider budget allocations. At the same time, there are single outcome agreements with local authorities to consider. CRAG's worry is whether the resources that were allocated to vulnerable adults previously will be available under the new system. We all have different views on the matter, as shown by what we said in Parliament during the budget debate, but it is only right and proper that the petitioners are allowed to engage with the process without necessarily sharing our political affiliations or perspectives.

Robin Harper: My principal concern is whether the advocacy arrangements for vulnerable adults are robust enough for us to be content that their conditions will be protected under the new arrangements or whether the situation, as well as the single outcome agreements, need to be reviewed.

The Convener: We are in a limbo period and are taking issues on trust, despite our political views one way or the other. The timescale will reveal the rights or wrongs of any decision. The Government has committed to engaging with stakeholders so, given that PE932 is significant, it might be appropriate to ask the Government to engage with the petitioner and the representations that the petitioner has made on behalf of CRAG, which seeks reassurance about supporting people funding. If it is okay with members, I think that that is the best course of action. We can consider the outcome of that action when determining whether to pursue the matter further.

A90 Deceleration Lane (PE1020)

The Convener: PE1020, by Councillor Paul J Melling on behalf of his constituents in Aberdeenshire, calls on the Parliament to consider issues relating to the construction of a deceleration lane for vehicles accessing the Bruntland Road junction off the A90 in Portlethen South.

We have been waiting for responses. Although no substantial issues have been raised, we would like to examine the A90 junction strategy study, which is yet to be finalised. In the absence of the study, we cannot add much to the petition. Nanette Milne might have a regional interest.

Nanette Milne: Just to say that it is interesting that the draft study found a case for improving how you get on and off the A90 at that point. A deceleration lane is not viewed as a priority, which is a concern for me as a North East member. Obviously, we want our road improvements to be as far up the priority list as possible. However, we cannot do anything until the study is finalised later this year. Once the study and its recommendations are available, we should ask for

a response from Transport Scotland on the action that it will take.

The Convener: Do we accept that recommendation?

Members indicated agreement.

A76 (Safety Strategy) (PE1067)

The Convener: PE1067, by Councillor Andrew S Wood and Councillor Gill Dykes on behalf of ward 8, Dumfries and Galloway, calls on the Parliament to consider and debate the need for immediate action on upgrading and implementing a safety strategy for the A76, increasing the size and clarity of signage, removing blind areas, taking out bad corners and erecting average speed cameras where speed must be controlled.

We are awaiting a strategic transport projects review and a pilot study from Transport Scotland. In light of our previous discussion, we should proceed in a similar manner. Do we accept that we will await the outcome of the review and pilot study before we decide how to pursue the petition?

Members indicated agreement.

Bingo Industry (PE1040)

The Convener: PE1040, by Mike Lowe on behalf of the members of Premier Bingo clubs in Kirkcaldy, Cowdenbeath and Edinburgh, calls on the Parliament to urge the Executive to recognise that bingo clubs have been hit by the implications of the legislation on smoking in enclosed spaces and a system of taxation relating to the bingo industry. We have tried to assist, but I do not think that we can take the petition any further. Do members have any strong views on how to deal with the petition?

Rhoda Grant: The Department for Culture, Media and Sport is working with the Bingo Association to address some of the issues. That is the best place to deal with the concerns that the petitioner has raised because some of his concerns are not really within our remit. There were social arguments, but the issues are properly dealt with by that department, rather than here.

The Convener: That is appropriate. We considered the petition at the start of the new parliamentary session. It is one of those crossover petitions that raise mainly reserved issues, although the social implications are perhaps of concern and relate to devolved legislation. However, the core of the debate is about the tax system for the bingo industry and diversification in employment in the sector. If members agree, we will close the petition, although we can receive updates if required from the DCMS down south on the progress of discussions with the Bingo Association at Scotland and UK level.

Hairdressing Training (Funding) (PE1045)

The Convener: The next petition is by Tom Miller on behalf of the Indigo Group. It calls on the Parliament to consider and debate the concerns of employers and work-based training providers in the hairdressing industry following a change in policy by Scottish Enterprise in relation to its skillseekers programme, which has resulted in a reduction in the number of young people who can be funded for hairdressing training in Scotland. The issue is fairly straightforward. Are there any strong views on how we should pursue the matter?

Rhoda Grant: Could we write to the Scottish Government for an update on the phasing-out of skillseekers and for information on how increasing the number of modern apprenticeships will affect hairdressing training? We should find out about the crossover.

The Convener: Yes, we should write to the Government on that. We should also write to Scottish Enterprise because, as it is not providing the funding, we should find out whether it has carried out a market assessment of the demand for staff in the hairdressing sector. The impression that I get from many of our constituencies is that hairdressing is a fairly popular but sometimes costly business.

John Wilson: You are right, convener, that it is costly, particularly for young people who take on traineeships, given the working conditions that apply to trainees. As Scottish Enterprise is reviewing funding levels for particular categories of modern apprenticeship, it might be useful to ask it to identify which ones it intends to promote as part of that programme. From the paperwork that we have, I see that almost a fifth of all skillseekers funding went into hairdressing, which begs the question how much funding was going into the areas in which, time and again, we have identified skills shortages—I am thinking particularly about the building trades. We must ask Scottish Enterprise whether, as part of the review, it will consider targeting particular sectors for modern apprenticeships and, if so, how those targets will fit with the overall consensus that seems to exist on how we make progress on improving skills in Scotland.

The Convener: Those were positive comments. We will pull them together in the inquiries that we make to Scottish Enterprise and the appropriate minister in the Government.

John Wilson: A further point is that the petitioner identified a difference in the way in which Highlands and Islands Enterprise will administer modern apprenticeships. Given that there are two organisations, it might be useful to

find out from Highlands and Islands Enterprise how it intends to apply modern apprenticeships.

The Convener: That is a fair call. Do members accept those recommendations?

Members indicated agreement.

Coastal and Marine National Park Process (PE1047)

15:30

The Convener: We now come to PE1047, which is from Mark Carter on behalf of the Hebridean Partnership. It calls on the Parliament to consider and debate the failure of the existing coastal and marine national park and marine environmental protection process, and to examine the extent to which such failure is due to pressure from those individuals and industries that have an affiliated or commercial interest in the sector.

We are awaiting a Scottish Government marine bill that might well address some of those issues, so I have a view on how we deal with the petition. Do members want simply to note it until the bill is published? We could determine the appropriateness of the petition at that time.

Nigel Don appears to be showing an extremely keen interest in the issue.

Nigel Don: No—it just gives me the opportunity to have a breather, convener. I suggest, as you were going to, that we combine this petition with PE1081, because they seem to be pretty much together. We are awaiting the Government marine bill—there cannot be much point in talking about these petitions before it gets here.

Nanette Milne: I agree with that recommendation. Once we have seen the marine bill, we might be able to suggest people to give evidence on the bill on issues that are raised in the petitions. We could keep that in mind.

The Convener: That would be helpful. Do members accept the recommendation?

Members indicated agreement.

Maritime Organisations (PE1081)

The Convener: Our next petition is PE1081, by Ronald Guild, who calls on the Parliament to urge the Government to seek a UK-wide reappraisal of all Government, local authority and non-governmental organisation maritime and maritime airspace responsibilities, and organisations, taking into account European Union and International Maritime Organisation contexts.

As this petition and PE1047 cover similar issues, we have agreed to consider them together. Both relate to the marine bill. Members have just

agreed to consider them both in the context of the bill when it is presented.

Unadopted Open Spaces (Maintenance) (PE1049)

The Convener: The next petition is PE1049, by Karen Shirron, who calls on the Scottish Parliament to urge the Scottish Government to take responsibility for the maintenance of unadopted open spaces such as footpaths, lanes, kerbs, car parks, and roads where responsibility for the maintenance of such spaces was previously a matter for a Government agency. In Heathryfold in west Aberdeen, Scottish Homes had that responsibility. Nearly all of us will have to declare an interest in this issue at some stage, because it affects virtually every residential development that has taken place in the past 20 years. It is an issue that almost every elected member has dealt with over the years, and the petition has been before the committee before.

I welcome Brian Adam to the committee. Would you like to add any comments?

Brian Adam (Aberdeen North) (SNP): No, I would rather hear what the committee members have to say first.

The Convener: Okay. What views do members have on the petition?

Bashir Ahmad (Glasgow) (SNP): I wonder why unadopted roads are not adopted yet. I have such cases in Glasgow. One of the cases that I am dealing with at the moment involves a road that is closed. One part of the road is not adopted by the council. It is so filthy that nobody cares. I wonder why it has not been adopted for so long.

The Convener: The petition has been in for a while. It is obvious that the protagonists are the local authority and Grampian Housing Association. We understand that Scottish planning policy 11 is being produced. I do not know whether that addresses some of the concerns. I get the feeling that Brian Adam would like to come in at this point.

Brian Adam: We are all aware of developments, especially in the 1970s and 1980s, where private sector developers seemed to take advantage of those who were purchasing a house for the first time and, all of a sudden, found themselves responsible for hard and soft landscaping. I am ashamed to say that some of our public agencies adopted similar practices. The Scottish Special Housing Association, which became Scottish Homes and was eventually subsumed into Communities Scotland, did exactly the same throughout the country. However, the problem at Heathryfold is the scale of the development and the financial consequences for

the people who have bought former public sector housing there.

