

PUBLIC PETITIONS COMMITTEE

Tuesday 16 December 2008

Session 3

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PUBLIC PETITIONS COMMITTEE

19th 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)

*Bill Butler (Glasgow Anniesland) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Marlyn Glen (North East Scotland) (Lab)

*Robin Harper (Lothians) (Green)

*Nanette Milne (North East Scotland) (Con)

*John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Claire Baker (Mid Scotland and Fife) (Lab)

Jamie McGrigor (Highlands and Islands) (Con)

Christina McKelvie (Central Scotland) (SNP)

Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Rhona Brankin (Midlothian) (Lab)

Murdo Fraser (Mid Scotland and Fife) (Con)

Des McNulty (Clydebank and Milngavie) (Lab)

Gil Paterson (West of Scotland) (SNP)

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

Elizabeth Smith (Mid Scotland and Fife) (Con)

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

Franck David

Zoé Tough

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 16 December 2008

[THE CONVENER *opened the meeting at 14:03*]

Decision on Taking Business in Private

The Convener (Mr Frank McAveety): Welcome to the final meeting in 2008 of the Scottish Parliament's Public Petitions Committee.

We have a very busy agenda this afternoon, with a series of new petitions and a number of petitions that have been in the system for some time.

Under item 1, I ask the committee to agree to take in private item 7, which involves consideration of our approach to the debate on petition PE1171, on knife crime, which will be held in the parliamentary chamber on 23 January. The clerk and I have had a number of meetings with the key people who will be involved in the event, and we are pulling that work together.

Do we agree to discuss that matter in private?

Members *indicated agreement.*

New Petitions

Sheriffhall Roundabout (PE1218)

14:04

The Convener: The first new petition is PE1218, from Margot Russell, which calls on the Scottish Parliament to urge the Scottish Government to bring forward a timed and costed programme of works for the grade separation of the Sheriffhall roundabout on the A720 to alleviate pressure and traffic problems on the new A68 Dalkeith bypass. The constituency member for the area, Rhona Brankin, has come along to speak to the petition, and I invite her to make a statement.

Rhona Brankin (Midlothian) (Lab): Sheriffhall roundabout is a well-known problem roundabout. It is used by 70,000 vehicles a day, and it is the only junction on the Edinburgh city bypass that is not grade separated. The problems affecting it cause major and serious hold-ups and have an impact on my constituents, many of whom work in Edinburgh, and on economic development in Midlothian, the city of Edinburgh, East Lothian and West Lothian.

I will give you a flavour of the developments that are going to be taking place in the areas around the Sheriffhall junction. In Midlothian alone, by 2022, there will be around an additional 9,000 housing units, and there is scheduled to be an additional 81 hectares of development land, plus some land that will be developed at Millerhill, which could include a waste management facility. There is a potential expansion to 1,000 spaces at the Sheriffhall park-and-ride facility. Further, in Shawfair, which is an area to the south of Edinburgh, a 130-bedroom hotel is scheduled to open by 2009. There will also be additional retail development, and there is a proposal for a private hospital.

The decisions of a number of local authorities will impact on the situation. The City of Edinburgh Council is planning some housing developments on the scale of 2,800 units in the area around the Sheriffhall roundabout. Also in that council's area, the centre for biomedical research is due to open at Little France, which is close to the roundabout. Many of the people who will work there, as well as at Edinburgh royal infirmary, will come from my constituency. Plans have been submitted to the council for a care home and a care village in the Edmonstone estate, which is near the roundabout.

The west Edinburgh planning framework review has secured allocations to safeguard airport expansion, land for office headquarters and a new site for Scotland's national showground. There could also be an international business gateway in

that area. Again, those developments will draw traffic from Midlothian, East Lothian and the Borders, which will have an effect on Sheriffhall.

East Lothian has plans for more than 7,000 additional housing units. Many people from East Lothian travel to work in Edinburgh. Further, more than 71 hectares of land in East Lothian is designated as development land.

There is the potential for Scottish Borders Council to allow the building of 8,400 houses, in addition to the current supply of 5,290 units. Some of that housing will have a regular impact on Sheriffhall junction.

A comparison of the travel-to-work data in the 1991 and 2001 censuses is interesting. In 1991, 1,600 people travelled to Edinburgh from the Borders for work, but by 2001 that figure was 2,803, which represents a 75 per cent increase. That trend is likely to increase.

The Sheriffhall roundabout is already a major pinch point for many people, and the situation will only get worse in the years to come. I urge the committee to consider seriously our petition in favour of grade separation.

Nigel Don (North East Scotland) (SNP): I do not want to pounce on this petition, so I ask members not to take my comments in the spirit in which they might appear to be made. It is the third current petition about a matter that, although important, is a localised transport issue, so I am a little concerned that we are turning into a planning appeals committee—although that is not quite how Rhona Brankin is approaching the matter. We have a petition for a slip road on the A90 up by Portlethen and all sorts of demands about the A82. I am slightly concerned that, if we continue to take such petitions, we will be doing something different from what the Public Petitions Committee should do. I am not saying that we should ignore the petition or not come up with sensible answers to it, but perhaps we should draw some kind of line around what we will consider in future. Otherwise, every pressure group around the country that wants a roundabout, traffic lights or a bypass could come to us to air its grievances. I understand that, but it is not what we are here for.

I do not really want to say anything about Sheriffhall because it is not on my patch, although I understand the problem because I have driven on the road. However, I am a bit concerned about the general principle of what we are doing.

Bill Butler (Glasgow Anniesland) (Lab): I appreciate the tremendous pressures that Rhona Brankin has outlined at the location concerned and the area that surrounds the same. However, Nigel Don has a point. My understanding—I am a tiro member of the committee and ask for the convener's advice on the matter—is that we can

press a general case on the national transport policy that the Scottish Government follows through Transport Scotland but we should not consider requests in respect of particular putative projects, however serious and legitimate they are. There is a problem there.

John Wilson (Central Scotland) (SNP): I do not wish to disagree with my two colleagues' statements, but the Public Petitions Committee exists to serve a purpose and may be regarded as part of the process whereby local communities air their grievances against decision makers at whatever level. We should consider the petition because the petitioners have got together and submitted a petition to the committee and, until such time as we have refined or developed our role, we should accept and try to deal with the majority of the petitions that are presented to us.

As has been mentioned on several occasions, the committee is a unique part of the parliamentary and democratic process in that people can come straight to it if they feel aggrieved at local or national decisions. In the period that I have been a member of the committee, it has dealt with a number of localised issues and managed to get results. Because of that success, more petitioners will ask the committee for assistance.

It is incumbent on the committee to consider the petition. I have a number of suggestions for whom we should contact on it. We should contact the Scottish Government, Transport Scotland and the local authorities that have been referred to—East Lothian Council, Midlothian Council, the City of Edinburgh Council and Scottish Borders Council—to find out their views on what the impact would be on the through-flow of traffic and the developments that are proposed in the areas concerned if the upgrade on the roundabout that is being petitioned for did not happen. It is a matter of raising the issue and seeing what happens. In many cases, we should have the right, if not to question decisions that various agencies and local authorities throughout Scotland make, to get explanations of why they were taken.

14:15

Robin Harper (Lothians) (Green): I must declare an interest as a list MSP for the Lothians, including Edinburgh. That, of course, places some restrictions on my observations.

I agree with John Wilson that an issue exists. The national issue is that there could be greater clarity about how the Government and local authorities work out their strategies for developing transport. I am not talking only about roads—I am also talking about public transport and the design of communities so that we can reduce the number

of cars on our roads and provide for more, much better and cheaper public transport in the future. I back John Wilson's call for the matter to be referred to the organisations that he mentioned in order to seek greater clarification on and understanding of whether the decisions that were taken about Sheriffhall roundabout were based on reasonable assumptions and whether there is a case for an overpass.

Marlyn Glen (North East Scotland) (Lab): Perhaps the committee needs to consider urgently whether we should look at petitions on local matters. As a new member of the committee, I am not clear about that. It would be a good idea to seek clarity on the working out of transport issues—we all have our own agendas in that context—but an issue has been raised and given publicity, and I am not sure where we should go from here. Practically speaking, if Transport Scotland has recently looked at and made changes to Sheriffhall roundabout—perhaps Rhona Brankin can give us an update on that—there does not seem to be much point in writing to it again. However, I agree that we should ask for clarity on the national position on transport.

Nanette Milne (North East Scotland) (Con): I am inclined to go along with what John Wilson said. Given that we have received other petitions on dual carriageway junctions, for example on the A90, perhaps a national issue exists. Why is there not a grade-separated junction at Sheriffhall, on the A90 and, I dare say, on several other roads? Perhaps we should get a policy from Transport Scotland on the grade separation of such heavily used junctions.

The Convener: There are three or four issues. The initial discussion was about how we organise things, on which members have tried to get clarity. To use a cliché, we are in a chicken-and-egg situation, because certain issues cannot be raised, which is a difficulty. People say that they cannot get a petition through the system if it deals with a local issue, although the reality is that it is difficult for the committee to turn down dealing with such petitions, given the legislation that created the Parliament. We will always face that dilemma. However, we can try to get an awareness of whether we can pursue national issues as a result of petitions on local matters. The clerks can work on that over the next period.

