

PUBLIC PETITIONS COMMITTEE

Tuesday 19 May 2009

Session 3

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PUBLIC PETITIONS COMMITTEE

9th Meeting 2009, Session 3

CONVENER

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

Bill Butler (Glasgow Anniesland) (Lab)

Nigel Don (North East Scotland) (SNP)

*Marlyn Glen (North East Scotland) (Lab)

*Robin Harper (Lothians) (Green)

*Anne McLaughlin (Glasgow) (SNP)

*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 :

Dr Christopher Carman (University of Strathclyde)

Vanessa Chan (Ipsos MORI)

Mark Duffley (Ipsos MORI)

Alex Fergusson (Galloway and Upper Nithsdale)

Christine Grahame (South of Scotland) (SNP)

Gil Paterson (West of Scotland) (SNP)

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

Mel Spence

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

Franck David

Linda Smith

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 19 May 2009

[THE CONVENER *opened the meeting at 14:02*]

Petitions Process Inquiry

The Convener (Mr Frank McAveety): Welcome to the ninth meeting in 2009 of the Scottish Parliament Public Petitions Committee. Due to other parliamentary committee commitments elsewhere in Scotland, Bill Butler and Nigel Don—both are attending a remote meeting of the Justice Committee—will be unable to attend this meeting, and have sent their apologies.

All mobile phones and electronic devices should be switched off in case they interfere with the broadcasting system.

The first item on today's agenda is our continuing inquiry into the public petitions process. As members are aware, we have been examining the ways in which the Public Petitions Committee engages with the public and how we can work with them to ensure greater public participation in the work of the committee, particularly by individuals, organisations or parts of Scotland that have not previously utilised the Public Petitions Committee.

I welcome Mark Diffley and Vanessa Chan from Ipsos MORI, and Dr Chris Carman from the University of Strathclyde, who have carried out a research study that resulted in the publication last week of a report, "Engaging the public in the Scottish Parliament's petitions process", which is available for public perusal. Dr Carman also conducted research on behalf of the committee before the 2007 Scottish elections and I have, in my capacity as convener, met Dr Carman for a number of discussions about how we can continue to improve the public petitions process.

We are interested in innovative approaches that will engage different communities and individuals in the work of the petitions committee. As parliamentarians, we value the work that the Public Petitions Committee does, but we think that it will have authenticity only if the Scottish public feel that the petitions process is worth while and has outcomes that can make a difference with regard to the concerns that they raise. The committee's members genuinely try to ensure that petitions have such outcomes, but we know that the process takes place on continually shifting ground. Hopefully, the academic work that has been done by Dr Carman and the qualitative work that has been done by Ipsos MORI will be beneficial.

I invite Mark Diffley to make opening remarks.

Mark Diffley (Ipsos MORI): Between January and April this year, Ipsos MORI and Dr Carman undertook research to inform the wider inquiry into the Scottish Parliament's public petitions system. The research had a number of aims. First, we wanted to identify the sections of society that do not engage with the political process—in particular, with the petitions system. Secondly, we explored the reasons why underserved groups do not use engagement mechanisms. We also set out to identify ways in which the Public Petitions Committee can make the petitions system more relevant to underserved groups, and to identify the skills and tools that will be necessary to improve participation rates. The report that we have produced sets out the findings of that research and our recommendations for future action.

The research comprised four components: a survey of 1,000 members of the public in Scotland, conducted face-to-face in their homes; a series of seven focus groups that were conducted with members of the general public to explore views and attitudes in more depth; an international comparison study of public engagement mechanisms in other Parliaments; and a review of literature to examine the relationship between public distrust of political institutions, political disengagement and participation.

The key finding is that the public are generally uninformed about the Scottish Parliament's public petitions process, as well as about the role of the Parliament more generally. That is evident from the survey findings, which show that half of the respondents stated that they were unaware of the petitions process. That result should be treated cautiously, however, because it is likely that respondents overstated their awareness due to confusion between various petitions systems and because of social desirability effects. Almost all of those survey respondents who said that they were aware of the petitions system said that they knew little or nothing about it in any detail. It is worth noting that nearly all the participants who took part in the qualitative research were unaware that they could petition the Scottish Parliament directly.