In many places, the amount of money that is involved is fairly small—it is in double figures, although it might just make it into three figures. At Heathryfold, the cost runs to four figures and is, I think, unreasonable. I hoped that the Government would accept responsibility for the actions of its agencies, which behaved like the worst private sector developers, but because the problem relates to former Scottish Special Housing Association properties, that may be problematic. People who bought the properties must accept the responsibilities that came with those properties. Nevertheless, I would have thought that the Government could consider providing compensation above a certain threshold.

The committee could encourage whichever committees of the Parliament will consider the new planning law regulations to ensure that what happened at Heathryfold cannot happen again. Bashir Ahmad cited an example in Glasgow. MSPs around the table will be able to cite examples from all over the country. We cannot allow private or public sector developers to continue to slough off their responsibilities for the maintenance of public open space, whether it be hard or soft landscaping. The committee might encourage the appropriate committees and ministers who will consider the regulations relating to the new planning rules to ensure that that cannot happen again.

I hope that, even at this late stage, the unique situation in Heathryfold can be recognised, as the scale of the financial problem there is significantly greater than that in other parts of the country and relates to former Scottish Special Housing Association stock.

John Wilson: The letter that we have received from Communities Scotland does not hold out much hope for the residents in the area to which Brian Adam referred, although it gives a detailed response about ministers' consideration of the matter. I would be loth to close the petition. The Government has decided to review and revise SPP11, but we should revisit the subject in the near future to find out how it is impacting on communities. Although the petition highlights the problem in one area, Bashir Ahmad has highlighted the problem in areas of Glasgow and, as Brian Adam says, many of us around the table could cite other areas of open space that public or private sector developers have failed to maintain. I suggest that we keep the petition open and ask the Government whether it is going to review the implementation of the revised SPP11 in the near future.

Nanette Milne: For the future, I agree with the suggestions that Brian Adam has made with

regard to planning regulation. The letter from Communities Scotland does not hold out much hope, especially in the light of the current tight local government settlement. As we all know, Aberdeen City Council has not done too well out of that settlement.

At present, I cannot see any hope for Heathryfold, but I agree that this is something that should not be allowed to happen again, whether in the private sector or in the public sector.

The Convener: This is not an easy issue to solve. Obviously, elected members at local and national level have always grappled with it. This committee should have a debate on finding a way to prevent it happening in future developments. The private developments in many areas that were being regenerated won prizes, but then the developers sloped off.

The reality is that the cost to local authorities of inheriting every road would be astronomical. Although Stewart Maxwell and I have had a few encounters in the chamber, I must say that I understand why he wrote the letter that he sent to Communities Scotland.

There is a debate to be had around the planning regulatory framework. Either the consequential should have been met by the private developers or the cost of maintenance should have been built into the factoring dues, which would have meant that people were aware of the costs when they purchased the properties. A lot of folk were not aware of the costs, however, and have been hammered pretty badly. We all know of examples of that in our regions and constituencies.

We should ask whether a line in the sand has been drawn to ensure that the situation does not arise in relation to future developments. The minister says that new affordable housing is his priority. If so, it is to be hoped that the associated open-space maintenance costs will be dealt with properly.

We have to agree on a way to handle the petition. We might not be able to resolve the petitioner's issue, which is, in a sense, 30 years old.

Brian Adam: There is an issue about small developments in rural areas. Are we going to compel individuals in developments of two houses, five houses or whatever in rural areas to install street lights, pavements and so on? The problem tends to arise in urban developments and developments that are close to urban areas. I hope that the minister will look into the issue. Any encouragement that this committee could give in that regard would be welcome.

We should be able to establish which of the Parliament's committees will consider the

regulations for the new planning laws. That might provide an avenue by which the issue can be dealt with.

On every occasion, it is a case of caveat emptor—

The Convener: I do not know that estate, Brian. Where is it?

Brian Adam: Buyer beware.

When there was a great increase in the number of home owners, not everyone was aware of the intricacies of the situation. Now, however, we have a chance to ensure that we address the problem.

Any minister is likely to want to invest in new affordable housing. That was the problem in the first place. Scottish Homes was under a great deal of pressure to support the building of new developments, the upgrading of developments or the transfer of stock and, consequently, badly let down existing tenants and the people to whom it had already sold properties. Part of the price of transfer was the dumping of this problem on thousands of unsuspecting home owners. The people in Heathryfold who I represent have been given a shabby deal.

The Convener: I am conscious that we have tons of things to deal with, so I want to get a wee consensus from the committee on this issue, and then we can conclude it.

15:45

John Wilson: I support what Brian Adam said about looking to the future. That is why I suggested that we ask the Scottish Government how it will review this situation. Plans for new developments are being adopted every day. The issue is whether planners, when they sign off plans, take proper account of the impact that the open spaces that are built into developments may have and the long-term implications for residents or tenants.

We must try to push the Government on this issue and point out that it is not just about changing the planning framework, but about ensuring that the people who are responsible for approving local developments are aware of the impact that the developments may have when they include open spaces. We should try to get the Government to ensure that when planners and local authorities approve new housing developments, they take cognisance of the long-term implications.

As Brian Adam said, the issue is not just to do with open spaces; it is about hard landscaping, as in the roads that run through some estates. Some developers build the houses, put in a road and then run away as fast as they can before local

authorities adopt the roads. Those issues must also be considered. We must ensure that everybody is aware that they have a duty of care not only to local authorities, but to residents who buy into estates.

The Convener: Those are constructive suggestions. We should not close the petition. Rather, we should explore the issues that have been raised. I get the strong sense that we should ask questions on two fundamental issues. The first is whether there is anything in the planning system that can deal with current assessments and planned future developments. The second is whether the Government can take an approach that finds an arrangement over a longer time that addresses the concerns of residents who are getting a punitive level of charging. A minister can make a decision on that, but in doing so they would obviously have to take into account the fact that that decision would have consequences for the rest of the country and for the rest of their budget. We can raise that issue with the Government. I take it that members are happy enough on this one.

I am conscious that we have lots of issues to deal with, so I ask members to be patient as we go through them. The non-committee members present might wish to speak on certain issues, but they will have to wait until we get to them. People will have to be patient.

Common Good Sites (Protection) (PE1050)

The Convener: The next petition is PE1050, by Councillor Ann Watters, on behalf of Kirkcaldy Civic Society, which is asking for legislation to provide better protection for common good sites, such as Ravensraig Park in Kirkcaldy. We have had this petition in front of us before. Do members have any strong views on it? My notes indicate that we are waiting for the Local Authority Scotland Accounts Advisory Committee and the Scottish Government to provide further responses on what to do about the common good asset register. I have the feeling that Robin Harper wants to come in on this one.

Robin Harper: Recent research has made it clear that there is a great deal of concern about where common good land is and what it is being used for, and that some common good land seems to have disappeared. I think that we need to wait until the finalised common good asset register is ready, but we should certainly keep the petition alive because it is about an important issue.

The Convener: I think that that is acceptable to committee members. We will wait until we get the response from the Local Authority Scotland Accounts Advisory Committee, then we will

determine how best to deal with the petition. Are we happy with Robin Harper's recommendation?

Members indicated agreement.

Scheduled and Listed Buildings (Management) (PE1013)

The Convener: PE1013, by Niall Campbell, calls on the Parliament to urge the Government to review arrangements for managing scheduled and listed buildings, such as those at Rowallan old castle, to ensure that where suitable and sensitive plans for restoring such buildings by an owner allow public access, such developments are allowed to proceed.

Do members have any views on what we should do with the petition? I point out that ministers have exercised their responsibilities with regard to the issue and that the petition itself has already been before the committee.

Rhoda Grant: I am a little concerned by some of the responses to Historic Scotland's review, because as I understand it the petitioner's problem lies with that organisation. I am not sure that the responses that we have received deal with that point.

Moreover, I believe that an inquiry is being held on the planning consent. Perhaps we should wait for it to report and then reconsider the petition.

The Convener: I share that view. There is some unfinished business to attend to, and I would rather wait for the inquiry to report. As with other petitions that deal with contested areas, this petition highlights an interesting area of contestability that needs to be explored further.

Nanette Milne: I do not disagree with any of that. I simply want to point out that we should wait for the outcome of the public local inquiry that is about to take place.

The Convener: Have we reached a consensus?

Members indicated agreement.

The Convener: We will await the outcome of the public local inquiry and other matters.

Historic Sites (Protection) (PE1078)

The Convener: PE1078, by Peter Paterson and the save Gillies hill committee, calls on the Parliament to consider and debate the need for new legislation to protect historic sites from physical destruction through mineral extraction and to preserve such sites in their present condition for the community's wider amenity.

This petition is supported by the constituency MSP, Bruce Crawford. He has had to go to another meeting, but in a note that he has passed to me he says that, in a positive step, Stirling

Council has agreed to ask developers to undertake an environmental impact assessment. Given recent events, that is a good development, and we might wish to raise it with the Government.