To be fair to members, two or three good suggestions have been made. Nanette Milne talked about considering the principles of grade separation. How do Transport Scotland and other agencies arrive at priorities in considering grade separation, including on the road that Sheriffhall roundabout is on? John Wilson spoke about writing to organisations about the impact on planned new developments, and I think that Robin

Harper touched on assessments of environmental impacts. We must ensure that assessments are based on the appropriate information.

From what committee members have said, I think that they want to keep the petition open, progress the recommendations that John Wilson identified and Nanette Milne touched on, and try to get responses. I do not know whether that is a reasonable suggestion that might assist local discussion of the issue.

Rhona Brankin: Yes. The decision has been taken not to put in grade separation at this stage. Our submission is that the improvements that have been made at Sheriffhall are not solving the congestion and that, as Sheriffhall is a major part of Scotland's infrastructure, the failure to implement grade separation will not only be inconvenient but will have a major impact on the economy.

The Convener: Thanks very much.

Bashir Ahmad (Glasgow) (SNP): Members are divided on whether we should be considering the petition. The committee should consider petitions on issues that affect the general public at the moment, but this petition is about what will happen in the future.

The Convener: The reality is that because we have a principle whereby the clerk works with petitioners to ensure that petitions are admissible, most petitions are admissible if they are framed in the correct language. That is the right principle to adopt, and it means that regardless of whether a petition deals with a present-day situation or a projected future situation, or tries to influence the debate on a policy area, we must consider it.

Many ordinary members of the public in Scotland come to the Public Petitions Committee. Constituency and regional members use the committee to highlight particular issues. I do not think that we can resolve matters, but we will take on board what members have said about some of the practical issues and ask Fergus Cochrane to employ the wisdom of Solomon as he tries to reconcile those contested issues for our benefit.

Ultimately, how we interpret a petition is down to the judgment that we as members of the Public Petitions Committee make on a given day. Some of us might want to pursue an issue, whereas others might be more protective of the committee's role. We will take on board what members have said and try to make progress. The suggestions that have been made are helpful.

I thank Rhona Brankin for her time.

Athletes (Rural Areas) (PE1219)

The Convener: PE1219, by Christina Raeburn, calls on the Parliament to urge the Government to ensure that adequate funding is available to allow young talented athletes in rural areas to travel to competitions at regional and national level, and to provide coaching support and training facilities across Scotland so that no young talented athlete in a rural area is disadvantaged as a result of their location.

I am sure that most members have in their constituencies talented young sports performers who do not have the income, resources or support to allow them to compete in regional and national competitions, so I state the proviso that although the petition emanates from a rural area, I presume that there are broader principles that we must address. Do members have any comments?

Robin Harper: Given that the Commonwealth games and the Olympics are coming up, the best way forward might be to refer the petition directly to the Health and Sport Committee for further consideration.

The Convener: We would normally do that, but the clerks had a chat with the clerks to the Health and Sport Committee, which has almost concluded its report on pathways into sport and is not considering the aspect that the petition deals with as part of its inquiry. We will discuss what to do with the petition—which is a very good one—shortly, but referring it to the Health and Sport Committee might not be the best option at the moment.

Do members have any other observations?

Bill Butler: If the normal practice of referring such petitions to the Health and Sport Committee is really not appropriate in this case, perhaps we should write to the Scottish Government to raise the issue of the impact of lottery funding that has been allocated to the 2012 Olympic games. We could also ask the Government how it will ensure that the standard of sports facilities is raised so that people who demonstrate a talent are able and encouraged to express it, and what plans it has to increase the number of Scottish athletes who break through at international level. We could also raise some of those issues with a selection of local authorities and sportscotland.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): The petition highlights several issues. We hear talk of the lack of facilities in remote and rural areas, which needs to be addressed. To use training facilities, talented athletes must travel great distances from the remote parts of Scotland to central areas where such facilities are available—Edinburgh, Glasgow, Perth and Aberdeen. You can imagine how difficult

it is for someone from the Shetland Isles, the Western Isles or even the areas that Jamie Stone and I represent to get to the central belt of Scotland on a regular basis. No matter how talented they are, a huge cost and, probably, two days' journey are involved. The petition is worthy of support, but the issue is much broader than ensuring that we have first-class facilities in the major centres—we need to think about how to spread such facilities so that people from the periphery can take advantage of them.

The Convener: I will make a couple of suggestions. There is broad agreement on the approach that we should take. Bill Butler suggested that we put the issues that the petition raises to a number of local authorities—I propose that we seek responses from four or five authorities. I know that in central Scotland both East Dunbartonshire Council and Glasgow City Council have set aside resources to meet their new commitments; other authorities may have done the same. We should find out how choices were made and what the resource allocation is, so that folk can benefit from that.

Bill Butler also suggested that we write to sportscotland and the Government. When doing so, we should raise the issue of the regional facilities—not the national developments—that are already being developed or have been committed to. We should ask about the investment that is being made in training centres or academies for different sports throughout the country.

Another issue worth discussing with the Government is 2014 and its legacy, on which a consultation is under way. We will continue to debate in the chamber how that is funded. First, we need to consider what lottery funding we can get back. That option is excluded at the moment, because of other lottery funding distribution priorities. As one or two members will note, I picked my words carefully. Secondly, we must consider the commitment that is made in spending rounds. In the next couple of years, the Government will undertake the spending round for the subsequent three years. Decisions that are made then can impact on the quality of facilities and developments not just for 2012 and 2014 but in the long term.

We should have an informed debate on the legacy from 2014. How we fund that will be contested politically in some ways, but money needs to be found to enable people to reach that level of competition. I have discussed the issue with groups in my area that are involved in development work. If we do not put in place facilities between 2008 and 2010, we will not have the 20, 21 or 22-year-old youngsters whom we need to compete in 2012, 2014 and beyond.

I have suggested some steps that would be beneficial. Do other members have comments?

Nigel Don: We must ensure that we do not forget the general purpose of the petition, which is to assist athletes in rural communities—by which the petitioner probably means distant communities. I make the point that not every facility is to be found even in a place as big as Aberdeen. Although we will no doubt talk to Highland Council, I suggest that it would be relevant for us to consider both Aberdeen City Council and Aberdeenshire Council—possibly even Angus Council—when asking local authorities how they deal with sports whose facilities are a long distance away.

14:30

The Convener: Differences can exist even among island areas. Because of the historic issue of the oil fund, Shetland Islands Council can provide a range of sports facilities that are not available to people in the Western Isles or in the north and north-east of Scotland. I am sure that members who represent those areas have always looked enviously on that. Even within similar geographies, there are quite wide disparities that only local government—along with other partners, including national Government—can deal with. I agree that we should take that point on board. The petition makes the point about rural areas, but I think that we can broaden the debate.

Robin Harper: I just want to underline the seriousness of the problem. For example, the Scottish youth cycling team must travel down to Birmingham or even to Holland to train.

The Convener: In this of all weeks, that is ironic. I hope that the pathways into sport inquiry will comment on that issue and influence that debate.

The suggestions have been positive. Do members have any other comments?

Marlyn Glen: We should not lose the specific point about the reimbursement of travelling expenses and other general costs for individuals. The petition suggests that only 17 per cent of travelling expenses are reimbursed. That seems a small amount, given that we want youngsters to be encouraged to travel to sports events.

The Convener: Okay. We will take those points on board.

General Practitioner Dispensing Practices (PE1220)

The Convener: PE1220, by Alan Kennedy, calls on the Scottish Parliament to urge the Government to review all relevant legislation to ensure the continuance of general practitioner

dispensing practices when commercial pharmaceutical practices apply to operate in the same area.

Do members have any comments on the petition?

Bill Butler: Perhaps we should write to the Scottish Government to ask whether it is content that the current legislation on GP dispensing is appropriate and whether it has any plans to change it. We can ask what directions the Government gives to national health service boards on the issue. We could also write directly to a selection of health boards, including Fife NHS Board, to ask whether they are content with the current rules on GP dispensing and whether they think that the law needs updating to take account of the issues that the petition raises. That might be a start, convener.

Nanette Milne: The issue was contentious when the Office of Fair Trading first recommended that pharmacy services should be deregulated. The general feeling up here in Scotland was that such deregulation should not go ahead. I agree with what has been said, but I suggest that we should also seek the views of the British Medical Association and the Royal Pharmaceutical Society of Great Britain.

The Convener: Those are helpful suggestions. It might also be helpful to seek the views of the Remote Practitioners Association of Scotland.

These issues are always a matter of judgment, but I know that in a recent case in a parliamentary constituency adjoining mine, the community was denied a new pharmacy because the existing pharmacies—which to me, as someone who knows the area well, seem a fair distance away—objected to the application. The local people who could have benefited from a pharmacy ended up with an off-sales, which seems kind of daft. For that reason, we need to be careful about some of the ways in which the system operates. However, I recognise Nanette Milne's point about the need to protect local pharmacies from large superstores that would diminish local choice and opportunity.

We will consider the points that have been raised by the petitioners.

Robin Harper: We should also get in touch with Community Pharmacy Scotland.

The Convener: I am happy to agree to that. I thank members for those suggestions.

BBC Alba (PE1222)

The Convener: Our final new petition today is PE1222, by John Macleod, which calls on the Scottish Parliament to urge the Government, given its responsibilities to promote and support Gaelic

culture, to make representations to the BBC trust to ensure that BBC Alba is made available on Freeview now rather than wait for the planned review in 2010.