Statistical analysis of the survey data shows that respondents from lower social grades and respondents without internet access are among those who are least likely to be aware of the Scottish Parliament's petitions process. Also, younger and older survey respondents are far less likely to be aware of the system. Social grade, lack of internet access and age are the most significant factors relating to lack of awareness and knowledge of the petitions system.

We uncovered some evidence of geographic patterns, with respondents in the Highlands and

Islands and the West of Scotland regions being least aware of the Parliament's petitions system.

The research also shows that information on the petitions process is positively received by the public. In particular, participants in the qualitative research were surprised at the number of issues that fall under the Scottish Parliament's remit, the fact that only one signature is required in order to submit a petition and the fact that all petitions that are submitted are considered and receive a response.

There was broad consensus in the survey and the focus groups that it is important to increase public awareness of the petitions process. Furthermore, the most highly favoured option for achieving that increased awareness is use of short and snappy messages delivered on television.

In the light of our findings, we have proposed a number of recommendations that are aimed at increasing awareness of, and participation in, the petitions process, particularly among underserved groups. First, the committee might consider redesigning its existing material so that it is more appealing to its target audience. The committee might also consider widening the range of communication methods to include television coverage or advertising, which is particularly favoured by the underserved groups. In addition, public awareness campaigns preceding external Public Petitions Committee meetings, along with the creation of public information co-ordinators—who could particularly assist underserved groups in learning about and using the petitions system—could help raise awareness and engagement.

We have also identified a number of web-based tools that the committee might consider developing.

Lastly, in view of the setting up of a number of local petitions systems that are modelled on the Scottish Parliament's system, we suggest that the committee could work more closely with local authorities to disseminate information about the process.

We would be delighted to answer questions.

The Convener: Thanks very much.

Anne McLaughlin (Glasgow) (SNP): I have a few questions: I will start with what you said at the end about public information co-ordinators. In the run-up to the digital switchover, people were employed to hold public awareness meetings. Do you envisage your suggestion working on that sort of scale? Everybody had to know about the switchover to digital TV or they would not have been able to watch TV any more. Do you propose that sort of roadshow? How do you envisage it working?

Dr Christopher Carman (University of Strathclyde): We looked at what the National Assembly for Wales has done. It has set up within the regions public information co-ordinators whose job it is to co-ordinate public information efforts within the individual regions.

There are two components to what we propose. The first—these are just recommendations—is to have specifically targeted public information campaigns before external committee meetings. Over several sessions, the committee has gone to different locales throughout Scotland. You will often have found that the public are not terribly aware of what the Public Petitions Committee is. They show up and say, "Oh, this seems interesting," and they learn about the committee when they are there. However, if you were to target information campaigns at those communities before the committee visits them, you may get a better response across the board.

Another possibility would be to have public information co-ordinators target particularly underserved communities. They could set up tables outside shops to promote the petitions system, ask people whether they have concerns that they want to raise and then show them how easy it is to petition—that only one signature is needed. They could try to raise public awareness of both the system—one of the underlying findings is that very few people know that the system exists—and the fact that raising a petition is not as difficult as people might think.

Those are our broad ideas.

Mark Diffley: Chris Carman is right—generally, people do not know about the system. However, once they find out about the system they receive it very positively. In the qualitative research that we did, we told people about the petitions system only towards the end of the session. We had a wee handout that we showed them, which was short and concise. Generally, people were quite interested and were—as I mentioned in my opening statement—surprised by the fact that only one signature is required and that a response is guaranteed. People think that it is a good system; they just do not know about it. What we propose is an attempt to plug that gap.

Dr Carman: The idea of people standing outside shops builds on an idea from the United States. In the US, before the most recent presidential election, voting booths were set up in shopping malls and there was an amazing response, with queues all the way down the malls. It turns out that if you go to where the people are, as opposed to expecting them to come to you, you will be able to engage them better.

Anne McLaughlin: Right. That is interesting.