John Wilson: Although the council has agreed to review the Gillies hill situation, the petition raises a much wider issue about the encroachment of mineral extraction and other developments on historic and ancient sites. We should seek a further response from the Scottish Government, particularly on the Historic Environment Advisory Council for Scotland's report, and ask what action it will take and when.

The Convener: We had better get that letter in, then, because the advisory council is about to be abolished.

That aside, I know what you mean: we have to ensure that we get a response from the agencies that are responsible for this matter. There is certainly a broader issue to examine. The news about the environmental impact assessment is welcome, but I think that John Wilson's suggestions are worth considering.

We should also seek a response from Historic Scotland on how we might preserve historic battlefield sites or enhance them through sensitive development that respects their integrity. Do members accept the recommendation that we keep the petition open in order to explore those issues?

Members indicated agreement.

Planning Procedures and Policies (Quarrying) (PE1094)

The Convener: PE1094, by Pamela Masson on behalf of Braco and Greenloaning community council, calls on the Parliament to urge the Government to review the effectiveness of Scottish planning policy 4, "Planning for Minerals", in relation to quarrying activity.

We will group this petition with PE1095, by Sybil Simpson on behalf of the save your regional parks campaign, which calls on the Parliament to urge the Executive to provide greater protection for the national regional parks of Scotland from industrialisation, including wind farms and their associated quarries, roads, cable trenches and substations. I know that Kenny Gibson MSP has a particular interest in this petition. [*Interruption.*]

I have been advised that we should consider PE1094 on its own. I thank the clerk for keeping me on the straight and narrow with his constitutional guidance—and for humiliating me in front of the committee.

Essentially, the options are in front of us. Are there any comments?

I am looking for an excuse to hide. For the rest of the week, the clerk will be talking about having sorted the convener out. He gets wee brownie points for it.

Rhoda Grant: I am not sure that we can take the petition much further, given that Scottish planning policy 4 has been reviewed recently and the Government is not likely to review it again in the near future.

Bashir Ahmad: If we can save any time, it is better to save it.

The Convener: One of the issues is that the concerns that the petitioners raise on mineral extraction can be addressed through the new Scottish planning policy 4. My understanding is that that is the appropriate legislative framework and appeal mechanism for people who feel that there has been an intrusion in terms of development. With that in mind, it is probably best to close the petition, knowing that that route is still available for individuals and local communities.

Do we accept the recommendation to close the petition?

Members indicated agreement.

Wind Farm Developments (PE1095)

The Convener: I have already introduced PE1095. I welcome Kenneth Gibson MSP to the committee. I ask him to say something about the petition and then we will have a shared discussion.

Kenneth Gibson (Cunninghame North) (SNP): I thank the committee and the petitioners who have come through from Renfrewshire and Ayrshire. They want me to point out that the petition should really be said to be about protecting national and regional parks rather than protection from wind farm development because they are not against wind farms. They want to make that absolutely clear. The petition is really about protecting regional parks in particular from industrial development.

The Clyde Muirshiel regional park in Renfrewshire covers part of my constituency. The possibility that up to 240 wind turbines will be installed in it has generated a lot of opposition from people across the party divide, including the Westminster MP, MSPs and councillors. Some 600 people have joined the local save your regional park campaign, which 11 community councils and thousands of local residents also support.

The regional park covers 108 square miles, 35 square miles of which are in the centre of a site of special scientific interest and constitute a special protection area. On 17 December, the Scottish

ministers confirmed the special protection area within the park.

The Scottish tourism economic activity monitor—STEAM—reported there were some 1.6 million tourist days in the regional park, with visitors generating £77 million. Work that has been done on the impact on visitor numbers should wind turbine developments go ahead in the park shows that more than a quarter of those visitors would not visit, at a possible cost of £20 million to the already depressed local economy, which has suffered severe job losses through deindustrialisation and depopulation over many years.

Wind farm developments are also against the local development plan, which comprises structure and local plans that cover Clyde Muirshiel regional park. That is basically because the park has a beautiful landscape with valuable ecosystems and a public function, which is to provide much-needed space for informal outdoor recreation. It was recognised as an area of great landscape value in the Scottish Executive consultation “Enhancing Our Care of Scotland’s Landscapes”. Indeed, access to the area was suggested as long ago as 1946 under the Clyde valley regional plan.

The park is used for hill walking, nature study, orienteering, hang gliding, paragliding and peace and tranquillity. I recommend that committee members visit it because it really is an area of outstanding natural beauty—both the park itself and the views that it provides over the Firth of Clyde. The petitioners and I believe that there would be a great risk to the local environment—not only to bird, animal and plant life but to water courses and aquatic life—should those unsightly turbines be constructed.

The Ayrshire structure plan makes it clear that if no turbines are built within the regional park, Ayrshire can still provide sufficient suitable areas for wind farms to meet any reasonable interpretation of Ayrshire’s contribution to national renewable energy targets. We do not want irreversible harm to be done to the area’s landscape, which would be unacceptably intrusive.

Broadly, I want the committee to support the petitioners and to urge the Scottish Government to ensure that no industrial developments, particularly involving wind farms, go ahead within regional parks.

I should point out that all the regional parks in Scotland cover less than 0.5 per cent of Scotland’s entire land mass. Ultimately, we are talking about saving these areas for future generations.

16:00

The Convener: Are there any comments or observations on how to tackle the issues raised in the petition?

Nanette Milne: For quite a long time, my party has thought that the Government should give some more strategic guidance about where wind farm developments should take place. I doubt if any of us in the Parliament are against renewable energy or wind farms in particular, but it is important to consider carefully where they are situated. Areas such as the one mentioned in the petition are significant in that respect.

Perhaps we should write again to ask the Government whether it thinks that there is enough protection for regional parks from such developments, and what guidance it will give potential developers about not going to such areas. The guidance needs to be tightened up and potential developers should be given an inkling about whether an area is appropriate or not.

Robin Harper: I support the suggestion that we should go for further responses from the Government. The issue has been a running sore for a long time, but the Government and local authorities in Scotland have not really been best prepared for the roll-out of wind energy across Scotland. There has never really been any clarity; a case-by-case approach has been taken to every wind farm development, and there is a huge queue of developments to be dealt with. We have gone far beyond the time when we need some clarity.

Regional parks are not covered by the Sandford principle, which applies to the national parks. However, if we have any respect at all for our environment, the same principle should be applied to regional parks. I would support any proposal to send the petition on to the Government for further consideration.

Nigel Don: I might be behind the times but I get the impression from the papers that there is no Government strategic paper that tells wind farm developers where they should go—that is a phrase that might be misquoted.

I wonder whether we should encourage the Government to lead by drawing up a map of preferred places for wind farms. That would reverse the process—wind farm developers could look at those places rather than finding out afterwards that they have picked a bad place. I do not think that it is that difficult to work out what is a bad place for a wind farm. Regional parks are pretty easy to find and I am slightly surprised that the developers have not become wise to that. However, the Government could make the situation a great deal easier by putting together a list of preferred areas in Scotland.

The Convener: If I was in government, I would not necessarily want to identify preferred areas. It might be better to give principles and guidelines that can be used to determine the best areas. When we write to the Government about the petition, we should say that we were automatically concerned because a regional park is involved, and the petitioners have claimed that the development would be inappropriate on several grounds. As parliamentarians, we can all have our individual views on that, but there is an issue about getting clarity from the Government about the process and what is expected. That should be the driving force behind our inquiry on behalf of the petitioners. I am sure that that is what Nigel Don meant.

Nigel Don: Let me take a few seconds to clarify that I would like a map of Scotland that showed not necessarily where wind farms should be located—it would not say “Wind farms can go there”—but the areas where wind farms would be unlikely to be okay because of an obvious reason, such as that they would be sited in a national or regional park. It could also show areas where wind farms would be a fairly marginal issue and where it was not obvious that anybody would object to them.

The Convener: I do not want to cause division in the Scottish National Party group, but I encourage John Wilson to give his view.

John Wilson: I would take a cautious approach. If the Government sent out the message that it was okay to site wind farms in particular locations, where would it stand if, as part of the planning or public inquiry process, it had to report and decide on an objection to a proposed wind farm? We would be better to call on wind farm developers to identify suitable areas—as they do at present—and require applications to go through the planning process. Following the recent controversy over a planning application not a million miles away from here, I would hate to think that the Government would be seen to give the green light to wind farm developments in the face of local objections.

The other side of the issue is that some local communities might welcome wind farm developments because of the economic benefits that accrue from them. We saw that in a recent report on a microgeneration scheme that allows people to have fridges in an area where that was not possible before. There would be difficulties in the Government providing a map of where developers should build wind farms because that might cause conflict with local communities.

The Convener: With those healing words, I think that we are achieving consensus.

Rhoda Grant: The local plan could possibly identify sites with potential for wind farm developments. We should not say that renewables developments should never be located in national or regional parks, as that would go against the ethos of such parks. Indeed, microgeneration developments should be encouraged in areas where we are trying to look after the environment. The issue could clearly be dealt with in the local plan, on which local people are consulted. We need to bring people together in consensus rather than having things imposed by Government.

Kenneth Gibson: I should say that the proposed developments in the Clyde Muirshiel regional park are already contrary to the structure plan.