Do members have any comments on the petition?

John Farquhar Munro: This is a controversial issue. Bòrd na Gàidhlig has campaigned for years to promote Gaelic in many shapes and forms, and not least to have a dedicated television channel established. That has now happened with the best efforts of all concerned, and it seems strange that in implementing the service the signal has been denied to the major part of the Gaelic-speaking world. Most of the Highlands cannot receive the service, which seems a retrograde step.

The BBC trust and others have suggested that that was done in the best interests of the channel, and over the next two years the trust will monitor the number of people who tune in, in order to judge whether to continue with it. Having cut off the major part of the watching audience, that seems a strange way to operate.

The Convener: If no member has further comments, is there any suggestion of how to proceed with the petition?

John Wilson: In the first instance, we should ask the Scottish Government what representations it has made to the BBC on the provision of the channel on Freeview. As members are probably aware—we have certainly received enough publicity information about the digital switchover—unless people have good broadband internet access or cable or satellite television, they are currently unable to receive the channel. It is important that we promote the issue as widely as possible, and the Government should make immediate representations to the BBC on resolving the issue so that the wider community of Scotland, rather than just those who happen to have the correct equipment, can have access to BBC Alba.

Bill Butler: I agree with John Farquhar Munro and John Wilson. If we write to the Scottish Government, we could also ask it to make representations to the BBC trust to ask for BBC Alba to be on Freeview earlier than the proposed timescale, which I believe is 2010-11. John Wilson and I have both suggested reasonable actions to take.

The Convener: Okay, there is reasonable agreement. We will follow the suggestions on the petition.

Current Petitions

Criminal Memoirs (Publication for Profit) (PE504)

14:37

The Convener: Item 3 is consideration of current petitions.

PE504 is from Mr and Mrs James Watson and calls on the Scottish Parliament to take the necessary steps to prevent convicted murderers or members of their families from profiting from their crimes by selling accounts of their crimes for publication.

Do members have any comments on the petition? It has been in for a while, and several issues remain unresolved.

Nigel Don: Are we permitted to express extreme frustration—

The Convener: I have never experienced it, but there you go.

Bill Butler: Not even at Parkhead, convener?

Nigel Don: Could we just write to the Government, in diplomatic language—

The Convener: There was an aside from a Partick Thistle supporter about some football concerns of mine and not getting a last-minute penalty from a referee.

Bill Butler: Just general frustration is usual for you, convener. [*Laughter.*]

Nigel Don: We all know that the referee's decision is as final as the convener's.

The Convener: And equally detested, perhaps.

Nigel Don: I am not sure of the value of this suggestion, but I think that we should write to the Government once again to say, "Please, please, get the British Government to do something." The issue should surely not be contentious or kicked into the long grass.

The Convener: I think that we are agreed on that. We are all disheartened about the length of the process, so we can make very strong representations and raise the issue directly with the Government.

Bill Butler: Especially as it is about six years since the issue was first raised—a long, long time.

The Convener: Yes, it is shocking.

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

The Convener: We move on to PE812, which is from Caroline Paterson, on behalf of Stirling Before Pylons. The petition calls on the Scottish Parliament to urge the Scottish Executive 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.

Several elected members have snuck up on me while I was looking the other way. Elizabeth Smith, Murdo Fraser, Gil Paterson and Richard Simpson are all here to discuss the petition, I think. No—three out of the four of them are going to have a wee bun fight, I see. That will be fun. They have all been nice to me, anyway, so I will give them a reasonable opportunity to contribute.

Elizabeth Smith (Mid Scotland and Fife) (Con): Thank you for the opportunity to make a brief submission in support of the petition, which I consider to be an important part of the essential scrutiny of the Beauly to Denny power line proposal. I am in no way a specialist on the scientific or health issues, but I have been assiduous, I hope, in reading the relevant documentation and listening to the deep concerns of the many constituents who live in close proximity to the route of the proposed power line. Many important questions remain over the potential health hazards of high-voltage electricity transmission lines. It is natural and proper that local people wish to be given a cast-iron assurance that the potential health risks have been fully investigated as openly and as transparently as possible. There is a serious concern that this high-voltage electricity transmission line—which would be routed close to many households—could have serious risk implications in relation to Alzheimer's and leukaemia conditions.

For residents, families and communities living in the areas concerned, great care needs to be taken to ensure that the potential health risks are investigated on the basis of current evidence, rather than evidence that, in some cases, is three or four years old. Given that most of the newly available evidence has been gathered from among a fairly large population sample, it is absolutely essential that it is examined carefully before any decisions are made. That is why I ask the Scottish Government to undertake greater scrutiny of the petition.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): The last time that I appeared before the committee I went into considerable detail on the

health risks. I indicated at the time that my concern around power lines was a bit similar to my concerns around smoking—the evidence is growing year by year. Since I was last at the committee, a further paper on Alzheimer's disease has been produced in Switzerland. It has some interesting conclusions. The paper is not absolutely conclusive, but it points in the same direction as the evidence on leukaemia, which has become much firmer.

On Alzheimer's, there is not only a response related to distance from power lines, but a response over time. The central core risk is about 1.24:1—people who live near a power line have an increased risk according to that ratio. If they live there for five years, the risk goes up to 1.51:1; if they live there for 10 years, it is 1.78:1; if they live there for 15 years or more, it goes up to twice the level of risk than would be the case otherwise. Some fairly large-scale studies have now indicated a trend in the same general direction. I must be clear, however, that apart from when longer periods of time are involved, the confidence intervals still go below and above 1, so we are not dealing with an absolute conclusion. However, the increasing body of evidence is strongly in favour of applying a precautionary principle.

Other legislatures have also considered the matter, so we are clearly not alone. Germany has now introduced a precautionary principle at a federal level—the Government is no longer leaving it to individual Länder or to local government to make their own determinations. That follows decisions in Sweden, Switzerland, the Netherlands and Italy, and I understand that Austria is likely to introduce the precautionary principle, too.

Even if we are not at a stage at which we can insist that existing lines are dismantled or undergrounded, it would be foolish in the extreme to make a major investment in something that is likely to have to last for a hundred years or more if, in three or four years' time, we have to underground large sections of lines that are close to communities.

There is a further factor that the committee might wish to take into account. When the matter was being discussed originally, the proponents of the power line scheme suggested that the costs of undergrounding might be 10 to 15 times those of overground lines. The evidence today is that, in areas where lines are now being undergrounded, the long-term costs are about three to five times those of overhead lines.

We are dealing with a reducing cost and an increasing health risk. I hope that the committee feels able to continue the petition and to convey to the Government that it would be taking some risks with the population were it not to insist on

undergrounding those sections of power line that fall within 200m of any community.

14:45

Murdo Fraser (Mid Scotland and Fife) (Con):

In a rare outbreak of political consensus, I agree with colleagues sitting to my left and right and endorse what they said. However, I do not claim to have Dr Simpson's medical knowledge.

The petition goes back to 2005, and I understand that members might be tempted to say that we have heard this debate before. However, the issue is still timely. The petitioners are affected by the proposed Beauly to Denny power line, and the reporters to the inquiry have yet to conclude their report. However, the report is imminent; it was supposed to be produced by the end of this year, although it will probably not go to Scottish ministers until early next year. The issue is important to the communities in part of Mid Scotland and Fife—Stirling and Perthshire—that are affected by it. The line will go through some densely populated areas and there is real concern about the health risks.

As Dr Simpson said, recent studies, including one from Switzerland, suggest that there is a risk of increased levels of Alzheimer's disease among those who are affected by power lines. Every month that goes by, we seem to get more medical evidence. We are asking the committee to bear the precautionary principle in mind; we should not be putting people—and, in particular, their health—at risk from a new development such as the Beauly to Denny line. Strong representations must be made to Scottish ministers, who will have to determine the planning application next year.

The Convener: I thank our three colleagues for their contributions, which probably cover many of the issues that we would have looked at.

Nanette Milne: I do not think that we should let the petition go. We should keep it going and get in touch with the Government to ask it to look at existing and proposed planning regulations to see whether those are really in the interests of the public and their health. We ought to look at the regulations very carefully. We also ought to ensure that the precautionary principle is adopted in relation to such issues. It is difficult to prove these things, but an increasingly strong case is being made.

Bill Butler: I agree with Nanette Milne. I was struck by what everyone has said and, in particular, by Richard Simpson's concern that the cost of undergrounding is reducing but concerns about health are increasing. We should write to the Scottish Government on the two issues that Nanette Milne raised.

We should ask whether the Scottish Government acknowledges that potential health hazards are associated with long-term exposure to electromagnetic fields from high-voltage transmission lines. We should also ask what the outcome was of the Government's discussions with the United Kingdom Government and other devolved Administrations on the measures that will be taken as a result of the report from the stakeholder advisory group on extremely low frequency electric and magnetic fields.

John Wilson: The petition hit the committee in January 2005, and a body of evidence has been presented over the past almost four years. Because we have taken such a lengthy time over the petition, more evidence has come forward on the health hazards of high-voltage transmission lines. We have to raise the issues with the Scottish Government in the hope that it will impress on the UK Government its strategy for the methods that we use for transmitting electricity. We need to ensure that we do not find ourselves in two or three years' time with conclusive evidence that there are real health hazards for existing and future residents.