Nanette Milne (North East Scotland) (Con):

Did you find similar views among ethnic minority groups? I attended an ethnic minority meeting in Aberdeen some months ago: for a start, the people there did not understand what a petition is. A huge amount of communication is necessary, both in language terms and in basic understanding. Did you pick up anything like that in your research?

14:15

Mark Diffley: We did not really encounter such difficulties. Members of ethnic minority communities were involved in our group discussions but—to be honest—their views seemed to be similar to those of everyone else.

Dr Carman: There are probably low levels of information across the board and ethnic minority communities do not seem to be particularly disadvantaged in that respect. The Scottish Parliament has done a good job of ensuring that people can get information in almost any language they want. If people seek information, they can get it. As has been said, the problem is that people do not know that they can seek the information in the first place.

Robin Harper (Lothians) (Green): Did your remit extend to considering the contribution that education can make? I ask because modern studies, which I used to teach, was becoming increasingly popular in Scottish schools, but currently only around a third of Scottish secondary schools have a modern studies department, I think.

Dr Carman: Our statistical findings show that there are links to social deprivation, of which education is, of course, one measure. Where there are high levels of social deprivation, there is lower awareness and less information. I think that the first video that the Scottish Parliament put on its website back in 1999 or 2000 was about kids up north petitioning it on banning smoking in public places, of all things. Education has certainly been a component of its work.

Members are well aware that many schoolchildren have submitted petitions to the Parliament. However, a danger exists: we do not want petitioning the Scottish Parliament to become a component of every modern studies course. That said, awareness and engagement with public mechanisms across the board, whether the petitions process or other mechanisms, are certainly tied to education levels.

Mark Diffley: On the qualitative research, there was feedback from a young people's group. It is clear that their interest in protest and making their voices heard lies away from traditional petitions and more in forms of more direct action. They

perceive forms of more direct action to be more effective ways of highlighting issues or of making their voices heard.

Robin Harper: I was not suggesting that all modern studies departments should petition the Parliament: we would find it rather difficult to cope with that. On the other hand, petitions could be sent to local authorities—that was raised at a round-table discussion that we had—and people could be taught about the petitions system.

Dr Carman: One component of the survey responses is that there is clearly confusion about the Scottish Parliament's petitions system versus the ancient right to petition. People know that they can petition, but they do not know where, how or to whom. We asked people in focus groups to whom they would submit a petition. Everything except the Scottish Parliament was mentioned in most of the groups. People would petition the local council, the police—

Mark Diffley: Yes. People did not really identify the Scottish Parliament as being the most natural location for sending petitions, even on issues that are clearly within its remit.

The Convener: That is not reassuring. Did you get a chance to interrogate why people did not do so? Those of us who argued for devolution or whatever form of self-government in the United Kingdom—we have different political affiliations on that—were passionately committed to the idea that the creation of a Scottish Parliament would open up accountability and that people would feel the value of that. It worries me that, on the 10th anniversary of the creation of the Parliament, people do not have a sense of engagement.

People at the House of Commons are not rushing when it comes to this—they probably are rushing at the moment, in fact, but for different reasons—but there is a debate here about parliamentary democracy and the engagement of the citizenship with their parliamentarians. That will affect and infect us all if we are not careful. We need to be clear about what we want to achieve from the petitioning process.

Did the survey give a sense of how people feel? Are other avenues viewed as being more appropriate? Would some people never have considered going to the Scottish Parliament? You mention in your qualitative research that people are a bit more receptive to the possibility of approaching a body once they have found out what it can do. How do we improve those connections?

Mark Diffley: We took several steps during the group discussions. One was spontaneous: if someone had an issue to raise, how would they do it? The idea of petitions is somewhere in people's minds, but it is not up there with going on a protest

or writing to their MP. I was going to say “or to their MSP”, but people said “MP” more. If we focus on petitions, the first question is who receives them. Most people, regardless of the issue, think that it will be their council or Westminster. That is the problem identified.

The point that we were trying to make in our report is that that is part of a much wider problem. The issue is not just around people not being aware of the petitions system; rather it is that people are generally unaware of the powers of the Scottish Parliament and what it can and cannot address. They do not know what is within the committee’s remit, and they will naturally defer to Westminster or to their local council.