If the Government excluded certain areas from wind farm developments—an option that the First Minister told the Parliament he favours—things would be a lot clearer. We would not then have the situation in which local action groups and community councils are required to oppose application after application from developers who are trying to destroy a regional park—it is like death by a thousand applications—by applying to build six turbines here or eight turbines there. Gradually, such developments will eat away at an area that we want to hand down to future generations.

The Convener: I think that there is a strong view that we need to seek further clarity from the Government, such as a framework or guidelines for such developments. With that consideration, are members agreed that we should try to see what progress we can make with the petition?

Members *indicated agreement.*

The Convener: I thank Kenneth Gibson and the petitioners for their patience.

Democratic Process (Young People) (PE1065)

The Convener: Petition PE1065, by Rajiv Joshi, on behalf of Young Scot, calls on the Parliament to use the Microsoft Government leaders forum Europe to promote the use of new and emerging technologies to help participation in the democratic process.

When we discussed the petition with the petitioner, we agreed to take it forward as part of the committee's work in progress. Therefore, we should acknowledge that the petition is still live. Later this year—once we clear our backlog—the petition will form part of our consideration of how we engage with young people in citizenship projects.

Robin Harper: The petition mentions only Microsoft. In many quarters, there is a strong view

that Microsoft is something of an aggressive monopolist and that open source technology would be better.

The Convener: I am fairly relaxed about that, but I take on board those comments. Essentially, we can separate the two issues out. The core issue for us is how we use new technologies in participation. I am not particularly anxious for a particular brand's products to be the only way in which we do that. With that commitment from the convener, are members happy to engage with that process?

Members indicated agreement.

Racing Pigeons (Public Health) (PE1068)

The Convener: PE1068, by John Ferguson, calls on the Scottish Parliament to urge the Scottish Executive to investigate the public health risks associated with racing pigeons and to introduce measures to ensure that racing pigeon lofts are not situated in residential areas—that would kill half the folk songs in Glasgow—and that responsibilities be imposed on the owners for dirt, damage and public disease. The committee has previously considered the petition.

My instinct is that there is already enough of a legislative framework to address the issue. I have been an elected council member or MSP for more than 20 years, and have represented what are euphemistically called the urban schemes of Glasgow in which there is a fair preponderance of doo huts. I have not received many complaints about them. There is a legislative framework within which such matters can be addressed. Do members agree?

Members indicated agreement.

The Convener: Okay. I do not want to make a big do about the matter—I had to get that gag in.

Village and Community Halls (PE1070)

The Convener: PE1070, by Sandra Hogg, on behalf of the Scottish Council for Voluntary Organisations, raises issues relating to village and community halls. I think that one of the Scottish newspapers included coverage of the issue earlier this week.

I thought that we had written to the Scottish Government about the petition. There has been a village halls discussion, which probably involved the Minister for Communities and Sport and the ministers with responsibility for rural development. I think that Richard Lochhead was involved in the piece this week. Do members have any views on how to progress the petition?

Rhoda Grant: Can we ask for an update?

The Convener: Okay. We will look for information on the progress of discussions on village and community halls. I think that that is the only thing that we can do at the moment. Do members agree?

Members indicated agreement.

Primary Schools (Visiting Specialist Teachers) (PE1071)

The Convener: PE1071, by Ruchelle Cullen, on behalf of Lochinver primary school parents and teachers association, calls on the Scottish Parliament to urge the Scottish Executive to ensure that all primary school children, particularly those in remote and rural areas, have adequate access to visiting specialist teachers of music, art and physical education. Do members have any strong views on how we should deal with the petition?

John Farquhar Munro: The problem is not particular to Lochinver; it is a problem in many primary schools in the Highlands, where there is a distinct lack of visiting teachers—PE, sport and music teachers and so on—in all subjects. Such teachers are non-existent. If we can do anything, including encouraging the Executive to increase the availability of visiting teachers, everybody will be happier.

The Convener: I think that that is the committee's view in principle, but obviously we must consider decisions that have been and will be made. I have a partisan view, as I have been involved with the issue. The loss of cultural co-ordinators could result in major consequences for children's development. However, we will pursue such issues in the chamber and elsewhere.

The petition raises issues to do with access to a range of things. Obviously, I worry that there seems to be no commitment to the idea of the cultural rights agenda, which I would certainly support. Quite profound differences in views exist on such matters, but the reality is that individuals are not getting the access that they deserve to teachers in parts of Scotland.

Rhoda Grant: The issues that the petition raises are hugely disappointing in light of the fact that the year of Highland culture has just finished. It was hoped that one of the legacies of that year would be that children and young people would receive free music tuition, but it seems that that will not be borne out.

We need to ask the Scottish Government for policy decisions. It is particularly disturbing for Lochinver primary school that Highland Council cut its education budget last week. It is difficult to see how that council will put more visiting teachers into schools when it is already cutting teacher

numbers. We need guidance from the Government on the priority that is being given to culture.

16:15

Nanette Milne: I agree. The situation does not affect just the Highlands; it applies throughout Scotland. Aberdeenshire Council and Aberdeen City Council have in recent years made significant cuts in visiting teachers.

Robin Harper: The figures that we have show that, for instance, there were just five more music teachers in 2006 than there were in 2004. That is not in the spirit of the previous Administration's promise to increase music teaching in primary schools.

Local authorities are changing how they record visiting specialists by recording them in the schools where they teach rather than as centrally employed. If authorities record the figures on visiting specialist teachers in different ways, are those figures robust? If they record visiting specialists in the schools in which they teach, will that result in double counting or mean that the reality is that the number of specialist teachers is lower? We need a further response from the Scottish Government on the validity and meaning of the figures.

The Convener: I ask that we agree to write to the Education, Lifelong Learning and Culture Committee not only about specialist cultural teachers, but about the common commitment to provide pupils with two hours of PE a week. Is that committee tracking or observing the situation or doing serious work to interrogate the issues, which would be useful? We should draw that committee's attention to the petition.

I concur with members that the issue is nebulous. If we do not focus on it, it will drift. People might have good intentions but might not deliver on them or might make policy decisions in a vacuum, with a massive consequential impact. I am worried that that might apply to some of the issues that the petition raises, so we need further interrogation.

Nigel Don: I declare an interest as a member of the Musicians Union and as a former music teacher. I accept whole-heartedly and acknowledge genuinely the relevance of PE and art specialists, but I observe that music is slightly different. Forgive me if this seems like special pleading—it is. Children can do art without having a specialist art teacher, although I recognise the value of such teachers, and children can run around and do physical activity without a specialist PE teacher, although I recognise the importance and contribution of such teachers. However, by and large, music does not happen unless a

specialist musician is present. That is just the way it is.

In whatever we say to the Government, I plead for us to recognise the slight difference with music. If music teachers are not present, the learning does not happen.

The Convener: Exactly—that is why I am still stuck at four chords and cannot get a suspended ninth. I might ask Robin Harper and Nigel Don to give me additional tuition on guitar chords, after which I really will kill the party.

The petition raises fundamental issues. They are not the dynamic, big issues but, if such teaching is done well, it can make a real difference to young people's lives. We need to interrogate the issues with great vigour. I appreciate committee members' support. We will pursue the matter.

John Wheatley College (PE1072)

The Convener: I declare an interest: John Wheatley College serves a substantial part of my constituency and, until the recent development of the college's new building, which is in Paul Martin's parliamentary seat—the old building was in my constituency—I had a sublet from the college. In case anybody wishes to make inquiries, that was always declared. I now pay much more in the private sector and I am disappointed that that option is no longer available, but there we go.

PE1072 has been in the system since issues emerged from the Charities and Trustee Investment (Scotland) Act 2005. It was submitted by Councillor Frank Docherty, on behalf of the East Centre and Calton local community planning partnership and the board of John Wheatley College, and calls on the Scottish Parliament to take steps to enable John Wheatley College to be able to comply fully with the charities test established under the terms of the 2005 act.

There has been a fair amount of discussion of and correspondence on the petition. There have been discussions with the Scottish Further and Higher Education Funding Council and ministers, but I am interested in how committee members want to proceed. Given my declaration of interest, I am reluctant to get too directly involved, so I would like to hear from members on how to deal best with the anomaly that has been thrown up by a ruling by the Office of the Scottish Charity Regulator that has had a terrible implication for a community college serving some of the neediest in Scotland—that is my only partisan comment.

Claire Baker: When we considered the petition previously, we recognised that there was a consequence of the legislation that was if not unforeseen at least unintentional. That emerged from a ruling by OSCR when John Wheatley

College took part in a sample review when OSCR was established.

I am glad that the Government has announced that it will look to introduce legislation to ensure that such colleges can qualify as charities, and there will be consultations on that. We could perhaps write to the Scottish Government to find out when the consultation will be conducted so that we can be kept informed about the issues in it. We can keep a watching brief to ensure that the problem is resolved.

Rhoda Grant: In that correspondence with the Scottish Government, should we ask that colleges be retained on the charities register until the consultation and legislation have gone through? All charities were initially put on to the register, and the review is a rolling process. It would go against the spirit of the 2005 act if colleges were taken off the register pending a change in legislation. We could perhaps ask for a derogation for colleges until the Government has carried out the consultation and introduced legislation. Other colleges will face the same problem.