My concern is that it takes years for the evidence from studies to come through and, by the time the research is available, the dangers of exposure have already had an effect on young children who are born into the estates in the localities that are mentioned in the petition. We must impress on the Scottish Government and the UK Government the need to future proof such developments so that we do not find ourselves with a large bill not only for health but for changing energy transmission systems in Scotland.

Nigel Don: I am grateful to Richard Simpson for reminding me about the matter. The last time that we spoke about the petition, he told us a lot about it. I recall suggesting that we needed to improve our understanding of science and to acknowledge that information builds up over time. I also recall saying that, sometimes, we can see something coming without being able to prove it statistically—a point that I am happy to repeat.

Might we take the opportunity to write to the Minister for Public Health and ask specifically for the Government's view on the approach to precautionary science and how it evaluates emerging concerns? I am concerned that, if the Government looks only for effects that are demonstrated, proven and statistically significant at one in 20—or whatever the statistics say it should be looking for—it will miss a lot of tricks. However, if it takes the alternative view of seeing how information builds up as evidence emerges, we will get better answers rather more quickly. It would be nice to know whether that is being done because, if it is not, it is about time that it was.

The Convener: Those are good comments, and they reflected the political consensus among the non-committee members who spoke to the petition. There are a number of unresolved issues that we want to keep pursuing and interrogating. I thank the members who contributed to the discussion.

Does the committee approve the actions that members have suggested?

Members indicated agreement.

Plagiocephaly (PE960)

The Convener: PE960, by Claire McCready, calls on the Parliament to urge the Government to ensure that babies' cranial abnormalities are properly recognised and treated by evaluating babies at birth and at six weeks; that appropriate advice, including repositioning advice, is available to parents; and that cranial remoulding therapy is available free of charge from the NHS.

Do committee members have any comments on the petition? A letter from Claire McCready that addresses some of the issues that were raised in the petition is available to members.

Nanette Milne: I am sure that I am not the only committee member who, even before I was a member of the committee, was impressed with Claire McCready and the efforts that she has put into raising awareness of the issue. We have achieved a lot since the petition was lodged, and I do not think that we can take the matter any further. Claire McCready's response shows that she is delighted with the outcome of our efforts, so I would be happy to close the petition and congratulate her on its success.

The Convener: In her letter, she identified a couple of reminder issues. Through our experience as parliamentarians, we know that what institutions put down in their documents does not necessarily match people's experience. Can we close the petition but write to the minister to get a response on the points that Claire McCready raised?

Fergus Cochrane (Clerk): We would keep the petition open until the response came back.

The Convener: With your judgment and experience in the ways of petitions, can you suggest how we could reconcile those alternatives?

Fergus Cochrane: An option that the committee has followed in the past is to write to the Government enclosing the petition and asking it to act on any remaining concerns and keep in contact with the petitioner on the issues.

The Convener: Are we happy to accept that recommendation?

Members indicated agreement.

The Convener: We acknowledge that Claire McCready has made a very positive contribution to the committee's work on an important issue.

A90 Deceleration Lane (PE1020)

The Convener: PE1020, by Councillor Paul Melling, on behalf of his constituents in Aberdeenshire, calls on the Parliament to consider and debate the safety issues in relation to the requirement to construct a deceleration lane for access to the Bruntland Road junction from the A90 at Portlethen South. The petition has been before us a few times. Do members have any comments or observations?

Nanette Milne: I agree with Councillor Melling's comments that it is slightly disappointing that no date has been set for improvements to the junction. However, he has probably achieved what can be achieved at this point, so I see no point in taking the petition further at present.

The Convener: It is like a long-term engagement without any guarantees.

Robin Harper: I agree with Nanette Milne.

The Convener: Do members agree to close the petition, on the ground that some progress has been made, although there is an issue about timescale?

Members indicated agreement.

National Planning Policy Guideline 19 (PE1048)

The Convener: PE1048, by Kitty Bell, urges the Parliament to alter national planning policy guideline 19 to correct an anomaly with the precautionary approach relating to protecting children from telecommunications masts. We discussed a similar issue earlier, when we considered petition PE812. Do members have any comments?

John Farquhar Munro: Should the petition not be associated with the one that we considered earlier?

The Convener: PE1048 is much more specific than PE812, which has a lot of contestability.

Gil Paterson wants to comment on the petition and how we should deal with it.

Gil Paterson (West of Scotland) (SNP): I also want to engage on another three petitions later, convener, if you do not mind.

The Convener: You are putting in the work today.

Gil Paterson: I know—I get overtime for this.

The Convener: I am the same.

Gil Paterson: I remind the committee about the reasons for the petition. The petitioner is a lady who was involved in trying to prevent a phone mast from being erected. Subsequently, the company decided not to go ahead with the mast, but one anomaly that she found was that, although people can complain about proposals to site a mast within 300yd of a school, she could not complain in the case that she was involved in, even though there was a designated play area within 300yd. The petitioner claims that that is an anomaly and I agree with her.

The Stewart report clearly states that a precautionary principle should be adopted in relation to phone masts. I am surprised by the Government's response, which states:

"You asked what guidelines are available to local authorities on the precautionary principle and which reiterate that no anomaly exists between school and pre-school children."

The letter is important, because it suggests that the Government believes that there was no anomaly in the first place and that pre-school children in a designated area, such as a play area or a play school, are protected under the precautionary principle. That is what the Government says, but the problem is that councils do not know that.

In the case that the petitioner was involved in, it was taken as read that the council would not reject the application on the basis that a play area was within 300yd, so clarity is still required. If the letter is correct and if the Government suggests to councils that they take a precautionary approach in such situations, the petitioner will have a victory. Then again, the Government also seems to say that there is no precautionary principle that parents can access and that, really, the precautionary principle is in the power of the Government. Therefore, in a way, we need to go back to basics. I am deploying those two arguments at once.

The Convener: Do members have any comments or observations on the petition?

15:00

Bill Butler: As I understand it, and as Gil Paterson said, the Scottish Government has already reiterated that no anomaly exists with regard to the precautionary approach, because it already applies for pre-school children. Perhaps we can take comfort in the fact that the Government also says that it will consider the comments that the petitioner has made during its review of all Scottish planning policies and national planning policy guidance documents, which is due to take place early next year.

I think that that statement from the Government is reasonable. I do not see what else we can do, but that is just my take on the matter.

John Wilson: Gil Paterson has raised a couple of issues. I think that we should all take note of the last paragraph of the petitioner's reply to the Government's response.

As Gil Paterson indicated, an anomaly appears to exist between what the Government directorate is saying and how local authorities are carrying through the planning consent process. I am not satisfied that the Government has done enough to make local authority planning departments aware of their duties and responsibilities under the planning legislation. Rather than closing the petition, it might be worth while for us to go back to the Government to ask it what guidance notes are issued to planning departments and to establish whether they are clear and specific enough to ensure that planning authorities do not grant planning consent for the erection of masts within the designated 300yd area. There might be a link to the Denny to Beaully line, which we have just discussed, because we may find that local authorities have made decisions to allow the erection of masts within the 300yd area. That might have to be looked at.

In my area, a temporary mast is about to get a further two-year extension. The question is whether such decisions can be checked to ensure that planning authorities are applying the regulations in the way that the Government expects. We must go back to the Government and ask for clarification.

Nigel Don: A year or two back, when I was a councillor, we became totally frustrated by the rules on these matters. Councillors made decisions about such masts every month, more or less. Those rulings were then appealed to a reporter, who routinely overturned our decisions without any reference to local considerations. We reached the point at which we wondered why we bothered to make decisions. As John Wilson said, the rules for temporary masts, which may be in place for a very long time, are completely different. There are issues about not only what the rules say to councillors but what they say to reporters and about how temporary masts, at least, are handled.

The Convener: What will we do with the petition? It has been suggested that, because of the involvement of the petitioner with the review process, we might consider closing the petition, but members have raised a couple of points.

In its letter, the Scottish Government indicates what it would argue is in the guidelines that have been sent to all local authorities. In addition to national planning policy guideline 19, planning advice note 62 on radio telecommunications

contains information on the technology and on good practice in dealing with planning applications. The Government sent the information on its position to all local authorities in January. I acknowledge the experience that Nigel Don brings to the table, which a number of us share, in respect of the reality on the ground.

Do members want to close the petition at the moment?

John Wilson: We should not close it.

The Convener: You suggest that we keep it open. Are you also suggesting that we get further clarification?

John Wilson: We should get further clarification from the Government on the guidance that is issued. An issue with the erection of temporary masts, which I raised and which Nigel Don confirmed, is coming to the fore. As I said, temporary masts can be in place for two years, but the operator comes along every two years and asks for an extension. We should seek clarification on how the regulations apply to temporary masts. We might find that that is part of the main problem.

The Convener: The suggestion is that we keep the petition open. I also suggest that we must make a final decision when the information comes back from the Government and the petition comes before us again. We will now take a brief comfort break.

15:05

Meeting suspended.

15:13

On resuming—

Broadcast Spectrum (Local Television) (PE1055)

The Convener: PE1055, by Graeme Campbell on behalf of Media Access Projects Scotland, urges Parliament to urge the Government to seek clarification on the ownership of electromagnetic broadcast spectrum and to ensure that we can enable local and new television channels originating in Scotland to be broadcast to Scottish viewers on the public service broadcasting channels.

Do members have any comments on the petition? Members have the papers in front of them.

Bill Butler: I understand that the Scottish Government is committed to the creation of a Scottish television network. To that end, the Government is liaising with the Office of Communications to ensure that Scotland's

priorities for broadcasting are reflected when the spectrum package is awarded. That being the case, there is not much more the committee can do. That is my take on the matter.

John Farquhar Munro: Should PE1055 be attached to PE1222, which we considered at the start of the meeting? Basically, both petitions promote the same argument.

The Convener: Given that discussions are on-going with STV and given that Ofcom obviously has a key role in setting the parameters, I suggest that we close the petition. We can note the role that the Government can play through its negotiations with Ofcom and others about assessing access to digital provision.

Deep Vein Thrombosis (PE1056)

15:15

The Convener: PE1056, which is by Gordon, Jane and Steven McPherson—Gordon and Jane McPherson gave evidence to the committee—is on mandatory provision of assessment tools for diagnosis of deep vein thrombosis. The petitioners seek to ensure commonality of patient guidance and call for a range of other ways in which we can improve awareness of, and acknowledge concerns about, DVT.

Having previously considered the petition without coming to a conclusion, we should really try to bring it to a conclusion. I think Nanette Milne has a suggestion on what we should do with the petition.

Nanette Milne: I do not honestly think that we can bring the petition to a conclusion today. I would like to see it go a bit further.

It would be interesting to know the progress of the Scottish intercollegiate guidelines network guidelines review, which I think is due to report sometime next year. The e-mail from the petitioner makes an interesting point about NHS boards' adherence to the SIGN guidelines—most boards are only working towards doing that—and about the public information leaflets that boards are supposed to make available in their areas. From the petitioner's freedom of information request, it seems that the latter issue is clearly a work in progress, given that quite a number of boards are not very far down the road of producing proper leaflets and adhering to the guidelines.

I am pleased that NHS Quality Improvement Scotland decided last month that it will review the situation. I would like to know the outcome of that.

The Convener: I think the committee agrees. We will follow Nanette Milne's recommendation and see whether we can make some progress.

Air-guns (Ban on Sale and Use) (PE1059)

The Convener: PE1059, by Andrew Morton, calls on the Scottish Parliament to urge the Government to support a ban on the sale and use of air-guns, except for certified pest-control purposes or for use at registered gun clubs. I invite members' views on the petition.

I am reluctant to close the petition because we still have a problem with people not getting their act together—they need to stop messing about. As with our earlier discussion apropos the Home Office, although some of the issues are potentially for the Scottish Government, other issues need to be dealt with by the Home Office. I suggest that we keep the petition open so that we can pursue it until we get a satisfactory response to the issue, which the petitioner has raised in the most difficult of circumstances.

Bill Butler: I agree. We all know that the Home Secretary has announced that she does not envisage competence for firearms legislation being transferred to the Scottish Parliament, but we should write to her to urge her in the strongest terms to engage closely and constructively with the Scottish Government to make progress on the creation of a stronger system for controlling air weapons. That is the least we could do.

Nigel Don: Perhaps that gives us the opportunity to convey to the Home Secretary that the issue is of concern to a cross-party committee as well as to the Government. We can say that the committee endorses and agrees with the position.

The Convener: This outbreak of consensus is deeply troubling, but I agree with you.

Nigel Don: It may be that people in Westminster do not realise the level of concern that exists across parties and across Scotland on the issue. We can impress that upon them.

The Convener: That is fair enough.

Bill Butler: This is a serious issue, as we all know. It is incumbent on both the Scottish Government and the UK Government to show a bit of flexibility and to use a bit of imagination. Some lateral thinking might be needed to secure between the two Administrations an agreement that meets the serious concerns that have been raised by the petitioner. That is the main thrust of what the committee is saying.

The Convener: That is helpful. We want to get the issue sorted out, as it really has gone on for far too long. I thank members for those supportive comments.

Historic Sites (Protection) (PE1078)

The Convener: PE1078 is by Peter Paterson and the Save the Gillies Hill Committee. It calls on

Parliament to consider and debate the need for new legislation to protect historic sites. We had received notice that Bruce Crawford wanted to speak to the petition, but I think he has other commitments. The petition relates to a constituency matter that Bruce has raised in the past.

Bill Butler: Bruce Crawford is not here, so could we defer the petition so that we can hear from the local member? That would be only fair.

The Convener: It may be that Bruce has been temporarily detained and still intends to attend. We will defer our consideration of the petition until nearer the end of the meeting. However, it might be difficult for him to get here; as Minister for Parliamentary Business, he has a busy schedule and is often called to urgent meetings mid-afternoon to resolve problems relating to future business. We will wait while there is still a possibility that he might make it. Thank you for that suggestion, Bill.

Cancer-causing Toxins (PE1089)

The Convener: PE1089 is by Morag Parnell on behalf of the Women's Environmental Network Scotland. It calls on Parliament to urge the Government to explore links between exposure to hazardous toxins in the environment or the workplace and the rising incidence of cancers and other chronic illnesses. We have received a paper on the petition. Are there any comments?

Bill Butler: We should consider writing again to the Scottish Government on a number of issues. It would be reasonable for us to seek further information on how "Better Cancer Care, An Action Plan" addresses workplace cancerous toxins. We should also ask for reassurance that the policy initiatives and measures that are currently in place are equal to, or more effective than, the ones that are suggested by the petitioner.

We should also ask the Government for information on the work that it is doing to investigate links between exposure to hazardous toxins in the environment and the workplace and the rising incidence—which members will know about—of chronic illnesses and cancers.

Robin Harper: As far as I am aware, most of the research in this area is into individual chemicals: there are discrete experiments and on-going surveys on the effects of particular chemicals. It might be interesting and sensible to ask the Government whether anyone is doing any research into cocktail effects—when several chemicals are present in an environment.

Nigel Don: This brings us back to the issue relating to electromagnetic fields. How does the

Government think about science, and how do its advisers advise it? As far as I understand it, the Government tends to do systematic reviews, and it needs a couple of dozen good-quality papers before anybody believes they know anything. That is roughly the equivalent of taking a very detailed photograph of the weather system immediately over your head in order to get the weather forecast. That method may be accurate and right, but if you want to know what the weather is likely to do, you should look at the horizon and see what might be coming. That is when you realise that you are not quite sure about the wind direction and are therefore not sure whether that weather will come. However, at least you are forewarned. We need to be a little bit like that with our science.

Back in the days when I worked in a research laboratory at Unilever, our approach to carcinogenic materials was not to analyse every one but to consider structures to see whether the component structures were ones that we knew tended to come in carcinogenic materials. If they did, we would not handle them, on the ground that it was wiser not to find out.

If a large industrial lab could operate on that basis 20-something years ago, the Government should have picked up on that kind of science. The reason why I am raising this issue again—for the last time today, I hope—is that I am not sure that I see much evidence that that is how the Government works. It tends to take the other approach, which means that it is always going to miss a trick.

The Convener: I think that Nigel Don's view is to continue the petition in order to explore more of the issues.

John Wilson: In writing to the Scottish Government, should we put another question? PE1089 is about not only the environment but the workplace, too. The Health and Safety Executive has a duty of care to ensure that workplace practices and environments are safe and secure. It would be useful to ask the Scottish Government whether discussions have taken place with the Health and Safety Executive on the matter and what role the HSE plays in identifying hazardous materials.

The Convener: Thank you. Do members agree to take those comments on board and to continue PE1089?

Members indicated agreement.

St Margaret of Scotland Hospice (PE1105)

The Convener: PE1105, from Marjorie McCance, on behalf of St Margaret of Scotland Hospice, calls on Parliament to urge the Scottish Government to guarantee retention of continuing

care provision for patients who require on-going complex medical and nursing care, such as is provided at the 30-bed unit at St Margaret's hospice, and to investigate whether arrangements for funding palliative care provision at hospices across Scotland are fair and reasonable.

Two members—Gil Paterson and the constituency member, Des McNulty—have expressed an interest in the petition. I call Gil Paterson.

Gil Paterson: The constituency member should go first.

The Convener: Are you happy to go first, Des?

Des McNulty (Clydebank and Milngavie) (Lab): Absolutely.

The Convener: I was deferring to age.

Gil Paterson: Flattery will get you everywhere, convener.

The Convener: I was not talking about you, Gil.

Gil Paterson: I know. That is what I meant.

Des McNulty: No significant progress has been made thus far on costs. On previous occasions, I have explained to the committee that the costing model that applies to hospices in the voluntary sector, as opposed to NHS hospices—the NHS now provides a significant level of palliative care—is based on matched funding. In other words, the amount that the hospice raises for allowed expenditure is matched by the health board and through that—I suppose—the Government. The system generates significant inequities in the funding that is made available to hospices per bed.

The justification for the present system is that it gives hospices the freedom to decide for themselves. However, the Clydebank and St Margaret of Scotland Hospice perspective is that that freedom is a freedom to reach penury. The situation is inappropriate and unacceptable.

A health board's contribution to a hospice should be based on a realistic and transparent costing of palliative care and should be made per bed. The statistics appear to show that the funding that St Margaret of Scotland Hospice receives from NHS Greater Glasgow and Clyde is much lower per bed than that of many other hospices around the country. I see no fairness in that.