The Convener: Paul Martin is present for another petition, but I am conscious that he has a material interest as the constituency member.

Paul Martin (Glasgow Springburn) (Lab): Thank you, convener. Claire Baker and Rhoda Grant have covered the issues well, so I will be brief.

It is important that the consultation is brought forward as a matter of urgency. Like other constituency members who have an interest in John Wheatley College, you and I both know, convener, the valuable role that it and others play in regeneration and providing further education attainment opportunities. It is important that they continue to do that. We need to move forward, and we need clarity from the Scottish Government on how we can ensure that the college can continue its good work.

The Convener: I share members' view that the college has found itself in a difficult position through no fault of its own. We should be taking measures to ensure that both ministers and the charity regulator operate with a fair amount of equanimity towards the college because it will not be the only college affected. It was drawn in by its own endeavours because it wanted to demonstrate the good work that it was doing, and it then found itself on the wrong side of a ruling.

Is it reasonable to follow Rhoda Grant's suggestion of asking for no action to be taken and the college to be retained on the register until the review is undertaken? I do not know whether it is in the college's interest to be on the register.

Rhoda Grant: If the college comes off the register, it will no longer be a charity and will lose out because of that. Given that until the rolling programme is fully carried out there will be a lot of organisations on the register that do not fulfil the criteria, we could ask OSCR to put the colleges to the back of the process.

The Convener: Okay. We will write a pretty strong letter, urging that the review process be carried out expeditiously because there will be an impact on the college's ability to get resources in, particularly through the role that it can play in developments—I obviously have a partisan view—in the whole of the east of the city and beyond. The college can play a critical role in attracting other funding through its charitable status, which makes it attractive. If it did not have that charitable status, the college would be disadvantaged, when it could be doing much more in terms of the wider employability issues that exist throughout Scotland, but which are a particular problem in that part of Scotland and which we need to resolve.

Claire Baker: I understand that a two-year period is allowed by OSCR and that John Wheatley College has not yet been removed from the list, so there might be enough time for the Government to find a solution before we need to ask it to retain—

The Convener: Right, but we do not want to be the last-minute shop when the Government has not got the solution together and the college faces uncertainty. The college has annual budgets, so the quicker that everybody gets round the table to sort the problem, the better. We will send a strong letter, saying that we want the matter to be resolved. I would hate to have to bring a petition to the Parliament, along with Paul Martin, in my capacity as a constituency MSP. Is my suggestion agreed?

Members indicated agreement.

Registered Social Landlords (PE1075)

The Convener: PE1075, by David Emslie, calls on the Scottish Parliament to investigate the administration and operation of registered social landlords, such as Grampian Housing Association, to investigate the role of Communities Scotland as the regulatory and inspection body and for such registered social landlords to be brought within the remit of Audit Scotland. We have received the relevant documentation and papers on the petition. I invite Nigel Don to comment.

Nigel Don: Members will have read the papers. I draw their attention to page 5 of the last letter from the petitioner. At the bottom of that page they will see my name together with the name of a member of my staff. The letter makes allegations

about a member of my staff that it is plainly for that member of staff to deal with. It suggests that I have been briefed badly—a suggestion that I refute. I think that the advice that I have been given by my staff has been balanced and objective. The comments that the petitioner makes about the member of my staff are, at the very least, derogatory and possibly defamatory and actionable. In order to minimise the mischief, I simply do not want to say any more about the petition other than to repudiate any accusations that are addressed to me. The suggestion that I am in any way biased about the issue needs simply to be repudiated.

The final point that the petitioner makes in his letter is that he reckons that the committee would be impartial if I continued to sit on it. That seems to be a self-fulfilling claim. Therefore, I propose to leave the room—not because I am in any sense biased, but because the committee can operate without me and, for the public good, it would be better if I were not here. I ask you to call me back in for the next item, please.

The Convener: Thank you. That is helpful. We will excuse Mr Don from the discussion of the petition.

Members have a paper from the clerks in front of them, which contains recommendations on how we may wish to tackle the petition. Do members have any views on the petition? I am thinking of the core issue rather than any other issues.

Considering the imminent changeover in the structure of the regulatory framework, we could write to the responsible minister about the issues of inspection and regulation of RSLs in the new process. Communities Scotland had a role to play and there will be a role for the regulatory framework; the issue is how that is to be dealt with. Another body may well be established solely to deal with the regulatory framework, not with the grants mechanism or the development budgets for housing, which have been deferred back to local authorities. Perhaps that is something that we can deal with; however, I think that it is for the Government to respond on that issue. Does the committee accept the recommendation that we take up the issue of the regulatory framework?

16:30

John Wilson: The petition refers directly to Audit Scotland. As we are writing to the Government to seek clarification on which regulatory body it will establish to monitor registered social landlords, it might be worth inquiring whether the Government intends to involve Audit Scotland, so that we can be clearer in our minds about how the matter will proceed. As you said, convener, time and tide have moved on

in relation to the Government's stance on Communities Scotland. I hope that, if we come up with a form of regulation that suits the petitioner—or satisfies them, as it might not suit them—we will be seen to have made progress on the case.

The Convener: Do members accept the recommendations that have been made and agree to pursue the petition in that way?

Members indicated agreement.

Scottish Public Services Ombudsman (Appeal Tribunal) (PE1076)

The Convener: PE1076, by D W R Whittet, calls on the Parliament to set up an appeal tribunal to review final decisions by the Scottish Public Services Ombudsman. We have received several submissions, which members have had a chance to look through. The clerks also received further submissions that have been available on request for members to examine. Concerns have been raised about the ombudsman's role. We have the papers before us. Do members have any strong views on how we should tackle the issue?

I invite Nigel Don back to the meeting—his period of purdah is over and he is now on the repentance stool.

Nanette Milne: The Government has given an initial response to the Crerar report and has committed to considering as a priority an effective, streamlined and standardised complaints system for all public services. We should await the outcome of that process and see what action the Scottish Government takes following its response to the Crerar report. We have received many letters on the issue—I and other members have received some and we have heard from the clerk how many other letters there have been. Given that, would it be appropriate to send to the Government the comments from the petitioner and the other people who have been in touch with us, so that it can take them into account as part of its consideration of the Crerar report?

Robin Harper: To reinforce that, I am happy to wait until we get the Government's full response to the Crerar report before we consider the petition again.

The Convener: We will accept those recommendations. However, my one worry is about sending someone else the volume of correspondence that we have received. We could send a representative sample of the concerns.

Nanette Milne: We should certainly include the petitioner's concerns.

The Convener: I accept that. We could provide that sample as core evidence to the Government, along with a summary of the key points that have

been raised. Consistent points are made in all the correspondence, so it would not be rocket science to do that. Are members happy with the recommendation that we await the Government's full response on the Crerar report before our final consideration of the petition?

Members indicated agreement.

Education Maintenance Allowance (PE1079)

The Convener: PE1079, by Laura Long, calls on the Parliament to review the eligibility conditions for the education maintenance allowance programme to take account of the number of children in households who are between 16 and 19 and in full-time education. From memory, I think that there was something on the EMA in the budget—there was either a change or a discontinuation of the pilots, although I might be wrong about that. My trusted clerk has just surreptitiously passed me a note, which states that the eligibility for the young students bursary is being overhauled to include for the first time students who are under 25 with a child over three. However, that is about the young students bursary, which is not the same as the EMA.

I think that there is an issue about the EMA, so we need to ask the Scottish Government about the criteria and whether the EMA is to be continued. If not, we need to know what support is available for youngsters in fifth and sixth year at school, which is when the EMA is most appropriate.

Robin Harper: We should ask whether the Government will consult with student representatives.

The Convener: I am happy to do that. We will continue the petition and seek further clarification on a range of issues related to EMA: status, eligibility criteria and its continuation.

Rhoda Grant: Perhaps we can impress upon the Government the petitioner's wish that other children in the household in that age group be taken into account. The fact that they are not being taken into account goes against the spirit of the allowance. Claire Baker has reminded me that the Government says in its response that it is not looking to review the matter at the moment. Given that there have been some changes, we could ask it to look at that issue again.

The Convener: I am happy to accept that. Is that agreed?

Members indicated agreement.

Edinburgh South Suburban Railway (PE1080)

The Convener: I know that some members are here to speak on this petition and I am glad that they have had the patience to sit through the rest of the petitions. It is a bit like a train—you have to wait a long time for it to come along.

PE1080, by Lawrence Marshall on behalf of the Capital Rail Action Group, calls for the reintroduction of local passenger services on the Edinburgh south suburban railway. The petitioners presented the petition to me as convener and have had a chance to discuss it at the committee. Mike Pringle is here to speak on it, as a local MSP. Is Malcolm Chisholm here for this petition or the next one?

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I am here for the next one.

The Convener: You have just got in early. As a Labour politician, he is getting his retaliation in first, Mike. Mike Pringle is one of the members whose constituency is affected by the potential development. Robin Harper also represents the area.