I turn to the substantive issue that the petition raises of its treatment by the health board. Although meetings have taken place, NHS Greater Glasgow and Clyde has not engaged fully in discussions. It has not discussed the option of allowing the hospice to maintain continuing care or to put in place a refinanced system of the palliative care that is the hospice's mission. The health

board seems to be trying to force the hospice to discuss alternatives that the hospice believes are inconsistent with the delivery of palliative care services, staff training and quality of care.

The board has raised the option of residential nursing care, which leads to the question whether a palliative care dominated environment is an appropriate environment for someone who needs residential nursing care but who is fit and active and may have many years in front of them. A hospice is not a good place in which to provide residential care. Another option that the board has raised is for a specialised form of continuing care for people with mental health care difficulties. The hospice feels that it is not equipped to meet that need.

15:30

However, that care need has been identified within NHS Greater Glasgow and Clyde, and the hospice questions why it is considered appropriate for it to deliver that care when the health board presumably is able to consider how that alternative might be provided. That is not fundamentally the hospice's problem. It wants to carry on doing what it does well and to be appropriately funded for it, but that is precisely the topic on which the hospice finds it most difficult to engage the health board in discussion.

We are concerned that the geriatricians are apparently faced with a deadline for sending new patients to the hospice. I have raised that matter in general questions and health questions. Gil Paterson and Ross Finnie have also asked questions on it. No new patients are to go to the hospice after 1 April 2009, and patients' relatives are being told that there is no point putting their names down on a waiting list for the hospice because the health board has, de facto, taken a decision that no new patients will be admitted. However, the health board has not actually taken a formal decision about what should happen. That is a matter of considerable local controversy and has been raised with ministers. The deadline seems to pre-empt a decision that is not only wrong but has not been made. People are getting angry and upset about that new state of affairs.

Let us take the health board's case at face value. It proposed to create a brand new facility at Blawarthill as one of three sites on the north side of Glasgow where continuing care patients would be accommodated. If the health board were to build a new facility there, it would at least be a state-of-the-art facility but—as I am sure Bill Butler will be able to confirm because Blawarthill is, I think, in his constituency—there is no new facility there now. Therefore, because it is withdrawing from patients the opportunity to go to St Margaret's hospice, which is a new facility that

offers excellent care, the health board will potentially have to put patients into a dilapidated facility. Whatever the staff there do, they will not be able to provide the same care environment. The health board is falling short on its own plans. It is imposing a decision that has not yet been taken formally and which would have been predicated on the erection of a new facility that does not exist. It is also not dealing with the hospice in the way that would be expected.

I will throw in another issue. One of the partners in the Blawarthill proposal was supposed to be Southern Cross Healthcare—a private sector provider of predominantly residential care. However, in the past few weeks, Southern Cross has been highlighted in the newspapers as having serious financial difficulties, so there is doubt about whether the proposal will proceed, certainly with Southern Cross. The danger is that the health board is forcing through an arrangement under which it would take a long time for a satisfactory outcome to be arrived at, even if we assume that a new facility at Blawarthill would be a satisfactory outcome.

Despite the best efforts of the committee and local representatives, we are not making the progress that we want with the health board. I am due to meet the chair of the health board next week, and this issue is on the agenda. Several colleagues have sought meetings to discuss their concerns about what is going on, but we have not yet been allowed a meeting with the Cabinet Secretary for Health and Wellbeing. I do not understand how the Cabinet Secretary for Health and Wellbeing can intervene in car park matters but not in a key policy decision on the provision of continuing care.

The health board, the cabinet secretary and others continue to restate that palliative care at St Margaret's is not under threat and that the decisions affect only continuing care. However, funding for continuing care amounts to about two thirds of the hospice's total funding from the health board. If two thirds of funding is removed, or is replaced with a substantially smaller amount—especially if that is associated with less appropriate or less integrated provision—the reality is that health care delivery by, and finance for, the hospice cannot be said to be unaffected.

I remain very concerned. St Margaret's is a small hospice with a limited budget. It relies heavily on the good will of local people, which has been abundant for many years—the hospice has operated for 58 years. Its finances and its key function in the world are under threat, whatever the various authorities say.

The Convener: Does Gil Paterson want to add to that?

Gil Paterson: Yes, if you do not mind.

The Convener: Des McNulty spoke for only 10 minutes, so you are all right.

Gil Paterson: I will not reiterate what Des McNulty said, because he raised a lot of issues. The petition's status has not really changed, except that more and more people support the petition and have rallied to the cause. They have done that because family members or people whom they know in their neighbourhoods or further afield have been directly involved with the hospice. Since the petition was lodged, more people have become involved and more people have had the good fortune to be looked after in St Margaret's.

A new development is that Roseanna Cunningham has proposed a member's bill on palliative care, which suggests that we need more rather than fewer beds. The health board's proposal goes against the grain of public feeling. We should not forget that the board is a public organisation that should reflect what is required and needed in the country.

A new proposal has been put to the health board, but the hospice has yet to hear an answer to it. To cut to the chase, if the committee asks what it can do for the hospice, the best service that it could give would be to ask the health board to use due diligence in considering that offer and to respond to it. In the circumstances, that is not an awful lot to do. The committee would provide a good public service if it made that single request.

The Convener: I thank both members for their comments; I gave them a lot of time to amplify the issues. We need now to get to the core of the petition.

Bill Butler: The issue is serious and has been on-going for a considerable time. Des McNulty raised the general question that is mentioned towards the end of the petition document about funding arrangements for palliative care provision. On that basis alone, I certainly feel that the petition should be left open.

As Des McNulty said, matched funding is the model that is used in the voluntary sector, but that model is inequitable. Des McNulty made the good point that the health board should contribute on a per-bed basis. If that does not happen, St Margaret's gets less.

We should ask the Scottish Government whether it has any plans to re-examine funding of palliative care in the voluntary sector on the basis that has been outlined by Des McNulty. That would be reasonable.

On the particular concerns about St Margaret's hospice and the 30-bed continuing care unit, I am sure that Des McNulty and others would agree

that it is our job to act as honest brokers to find a solution that is agreeable to both parties. That has not happened so far. We should at all costs avoid—I am sure that we will—playing off one facility against another.

As the member for Glasgow Anniesland, I have to say that the facility that has been proposed for Blawarthill is popular and has local support. It also has my support. We should not play the game of saying, "This proposed cut is worse than your proposed cut"—I know that we will not do so. Communities in my constituency have campaigned for a long time for a new facility at Blawarthill, and have been right to do so.

Des McNulty made another point about the health board, which has still to make a formal decision but is saying informally through various channels that there will be no new admissions after April next year. If that is the case, the health board is wrong to have been doing that, so we should ask the Scottish Government to make inquiries.

Finally, I have a suggestion about what the committee can do to reach a position at which all parties feel that they have arrived at a workable solution. We cannot direct a health board, but we could write to the Scottish Government and the NHS to express our concern and disappointment that no workable solution has been arrived at so far. In the absence of any constructive process, and in the interests of patients, both sides should at the earliest opportunity consider seeking independent mediation: their doing so would be fair, reasonable and sensible. The committee would be saying to the Scottish Government and the NHS board in question that they should get together and reach a solution that people can support as being fair and equitable.

I have rehearsed my thoughts, convener. I hope that they are reasonable and will find favour with the committee.

The Convener: I do not want to close anyone down, but will your contribution cover the same points, Robin?

Robin Harper: Bill Butler has elegantly covered the field. I find myself in complete agreement with what he said. The essential point is that dialogue should continue between NHS Greater Glasgow and Clyde and St Margaret's hospice.

Nigel Don: I do not want to disagree with what has been said, but the more I read about the issue and the more I listen to people, the more I see that the issue seems to have been around for a long time.

The Convener: A year today.

Nigel Don: I get the impression that it appeared in 2005. Another question that we should not lose

sight of is how on earth we got into this mess. I know that we need to resolve the situation that we are in, but I wonder how we got to the point where an issue had been smouldering for a year or two before a petition came before us.

15:45

John Wilson: When the petition has been before us in the past, I have commented about Greater Glasgow and Clyde NHS Board's decision-making process in relation to the on-going discussions. If, as Des McNulty has indicated, people are being advised that there will be no more admissions after 1 April—or shortly after 1 April—2009, on-going discussions between the health board and St Margaret's will not help the situation. We need to find a solution as soon as possible because St Margaret's has to work out its budgets beyond April 2009 and it needs to know what its operational costs will be, and what it can deliver beyond that date. The petition has been before us for just over a year, and it is clear that there is an issue about the health board coming to an agreement with St Margaret's that is beneficial to both sides.

Bill Butler is right. It is incumbent on us to raise our concern that the health board seems to want to play two communities off against each other. It seems to be saying, "If we don't go ahead with Blawarthill, or if we do go ahead with St Margaret's, one or other community will suffer." That is not how we should deal with health issues in this day and age. We should be considering needs rather than playing communities off against each other.

Bill Butler made a good point about the last bit of the petition. The Government and the Parliament have to look at the provision of palliative care in Scotland. In the figures that we saw when the petition first came before us, there were discrepancies in the level of funding provided for hospices throughout Scotland. It almost seemed as if decisions about the allocation per bed were being made on a regional or health board basis. Des McNulty referred to those discrepancies. If we are serious about continuing hospice services throughout Scotland, we need to consider that issue.