Mike Pringle (Edinburgh South) (LD): I can perhaps help. The petition was lodged last April and the petitioner came to the committee in November. It was lodged last April in the hope that the Halcrow report, which was commissioned by the City of Edinburgh Council, would be available by the time that the petitioner came to the committee. My information, as of today, from the convener of the council's transport, infrastructure and environment committee, Phil Wheeler, is that the Halcrow report is still not available. The council hopes that it will be available by the end of March—in approximately a month's time. I suggest that this committee delays any decision, as the report is a substantial piece of work and it will make a recommendation one way or the other. You could perhaps save a bit of time.

The Convener: That is a positive and constructive suggestion. I never thought that I would make that comment about a Liberal Democrat, but I have just done so.

Robin Harper wants to express a view.

Robin Harper: As a local MSP and a supporter of Capital Rail Action Group for as long as I can remember, I have an interest to declare. Mike Pringle's suggestion that we hold off from looking at the petition again until after the Halcrow report is published is sensible.

The Convener: The clerk has indicated that there is also the Scottish Transport Appraisal Guidance process, which could be of material interest. Is that approach agreed?

Members *indicated agreement.*

The Convener: Thanks for your patience. I know that progress is incremental, but that is often how the best change occurs in our society.

Local Museums (PE1083)

The Convener: PE1083, by John Arthur, calls on the Scottish Parliament to urge the Scottish Executive to support the creation of local museums, such as the proposed Leith museum. I welcome Malcolm Chisholm, who is the member of the Scottish Parliament covering the historic place of Leith, in the heart of Edinburghers and all that kind of stuff. Malcolm may wish to speak on behalf of the petition.

Malcolm Chisholm: I will speak briefly, as I spoke when the committee previously discussed the petition. I hope, convener, that you will be as generous to me as you were to our colleague a minute ago.

The Convener: It is that time of the afternoon, Malcolm.

Malcolm Chisholm: As committee members know from their papers, since I was last at the committee there has been a response to its consultation. It would be fair to say that it indicates considerable support for the idea of a Leith museum. The case may also have been reinforced by the Scottish Government's recent emphasis on the teaching of Scottish history. I will not go through all the submissions, but I point out that the Scottish Museums Council, which is a key body in the sector, supports the principle. I also refer members to the City of Edinburgh Council's submission, which sums up the case succinctly. It says:

"The importance of Leith and its role in Scottish history deserves to be told in a dedicated museum. Such a museum could provide a community focus for understanding its past, making sense of the present and help build social cohesion in what is a rapidly changing community. It is also the Council's view that a new Museum of Leith could support tourist and economic development."

There are many reasons for supporting such a museum. The council also states:

"Leith Customs House ... remains the most appropriate venue for a museum of Leith."

That is also the overwhelming view of the community, I think. The focus of the Leith museum group, which has been campaigning for the museum, is now on the customs house, which is owned by National Museums Scotland and used for storage. The group has discussed the customs

house with NMS, which wishes to dispose of the building because it needs additional or bigger storage facilities.

The Leith museum group's submission to the committee says:

"We would hope that the Petitions Committee would recommend to the relevant Minister",

that is, the Minister for Europe, External Affairs and Culture,

"that the National Museums be encouraged to enter into a positive dialogue"

—it might now be fairer to say "continue a positive dialogue"—

"with our group to allow us to develop and bring forward a proposal for a Leith Museum Trust to acquire Leith Customs House as a home for a future museum of Leith."

That highlights the connection between the Minister for Europe, External Affairs and Culture and National Museums Scotland, for which she has responsibility.

The Convener: As a former Minister for Tourism, Culture and Sport, I am not unattracted to the proposed development. People should keep beavering away at the issue. There is the potential for a very good museum that would make a real difference. People need to be pulled together, and the committee's role should be to encourage momentum. If NMS has a building, we should raise that point with the minister, so that she can discuss the proposal with the agency with responsibility for dealing with buildings that get used for other things. The Big Lottery Fund, the Heritage Lottery Fund and other organisations could be spoken to. We can chat about that. I imagine that you wish to voice your support, Robin.

Robin Harper: Yes. I declare an interest as a local MSP and a former teacher of history and modern studies. I am a strong supporter of the proposal, and I would like us to approach the Executive for a response and to ascertain what it can do to support the proposal.

The Convener: I have my own views on how best to do that, but I invite other views.

Robin Harper: We should also approach the City of Edinburgh Council.

The Convener: Absolutely.

Nanette Milne: It is an exciting project. I note from its response in relation to the waterfront visitor destination development plan that Scottish Enterprise is seeking consultation feedback pretty soon—next month, in fact. It might be interesting to hear what response it has had. Malcolm Chisholm will know more about this than I do, but I believe that Scottish Enterprise held discussions with local councils about the setting up of the

waterfront project, and I presume that the Leith museum would legitimately form part of that. It would therefore be interesting to get a response from Scottish Enterprise.

The Convener: I suggest that it would be useful, if we are writing to the minister with responsibility for the matter, to ask what she can do by way of an audit or review of the existing buildings, so that a discussion can open up on that. We could ask the minister to consider setting up a working group of officials from the appropriate directorates and, more important, the national agencies, along with the city council. It might be worth getting information about resources and any applications that may be made to the various sources for funding, including Europe, the Heritage Lottery Fund and the Big Lottery Fund. There is a real chance to create a dynamic that might result in something positive.

Robin Harper: The minister could be invited to respond on what further support and interest she is taking in the Scottish Museums Council, which I believe is on the point of relaunching itself under a different logo—museums galleries Scotland, if I am correct.

16:45

The Convener: So, on those recommendations, we are happy to continue to give that kind of tacit and encouraging support to the petition. We will raise the fundamental issues that Malcolm Chisholm and the petitioners raised with us with the relevant Government minister and departments, through correspondence and other communication. I hope that that is helpful.

I thank Malcolm Chisholm for his patience because he came in here at 2 o'clock and is still here at 4.45.

Neurosurgery (Merging of Units) (PE1084)

The Convener: PE1084, by Walter Baxter, calls on the Scottish Parliament to urge the Government to take immediate action to halt the merger of Scotland's four neurological units and to give proper consideration to the impact that a merger would have on people in the Aberdeen and north of Scotland areas with brain injuries or trauma, who would have to travel south for life-saving treatment.

Again, the petition was received by me, as the convener of the Public Petitions Committee, and we have previously discussed it. I welcome Brian Adam for the discussion of the petition. I invite him to speak briefly before committee members comment.

Brian Adam: I note that you have had some responses to the committee's correspondence,

convener. The Scottish public health network, for example, highlights what appeared in the draft report that I read out to the committee when it previously considered the petition, which is that the four-unit model that is the current arrangement allows 92 per cent of the Scottish population access to a neurosurgery unit within two hours. Having only a single unit would utterly destroy that access; even a two-unit model, which was one of the other models under consideration, would destroy it.

Although the concept of those with head traumas having a golden hour in which to access facilities does not necessarily have an evidence base, speed of access is generally accepted as a significant factor. It might also be significant that the proposals for accident and emergency units were changed after clinical evidence that was perhaps a bit on the elderly side was revisited. I think that the evidence was 20 years old and came from another country.

The view of the draft report that I mentioned was that the neurosurgery unit in Aberdeen royal infirmary should stay open, and the public health network's response supports that. Clearly, NHS Grampian also supports that and it has significant concerns about not just neurological services, but a range of services that might be similarly under threat. It looks to the Government to ensure that, when moving towards national services, delivery should be local.

A national managed clinical network is almost certainly a good idea that will be widely accepted, provided that it does not mean that services will be delivered on only one site. Other submissions support that view; for example, the neurological alliance of Scotland's submission highlights that aspect.

I believe that the minister may now be in receipt of the report from the neuroscience implementation group. The response to the committee from Will Scott, on behalf of the Government, is dated 8 January and the report was not in the minister's hands then. However, I believe that the minister may now have it.

There is an overwhelming case for retaining the neurosurgery unit in Aberdeen and we should go down the four-unit route. Doing anything else would go against the kinds of things that the Government has been saying. Further, the part of the Kerr report that referred to this issue stood out as being rather unusual, as did the part on children's cancer services, because it talked about centralisation against a background of the report trying to make services local and relevant. I think that, rather than considering the best interests of patients, a load of medical axes were being ground.

Nanette Milne: Obviously, as a north-east MSP, I am privy to the same briefings that Brian Adam gets from the health board and so on, and it is clear to me that there is strong support for retaining the four-unit model. In Grampian, where trauma incidents are frequent—on the roads and in the North Sea, for example—it is very important to be sure that emergency cases can receive specialist attention expeditiously.

The Scottish intercollegiate guidelines network guidance on neurology, neurosurgery and head injuries is being considered. Unfortunately, there will not be a report until next year. We do not know what the report will say, but I hope that it will back up the case. A lot of evidence suggests how important it is to have emergency services close at hand. I support what Brian Adam said.

The Convener: There seems to be general support for making progress on these issues. We await the results of consideration by the neuroscience implementation group. The responsible minister and the local health board will have to address the fundamental issues that arise. We should write to the minister with the new information and ask when a decision is likely to be made. We should ask about the Government's likely direction of travel. The Government might not give us an answer at the moment, but it might say that deliberations continue and that Parliament will hear a response shortly, one way or the other.

We will write to the Government to ask for its views on the conclusions and recommendations of the neuroscience implementation group and for its views on the SIGN guidelines and on how we should tackle head injury issues. I thank members for their patience. We will await a response.