Hospice services are trying to expand to meet a greater need, yet Greater Glasgow and Clyde NHS Board seems to be deciding in effect to close down a service that is vital to the delivery of services not only for individuals but for families in a community. We need to impress on the Government and the health board that, for the operational future of St Margaret's, they should be making decisions long before the end of March and the beginning of April 2009.

The Convener: We have broad agreement on the direction of travel on the petition. If we take on board contributions from members who have an interest in the issue at a local level, and comments from committee members, we can pull this together into something. I am concerned that we cannot have reconciliation through negotiation and that the provision of palliative care in west central Scotland seems to be jeopardised. Further, a long-standing institution such as St Margaret's, which has contributed to the community throughout west central Scotland, is potentially jeopardised.

Bashir Ahmad: Why is St Margaret's hospice not paid as much as other hospices?

The Convener: If I knew that, I would be putting on a lottery ticket on Saturday night. Essentially, we need to have the further debate that Bill Butler, John Wilson and other members have touched on, to consider how the figures were arrived at. The reason for the difference is probably that health boards have inherited different structures and different ways in which they calculate their budgets. There is an issue for those who run the systems. We need to be much better at identifying how consistently that is done across Scotland. Our consideration of the petition will help with that, because we will not let go of the issue—I assure members of that.

I am conscious of time, Des.

Des McNulty: I need only three sentences.

The Convener: If you can fit your remarks into three sentences, I will buy you a Christmas present.

Des McNulty: First, I do not think that the discussions between the hospice and the health board are taking place at the right level; we need to get the top people in the health board involved in finding a solution.

The Convener: That is sentence 1.

Des McNulty: Secondly, I strongly believe that Blawarthill and St Margaret's do not stand against each other; the debate is about the proper configuration of services at both institutions.

Thirdly, we are drifting into the worst of all possible worlds, where patients will not be able to get into St Margaret's and there is no new Blawarthill, which is not good for patients or relatives.

The Convener: That is another Christmas present that I need to buy someone. Thanks very much, Des. Gil Paterson will have the final word.

Gil Paterson: With regard to competition between the two institutions, I can put Bill Butler's mind at ease. From the platform at a well-attended rally in George Square, I congratulated Liz Cameron on working for her community. I said that

because I meant it; that is what she is supposed to do. There is no conflict between having a hospital in Blawarthill and retaining St Margaret's hospice; in fact, they should complement each other.

The Convener: Okay. We have broad consensus on these issues, so let us keep pursuing them. We had already spent a fair amount of time on the petition and today the concerns that exist have been amplified. I hope that the visiting members appreciate the opportunity to make their views known to the committee, and I thank them for their time.

A82 Upgrade (PE1140)

The Convener: PE1140, from Alasdair Ferguson, on behalf of the A82 Partnership, calls on the Parliament to urge the Government to immediately begin phased improvements to the A82 Tarbet to Fort William road to improve safety.

Jamie McGrigor, who is unable to be present, has provided a statement expressing his concerns about the Scottish Government's recent strategic transport projects review as it relates to the A82. No guarantee has been provided on when the measures that the Government has committed to will be delivered. It is vital that the construction that is identified in the action plan is delivered without delay rather than towards the end of the period that the STPR covers. Mr McGrigor supports the commitment to fully dual the A9 but feels that, if that is pursued, the A82 will be diminished in comparison. He asks members of the committee to press ministers to address the petitioners' questions and concerns, and to continue to pursue the matter on their behalf.

Nanette Milne gave me a copy of the statement; if anyone does not have one, spare copies are available. Do members wish to raise any points on the petition?

Nanette Milne: Jamie McGrigor raises issues to do with the STPR, which was announced last week. The STPR's lack of detail and information on timing applies to projects in other parts of Scotland as well, but the A82 is a particularly bad road. Jamie McGrigor makes some excellent points. We should write to Transport Scotland to ask how the upgrade of the A82 will be progressed as part of the review and whether a timetable for the works will be produced so that people know what lies ahead.

John Farquhar Munro: There has been a campaign on the A82 for many years, but it has intensified over the past few months. Just a few weeks ago, members of the A82 Partnership came to the Parliament.

As Nanette Milne has said, it was expected that the transport projects review would accelerate the

programme of improvements on the A82, but it now appears that that will not happen. There is no indication that anything will happen until about 2011 or 2012. That is certainly no comfort to the petitioners. We should write to the minister to register our disquiet.

The Convener: There is consensus on our approach: we approve of the recommendations that have been made and will identify the issues that the petitioners have raised that are still to be addressed.

Local Community Libraries (PE1148)

The Convener: PE1148, from Sam Coulter, calls on the Scottish Parliament to urge the Government to ensure the continued provision of local community libraries, given the vital social and educational role that they play in the community. We had the petitioners before the committee and I believe that a number of members were involved in the discussion.

The issue of local library provision is within the remit of local authorities. There is debate around single outcome agreements and what is termed the historic concordat—we will need to promise not to say that in 2009. However, it is a matter for local authorities to determine the best library provision in their communities. There is a bigger debate about how we work with the Convention of Scottish Local Authorities and councils on the use of libraries, because they are changing every year.

Bill Butler: I agree with you. I do not think that we can do much more at this stage, other than close the petition. In tandem with that, perhaps we could write to the Scottish Government to say that it would be helpful if it met the Scottish Library and Information Council and COSLA to discuss the future provision of library services in the current challenging economic climate. We could ask the Government how it will guarantee that such services will not be adversely affected or downgraded. That is a matter for the Government to pursue in discussion with the bodies that I mentioned.

The Convener: Bill Butler's recommendation should be accepted. We will follow through by asking the Government to discuss the matter in partnership with the other agencies involved.

War Veterans (Health Care) (PE1159)

The Convener: PE1159, from Mrs S Kozak, calls on the Parliament to urge the Government to provide NHS Scotland and other relevant organisations and individuals, including the veterans of the gulf war, with all the necessary information in order that veterans exposed to nerve agents and their preventive medications are

assessed. Members have the papers on the petition before them.

Robin Harper: Over the past 10 years, concerns have been raised consistently about the aftercare that is available for British troops returning from service abroad, particularly in action. There are a number of questions that we should ask the Scottish Government, such as whether it will provide additional specialist guidance to the health service as requested by NHS Highland; whether any additional support or advice can be offered to veterans in the light of a recent United States Government report, which the petitioner highlighted in her response to the committee; and how the health and information support service that is to be introduced in 2009 will support the needs of gulf war veterans specifically. There are a few other questions that we could ask the Government, too.

Bill Butler: Robin Harper is right that we should write to the Government. Perhaps we could also ask whether the Government will meet veterans bodies, such as Erskine, and the petitioner to discuss further the issues that the petitioner raises. We could ask the Government what lines of communication it has with veterans associations to discuss health-related issues. Perhaps we could ask how it can demonstrate the benefits to veterans that have been achieved through its commitments paper and in what way it is delivering improved information and medical treatment and services for veterans. Those issues could be tied in with what Robin Harper has suggested.

The Convener: Those were helpful suggestions from Robin Harper and Bill Butler, which we should pursue.

Befriending Services (PE1167)

16:00

The Convener: PE1167 is from Christine McNally, on behalf of the Clydesdale Befriending Group. There was an oral presentation on the petition at a committee meeting earlier in the year and the papers are before us.

The petition is about the whole issue of befriending. I think that we are broadly supportive of the issues raised in the petition. We should explore issues that arise to do with the impact of the single outcome agreements and befriending groups' ability to access other forms of funding, particularly through the Big Lottery Fund—befriending groups seem to be excluded by some regulation from access to such funding. We can pursue a number of issues.

Do members have other views on how we should deal with the petition? We have not had

many big discussions on the issue in the Parliament. I cannot recall any members' business debates on the issue—forgive me if there has been one and I have missed it. We perhaps need to identify whether we can provide more support.

Bill Butler: If there has been such a debate, I have missed it too. We could also ask the Government what regular dialogue it has with befriending groups and the Befriending Network Scotland.

The Convener: We still wish to explore issues to do with SOAs, accessing other resources and whether there is a national strategy for supporting befriending groups, organisations and individuals over the next few years. We accept those recommendations.

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

The Convener: PE1169, from Margaret Forbes, on behalf of Scottish Women Against Pornography, calls on the Parliament to urge the Government to introduce and enforce measures that ensure that magazines and newspapers containing sexually graphic covers are not displayed at children's eye level or adjacent to children's titles or comics and are screen sleeved before being placed on the shelf.

Gil Paterson has expressed an interest in the petition in the past.

Gil Paterson: I thank the convener for letting me comment on the petition. It is important to note the letter from Scotland's Commissioner for Children and Young People, Kathleen Marshall. It is a strong letter, which gives good guidance.

It is clear that the voluntary system does not work. When someone comes along and reshuffles the magazines on the shelf, they become visible to children. As the letter says, we need to put those items out of reach and out of sight of children. I am not convinced that the Government sees it that way, so I look for the committee to point out to the Government the strong message that the letter contains. It suggests that young children are in effect being groomed. Their threshold has been lowered and normalisation takes place as the visibility of such material suggests that what they are seeing is normal and should be seen anywhere. There should be a separation between adult products and children's products. It is a fairly straightforward argument.

Most magazines are sleeved in any case, but we want the ones with graphic illustrated material on the covers to have labelled sleeves that cannot be seen through. The technology is there and the companies involved are spending money on it, but

they do not have the will to act on this matter. It is important for children that we impress upon people who produce and sell those products that they have a responsibility.

The Convener: Are there other comments on how we should handle the petition?

Marlyn Glen: It would be appropriate to express disappointment at the Scottish Government's late response on the petition. That seems highly inappropriate as it is an important issue that should be regarded as such.

I agree with Gil Paterson's comments about the letter from Kathleen Marshall, the children's commissioner. We are talking about the rights of children. A child's welfare should come before commercial demand, which is what was mentioned in the letter from the Scottish Retail Consortium. We should continue the petition and write to the Government. We should try to get a timely response and a better one this time. We should ask it to take into account what the children's commissioner has said.

If the Government—like members—is concerned that children should not be exposed to unsuitable material, why does it not have a plan to tackle the display of such publications? As Gil Paterson said, tackling that is not difficult. What is the cut-off point. How substantial must the display of magazines with sexually graphic covers be to be recognised and addressed as a widespread problem? We should point out that parents complain that having such displays at or below children's eye level is incompatible with the child protection policy.

We need action. If the retail industry is not following the code of practice, I am not sure about just encouraging it to do that. I agree with Kathleen Marshall that

"if voluntary guidelines are not working, enforceable regulations should be considered."

The Convener: There is broad agreement on that.

Robin Harper: The Government could be invited to consider its reaction if such material were on display in a public library, which is a rather less public place than a newsagent.

The Convener: As long as we keep the libraries open.

Robin Harper: Why the Government responded so late to us initially is incomprehensible.

The Convener: Unless pressure is applied, retailers will not enforce the reasonable code of practice. The code is not utterly unreasonable; it just specifies parameters for displaying such material. Its primary importance is in protecting young people; that is the driver behind the petition.

We will pull together members' comments and continue to pursue the issue.

Members indicated agreement.

Colleges (Funding) (PE1170)

The Convener: PE1170, from Maria Lynch, is on further education colleges and universities. The petitioner has withdrawn the petition, so do we agree to close it formally?

Members indicated agreement.

Historic Sites (Protection) (PE1078)

The Convener: We began consideration of PE1078 earlier, but we were awaiting Bruce Crawford's attendance. He is at the Cabinet meeting, so he cannot get here. Do members have comments on the petition?

Nigel Don: I have a question about protocol. If a member has said that he wants to speak to a petition but he cannot attend for an understandable reason, can we hold over the petition? Is that not a good way forward, as a matter of courtesy?

Fergus Cochrane: Mr Crawford did not say directly that he would come to the meeting, but he spoke to the petition at a previous meeting.

Nigel Don: In that case, what I said does not apply, although I do not withdraw it. We should handle the petition normally.

The Convener: Do members have comments on the petition? Aileen Campbell lodged a written question about whether the Government plans to introduce a bill to amend heritage legislation and the response was that

"next year ... a draft Bill containing focused legislative amendments"—[*Official Report, Written Answers*, 4 December 2008; S3W-18492.]

would be consulted on. Our briefing paper refers to legislation on the protection of historic sites. Such work might well be enough to allow us to close the petition, but do members feel otherwise?

Bill Butler: Given what you just said, we should close the petition, because the Government will take forward the issue. I am sure that Mr Crawford can make his views known informally, as we will formally.

John Wilson: I ask to keep the petition open, because it would be worth while to find out what the Government proposes. If we close the petition now, we will do so before the Government has published its proposals, which might provide more questions than answers in relation to the petition.

The Convener: The only information that the clerk has provided is that the Minister for Europe, External Affairs and Culture has announced her

intention to offer a draft bill for consultation in 2009. The principal question is what that will contain—that is the thrust of John Wilson's comment.

Bill Butler: I am a tiro member of the committee, but I think that if the Government's proposals do not meet the petitioners' concerns, it is open to them to lodge the petition in a slightly amended form. In fact, if it was slightly amended, it could make direct reference to specific Scottish Government proposals. That would be a better way of doing things than opting for the hypothetical, what-if scenario. Next year, we will know what the Government proposes to do, as will the petitioners. On that basis, I suggest that we close the petition. If we do not do that, the argument will become increasingly circuitous.

The Convener: We have a proposal to close the petition and another to keep it open.

John Wilson: I withdraw my proposal.

The Convener: Thank you, John. I appreciate that. We do not want to upset a tiro committee member.

Bill Butler: Thank you, convener.

The Convener: I plan to look up the meaning of that word.

We will close the petition. Obviously, as Bill Butler said, if there is some uncertainty surrounding the draft bill, both the petitioners and the member who has a constituency interest in the matter may resubmit an amended petition.

John Wilson: If the Government is going out to consultation, perhaps we should ask it to ensure that the petitioner is consulted.

The Convener: We can do that. Thank you, John. That is helpful.

New Petitions (Notification)

16:11

The Convener: I ask the committee to note the new petitions under item 4. We will consider them at our first meeting in the new year.

Members *indicated agreement.*

Work Programme

16:11

The Convener: The next item is consideration of a paper from the clerk on our work programme. Members will note the arrangements for our external meeting on 27 January. I say to new members that part of their inheritance is a commitment to get out and about in Scotland.

First, I thank members who attended the meeting in Duns in Berwickshire in challenging weather conditions. The meeting was a good one. I also say well done to the driver for overcoming the brief period of engine failure on the high-quality jalopy that the big-spending Scottish Parliament gave us for the journey.

John Wilson: Fergus Cochrane, our senior clerk, offered us his accommodation if we had got stuck in the Borders.

The Convener: Mrs Cochrane was bolting the door as he said that.

I return to the paper from the clerk on the work programme and the arrangements for the meeting on 27 January. Do members have any comment on the proposal, or are they happy with it?

Bill Butler: Obviously, I am happy with the proposal, although Mr Don and I might have a problem in attending the meeting, as it clashes with a meeting of the Justice Committee.

The Convener: That is the nature of these things. If we do externals, we often find that members have prior commitments because of the failure of their business manager to understand members' schedules. They should do better at allocating things.

Bill Butler: You may say that, but I could not possibly comment. I put that into the *Official Report* for my business manager to see.

The Convener: My business manager is a very good business manager. I had better put that on the record, too.

Bill Butler: You should stop digging there.

John Wilson: When we went to Duns, only three members of the public turned up for the open session. I am happy with the work programme; my concern is about the publicity for external meetings. Part of the idea in going out of the Parliament is to attract members of the public around the country to our meetings and to let people see how we operate and how we receive petitions. If only three members of the public turn up to a meeting, the question is whether the effort was worth while. I hope that the clerks will take that point on board. The publicity needs to go out

in time to ensure the maximum participation from members of the public.

The Convener: We need to take that on board for our meeting in January at the John Wheatley College's Easterhouse campus. A good community engagement strategy is evolving in the east end of Glasgow. A substantial number of young people have become involved. A good health summit has already been held. Last Monday evening, a summit was held to consider elements of the petition on knife crime at which I was asked to lead a workshop. There are folk out there who will work hard to get people to engage more effectively with us.

I share John Wilson's concern that a lot of work went into notifying people about the meeting in Duns, but to very limited effect. I qualify that by saying that the weather was pretty awful. That said, we want to get more return for the endeavour by attracting more people to attend external meetings. We need to deal with that.

16:15

John Wilson: Although the numbers were disappointing, we got substantial coverage on the evening news broadcast. Holding the meeting in Duns raised the profile of the committee, but not in the way that we wanted or desired. The idea of the open session was for members of the public and committee members to engage with one another.

Robin Harper: It is also worth reflecting on the fact that almost the entire fifth and sixth years and a fair number of staff were present in the high school hall. The engagement with the young people at the school could hardly have been better. I am not saying that that compensates entirely for the lack of interest from members of the public. I am satisfied that the clerks make a considerable effort to publicise the meeting. I simply share John Wilson's reservations about such external meetings.

It is clear that we need to think of more extensive ways of publicising these meetings. Perhaps local membership organisations might be one way of taking that forward. People in such groups are in touch with one another and might decide to come as a group. I am thinking of the WRVS, church groups and so on.

The Convener: Okay. We can do that. We have done some of those things, but we need to keep working on such suggestions.

Matching the hospitality of the clerk, I say that my office is a just over a mile away from the college. If we suffer any mechanical problems on the day, a cup of tea will be available there.

Robin Harper: Perhaps we could look at your collection of DVDs.

The Convener: Perhaps we could, but if we really want to be outrageous, we could occupy Margaret Curran's office round the corner. I can see members' eyes lighting up in anticipation.

Review of SPCB-supported Bodies

16:17

The Convener: Item 6 is consideration of a paper from the clerk on the call for evidence from the convener of the Review of SPCB Supported Bodies Committee.

Bill Butler: As the clerk says, a number of petitions before this committee are relevant to the review committee. Perhaps we should make them available to the review committee for it to consider as part of its inquiry, if it wishes to do so.

The Convener: Are members agreed?

Members *indicated agreement.*

16:17

Meeting continued in private until 16:29.

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