Kinship Carers (PE1085)

The Convener: PE1085, by Caroline Garrett on behalf of You Are Not Alone, calls on the Parliament to urge the Executive to provide total recognition for kinship carers. This issue has been discussed in a members' debate in the Parliament.

Rhoda Grant: I am very interested in this issue; I know many kinship carers who have concerns. Steps have been taken to ensure that, when looked-after children are placed in kinship care, their carers are entitled to the foster carer allowance, as would have happened had the children been placed with foster carers. However, a group of people who stepped in as kinship carers before the authorities were required to step in are not entitled to the foster carer allowance. We should raise that point with the minister.

The response that the committee has received from Jackie Brock says that the issue is being looked into further. A reference group has been set up to consider models of good practice for

supporting kinship carers of non-looked-after children.

Had the family members not stepped in, the children would probably have ended up becoming looked-after children. The carers who stepped in early have to be treated the same as those who stepped in later. Telling families to wait until children are officially placed just discourages those families from stepping in. That is not in the best interests of the children.

I understand that discussions have been held with the Department for Work and Pensions and with HM Revenue and Customs about benefits and tax credits. We should ask for an update on that as well.

Robin Harper: It is clear that we do not know how many children are in kinship care, so perhaps the Government could be encouraged to look into that.

Do we want to make progress before the early years strategy is published, or do we want to wait until afterwards? The issue will certainly have to be part of the early years strategy.

The Convener: We should have a short-term strategy and then a medium and long-term strategy. We can do both, and we can consider kinship care and the early years. As we all know from different neighbourhoods, grandparents are often looking after kids because of other issues. That has an impact on the grandparents. Because of the age difference, the time may come when the grandparents will not be there but the children are still quite young. Those children will need support.

I take Rhoda Grant's point about the immediacy of some issues. We will need to flag them up early. I am sure that, with the wisdom and assiduousness of the clerks, we can pull all the issues together.

Car Parking (Hospitals) (PE1086)

Hospital Parking (Charges) (PE1091)

The Convener: These petitions are being considered together because they both relate to NHS car parking charges.

PE1086, from Chris Paterson, calls on the Scottish Parliament to urge the Government to issue new guidance to health boards to remove excessive charges for car parking, particularly for those staff who work shifts and for whom public transport alternatives are limited. PE1091, from Mary Murray, calls on the Scottish Parliament to urge the Scottish Government to review the levying by NHS boards of car parking charges at NHS hospitals, such as the charges proposed by NHS Greater Glasgow and Clyde at Stobhill hospital.

I welcome Paul Martin, who has been involved with the two petitions, particularly PE1091, and who has been raising the issue as a constituency member for the area of one of the hospitals mentioned in the petition. He will make some comments and we will then discuss how we want to tackle the issue.

Paul Martin: The last time that the committee considered the petition, it made the good decision to call on NHS Greater Glasgow and Clyde to give evidence before the committee. I understand that the health board considers that progress has been made to such an extent that there is no longer a requirement for it to appear before the committee. I do not believe that to be the case. A number of issues are still outstanding that require the interrogation of the chairman and chief executive of NHS Greater Glasgow and Clyde.

Although the chief executive has responded to Chris Paterson's petition, he has not responded to Mary Murray's petition. The levying of car parking charges will affect residents around Stobhill hospital, as inconsiderate car commuters will park outside the hospital campus. The convener is a local resident and knows about the impact of that in the community.

Only the constructive interrogation of the chief executive and chairman can extract information on some of these important issues and ensure that the petitions are given justice. I recommend that the committee invite both Tom Divers and Andrew Robertson before the committee to give evidence, as that would be helpful. I understand that that is what the committee concluded at the previous meeting.

The Convener: There are still issues that it would be worth examining. Often things end up happening in public service and we wonder when we had the debate on it. Changes are made incrementally, or decisions are made by a local authority and, before we know it, people are saying, "This is not quite what we expected." I would like to try and interrogate the issue further; I see no reason why we should not have the chief executive and the chairman before the committee. It is a big ask, and it affects other parts of Scotland as well as Glasgow but, obviously, we are talking about NHS Greater Glasgow and Clyde's recommendations. It is saying that there should be uniformity in charging across all hospitals, or, depending on where someone is, they will be more likely to get a more expensive levy for parking. The reality is that admission to an acute hospital is serious. I have had personal experience of that in the past few months because of my sister. Someone could end up having to pay a lot more money if they are admitted to hospital A rather than to hospital B. It is worth exploring those issues with the chief executive and

chairman of the health board. Do other members of the committee think that that would be worth doing?

17:00

Rhoda Grant: We coupled the two petitions, but it looks like they might be coming apart. The first petition relates to how NHS boards levy parking charges. The new guidance for boards will deal with that issue. The second petition relates to the knock-on effect of levying any charge and to the discussion that has taken place with the local community. Hopefully, the first issue is in the process of being resolved—some action is being taken on it, at least—but the second remains. Any charge will have an impact. We may need to speak to the chief executive and chairman of NHS Greater Glasgow and Clyde about PE1091 and what discussions have been held with local people. The first petition will be addressed by the guidance that is issued to different hospitals, taking into account their local circumstances.

The Convener: Paul Martin has raised a fundamental issue. Do we want to have an opportunity to question the chief executive and chairman of NHS Greater Glasgow and Clyde on PE1091? I have the sense that members are relatively relaxed and comfortable with that suggestion. Having accepted it, we must consider what areas of interrogation we wish to pursue. We have grouped the issues together broadly, for the sake of convenience. We need to unravel the different material interests relating to staffing, access, differences in the nature of hospitals and the different geography of the areas that service them. We already have a fair amount of information in written form, so we will invite the chief executive and chairman of NHS Greater Glasgow and Clyde to appear before the committee. I thank Paul Martin for his patience.

Further Education Lecturers (Pay and Conditions) (PE1088)

The Convener: PE1088 relates to the pay and conditions of further education lecturers and is from Dr Robert Leslie, on behalf of the North Glasgow College branch of the Educational Institute of Scotland. The petition calls on the Parliament to conduct an inquiry into salary levels and conditions of further education lecturing staff, who are seriously disadvantaged at present compared with university lecturers and school teachers. One or two members of the committee have EIS membership. I declare formally my membership of the union. However, I have never been part of the FE sector.

Robin Harper: I declare an interest, as a fellow of the Educational Institute of Scotland.

Although the institute is

“not associated with this petition nor was the EIS consulted”

on it, the institute is in sympathy with the petition. It notes that

“there is a significant and unhealthy divergence in both salary levels and terms and conditions of employment across the further education sector in this small country which is Scotland.”

The two words “significant” and “unhealthy” give the message that we should seek urgently a response from the Government on whether it will pursue the discussion of options for salary negotiations in the further education sector.

John Wilson: I am keen for us to seek the views of some colleges. We discussed one college earlier, in relation to another petition. I am aware that the pay scales that are applied within the college sector are quite divergent. I support the suggestion that we write to the Government, but it would also be worth while for us to write to colleges to find out what impact applying nationally negotiated pay awards to further education lecturers across the board would have on delivery of the services that they currently deliver.

Another issue that is raised is that of temporary lecturers at further education colleges, whose hourly rates have been frozen for a number of years. Although that issue is not covered in the petition, we need to take it on board if we are looking at pay and conditions in the sector.

The Convener: We are in broad agreement on the petition. We will take on board the two suggestions that have been made and seek further information on the petition, so that we can consider it again in the future.

National Proof-of-age Card (PE1090)

The Convener: PE1090, from John Drummond, on behalf of the Scottish Grocers Federation, calls on the Scottish Parliament to urge the Scottish Government to introduce a national proof-of-age card free for all 12 to 26-year-olds. Mr Drummond has been waiting patiently in the public gallery all afternoon, but he is used to late opening—he will be here for a wee bit longer. Do members have any suggestions on how the committee should deal with the petition?

Nanette Milne: There is general support for enhancing the Young Scot entitlement card scheme, which operates on a voluntary basis. The card is widely used and quite popular, but there is perhaps scope for encouraging more young people to get such a card. I seem to remember from reading the committee papers—correct me if I am wrong—that there is support for that from the

Government. I am sorry—I have read so many papers recently that I cannot remember which covers what. There is a letter from the Government among our papers, which says that it is broadly supportive.

I suggest that we ask the Scottish Government for a further response on how it would support the spreading of the availability of the Young Scot card. There should, perhaps, be discussion between the Government, the petitioner and the other parties who are seeking to extend the use of such a card. The Government should also consider how that could be funded. Funding does not appear to be a huge issue, as the card is already on the stocks and available to those who want it.

Sorry—that was a bit garbled.

The Convener: No, I think we know the direction that you would like us to take. Are there any other comments from members?

I think that it is worth trying to pursue such a scheme, although it may throw up complications or obstacles that we have not thought of. We need to get people around the table to discuss it. The principle is worth exploring, but there may be practical issues—both on the retail side and on the Government and enforcement side—that could be challenging. We should have a shared discussion on that.

Robin Harper: I add the caveat that there would have to be strict controls over use of the information that would be stored on the cards and the memory capacity of the cards. One would not like the scheme to be extended into a full identity card scheme.

The Convener: I recognise that.

Nigel Don: However, such a scheme might be the introduction of identity cards by stealth. The matter came up at another committee this morning. I understand what we are trying to achieve, but if everybody under the age of 26 gets the message that they need a card in order to do the positive things that we are talking about, it is not difficult to see that, in 10 years' time, everybody under the age of 36 will have one. They may have torn up their card, but the point is that the appropriate bits of data will have been assembled.

The Convener: It is unfortunate that other considerations have to be part of the debate around this, but that is inevitable when we are discussing issues to do with identification and storing information. The Scottish Grocers Federation does not see it like that—it is more concerned about the effective enforcement of legislation that we have all been party to putting on the statute book, which is hopefully about

protecting young people from accessing things that they should not be accessing or, if they are accessing them, at least being able to track that and pursue an interventionist strategy to assist them. We need people to sit around the table and discuss the matter properly so that we do not end up in the kind of situation on which members have very different views, in terms of ID cards and the storing of too much information.

Nanette Milne: For the avoidance of doubt, there is no way that I would promote ID cards or compulsion. I am talking about a voluntary scheme that would be attractive to young people.

The Convener: Does the committee accept those recommendations?

Members *indicated agreement.*

Care Standards (PE1092)

The Convener: PE1092, from Ronald Mason, calls on the Scottish Parliament to urge the Scottish Government to ensure that the long-term sick, elderly and disabled receive care on the basis of need and, in particular, that such care is provided seven days a week. The petition is in front of us and we have had a chance to look at the appropriate supporting information. Do members have any views on how we should deal with it?

John Farquhar Munro: I assume that it has unanimous support.

The Convener: I do not think that anyone can disagree with the principle that the petition articulates. The issue is about ensuring the deliverability of that. Given the existence of health and community care partnerships, the Scottish Commission for the Regulation of Care and other legislative frameworks, there must be frameworks against which deliverability can be measured. I do not know whether it is worth continuing with the petition in that respect, but I will take views from members.

Rhoda Grant: The petitioner is talking about the provision of care on the basis of need. I am certainly aware that care is not always provided on the basis of need; I know that there are occasions—in fact, someone told me about this recently—when, unless someone qualifies for personal care, care will not be provided. We need clarification on a council's obligation to provide care. Is a council obliged only to provide personal care, which is funded through the Government as free personal care, or is it obliged to provide care that allows someone to remain independent? That was something that I was not aware of when we first considered the petition—it has just come to light through personal circumstances. I have resolved those, but I am very concerned about

other people who are in similar situations and who suddenly find that care is being rationed, based on the amount and desperation of the need.

Nanette Milne: Those comments are relevant. I was on the Health Committee when it carried out an inquiry into free personal care and found that there was quite a wide variation in the availability of free care. In effect, there was rationing, because of scarce resources or whatever, and I have no reason to think that this is any different.

John Wilson: I am aware that there are issues concerning the assessment of need, who assesses the level of care that individuals require and whether that is constrained by the budgetary considerations of local authorities or local authority departments. Clarification is needed on the assessments that are made of the needs and support requirements of individuals, and on who makes the final decision on the level of care or support that an individual receives based on their situation.

I know that there are differences. I work with an organisation that is based in Glasgow, which had serious problems with the local authority about certain assessments that were being made of people who required support in their own homes. It was felt that the support that was provided was down to financial constraints rather than being based on the level of support that the individuals required.

We should try to dig more deeply into this—part of the problem is that the Government can lay down the regulations in black and white, but it is how they are interpreted that matters. We need to dig deeper into the seven-day need assessment. Does it mean one hour a day, seven days a week, or 24/7, seven days a week? We need to consider those issues and what exactly the petitioner is trying to achieve, which is that people should receive care that is adequate to their needs, not care as assessed by someone else.

The Convener: The view from committee members seems to be that we do not want to close the petition at the moment. We will examine some of the fundamentals about what it means in practice. How do we unravel that? It is such a ball of string.

17:15

Rhoda Grant: We could ask the Scottish Government what councils' statutory requirements are for care provision. The level of care that is provided currently seems to be a local decision, as some councils provide care at level X and others provide it at level Y. Should there be a uniform level of care that extends beyond personal care?

The Convener: We can try to pull together the comments in the petitioner's submission and the responses from the care commission and from the Government department with responsibility for care issues. Once we have pulled together the answers that are contained in those responses, we can bring the petition back to the committee with a thought piece on how we might examine the issue further.

Nigel Don: Could we also ask the Government for its view on whether there should be a change of the delivery model for care services? In Aberdeen on Monday, I heard about a very different model of service delivery whereby the individual is first assessed on their total needs and then allocated a budget, which is controlled by that individual. In principle, that seems an extremely sensible method although it involves a very different model of delivery. I am not particularly advocating that model—I am not saying that I am for it or agin it—but we should perhaps ask the Government for its view on the matter. That would have an impact on seven-day delivery.

The Convener: It is true that the quality of care is an issue in some respects, but the petition also throws up the issue—Rhoda Grant alluded to this—that seven-day care is not available even when people think that it has been notionally agreed. There can be budget issues, staffing issues and even attitudinal issues. With all care issues, nothing is ever simple. We need to try to get to the heart of things to help to get a better understanding of how seven-day care should be provided.

Bashir Ahmad: Those people who take care of the sick patient in the house—home carers—are paid less than those people who are employed by the council.

The Convener: An emerging issue in Bashir Ahmad's region and in my constituency is that people in ethnic minority communities, who are committed to looking after elderly parents within the family unit, are unable to get a package of care that respects their family's cultural needs in terms of language and support. I have at least two such cases on the go—if not three—that I am trying to resolve with the social work department. As well as the fundamentals of resourcing, we need to try to get a better understanding of what such care means in practice. I presume that the petitioner has submitted the petition because his experience has been that the provision is not as stated on the box.

Nanette Milne: I think that Nigel Don's comments are also relevant. Direct payments were being introduced as far back as the late 1990s, when I was a councillor. In the previous parliamentary session, it was fairly obvious to the Health Committee that the promotion and uptake

of direct payments were very patchy. Much seemed to depend on the opinions of the local social work department. If people have some responsibility for acquiring the care that they have been assessed as needing, that can help when resources are scarce. That is part and parcel of the same issue. The different models of providing care should be taken into consideration as well.

John Wilson: The payments scheme that allowed people to buy in their own care raised a number of issues about the relationship between the person cared for and the carer whom they employed. That direct employer-employee relationship throws up a number of problems. We have a couple of organisations in Scotland that provide good support because they recognised that not everyone understood that using those grants to employ a carer involved entering into a formal relationship, under which the employer has duties and obligations to carry out various tasks in relation to the employment rights of staff and so on.

To be honest, convener, I think that, as I said earlier, the issue was how much of the care for individuals was being assessed and how much of the funding was being made available. Some people who required care found themselves in financial difficulties because they had to dig into their own pockets to pay for services that they thought were included in the care package and funding. As someone said earlier, there were great variations between the wage of a local government care worker and the wage of someone directly employed by the person receiving care. The question is whether care was being provided on the cheap as a result.

We have not mentioned the Convention of Scottish Local Authorities yet—

The Convener: It's COSLA time.

John Wilson: It is that time of the day.

However, instead of writing to COSLA, we might be better off finding out how a couple of local authorities, particularly Glasgow City Council, view the petition and how they might practically apply what it proposes. After all, as you said, convener, Glasgow has a long track record of employing different methods of caring, including the provision of independent living fund care advice to individuals.

The Convener: We will keep the petition open so that we can explore some of these complex issues and encourage others to do the same.

Nursery Schools (Closures) (PE1093)

The Convener: I know that we have had a long meeting, but this is the final current petition for consideration.

PE1093, from Helena Hamilton, on behalf of the friends of Cameron House nursery school, calls on the Parliament to urge the Government to extend the guidelines governing proposed school closures to closures involving nursery schools. The petition is fairly straightforward. Do members have any views?

Robin Harper: The petition simply underlines the urgent need for an early years strategy. This afternoon, for example, we heard that nursery school children are not covered by regulations on mobile phone masts and that we do not know how many very young children are in kinship care. Now this petition highlights that nursery school children are excluded from provisions in relation to distance in regulations governing school closures. I would have thought that, to facilitate their being taken to nursery by their parents, young children of all ages should be covered by provisions on how close those nurseries should be to, for example, their parents' houses or places of work. As a result, we should write to the Executive, asking for a review of the issue and suggesting that existing legislation on nursery school children be consolidated.

The Convener: I am sure that the committee shares that view. Do members accept that recommendation?

Members indicated agreement.

New Petitions (Notification)

17:23

The Convener: The second and final item on our agenda is notification of new petitions for members' consideration. Do members agree to note these petitions?

Members indicated agreement.

The Convener: We will furnish committee members with the list of petitions for which an oral presentation will be considered.

I do not think that I have any further comments. I thank members for their patience in getting through 46 petitions in what has been one of our longest meetings. That is certainly a reasonable effort. More important, I thank those in the public gallery who have stuck with us for the whole afternoon.

Meeting closed at 17:24.

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