In our survey, we asked why people would not use the petitions system. The answers were mixed: some people said that there was nothing they felt all that strongly about; others just said, “What’s the point? It won’t do any good.” The frustrating thing in writing the report—from members’ point of view as much as from ours—is that once people are given a bit of information about the system they are quite receptive to it, and they are genuinely surprised about how it works, about how simple it is, that they are guaranteed a response and so on. Until that point, people are entirely disengaged from the process, generally. That is why we have tried to recommend some straightforward, simple ways to deal with the problem, which is one of awareness, rather than of liking the system or thinking that it is good or poor. It is about awareness—making people aware that there is something that can address some of their issues.

Dr Carman: As members are fully aware, when you seek to engage the unengaged or underserved groups, most of the obvious mechanisms that you can think of merely further engage the already engaged—it is easy to reach out to the people who are already aware of the system. The trick is to figure out how to deal with the people who do not even know that the system exists. It might become a bit more of a problem to distinguish the Scottish Parliament system from all the others, particularly as local councils begin to adopt more formal petitioning systems. There is also the matter of distinguishing the Scottish Parliament system from the 10 Downing Street system—which is not really even a petitions system, to my mind.

There are a variety of problems, with multiple levels of petitions systems and the possibility of petitioning multiple places. Sorting that out is largely an education issue. The matter of people simply knowing that they can petition is a real problem. If you try to engage people, most of them say that they know that they can petition. How do we get the people who do not know that they can

petition the Scottish Parliament to become more aware of that? That is the trick.

Marlyn Glen (North East Scotland) (Lab): I was wondering about your recommendations for the local government petitioning system. If there was a full petitions system across all local authorities, would that make it easier for us and for people to distinguish where they should go? Apart from anything else, the clerks from each system would, I hope, refer people to the appropriate level.

Mark Diffley: The short answer to that is yes, especially if we accept that the key issue is awareness raising. I am sure that if more authorities have similar petitions systems and do their own awareness work, perhaps co-ordinated with what you are doing, that will be extremely helpful—particularly given that, according to our research, most people will think of their council as the obvious recipient of the majority of petitions.

Dr Carman: There are issues with that, however. I might submit a petition to a local authority, but it could get sent off to the Scottish Parliament although I might not have wanted it to; I might want to petition the local authority. On the other hand, I might petition the Scottish Parliament and the petition could be sent down, as it were, to a local authority, although I did not want it to go to the local authority but to the Scottish Parliament. Members can see that you would have to be very careful how you develop the system by which petitions are transferred or referred from one level to another.

I know from the previous research that I did for the committee that people’s perceptions of the process are key. That is one of the big underlying themes. It is not about the outcomes: people’s perceptions of whether or not they think the process is fair are more important. The shuffling of petitions from one level of government to another can already make people uncomfortable. Why did the people to whom they sent the petition not deal with it? Why did they have to shuffle it off elsewhere?

If a lot of consideration is given to the processes, I would agree with the point that has been made, but the trick is to sort out those processes. It would be a lot of work for the clerks to come up with the protocols by which petitions would be handled and dealt around.

Marlyn Glen: I see the point from the petitioner’s point of view. From the Public Petitions Committee’s point of view, however, it is good to have petitions that we can actually do something about, and that fall within our remit.

I also wanted to ask about your idea of putting stalls outside shops to give out information. Would that be one way to engage different sections of the

community? Did you consider what approaches would most engage women, men or young people in particular?

Dr Carman: We did not do that specifically. My previous research showed that a disproportionate number of men petition the Public Petitions Committee, as you will be aware. The question is why, so we tried to figure that out in the research. We had hoped that the survey would reveal gender differences with regard to awareness and so on, but we could not find any. It does not seem to be an awareness issue, although it perhaps runs a bit deeper than what we could uncover with our basic survey. If locations at which to put out stalls and provide information were picked strategically, certain audiences could be targeted.

Nanette Milne: Do you have any information from other Parliaments and legislatures? Are there any tips from them regarding awareness, which we might pick up, or do they have the same sort of problems as we have?

Dr Carman: The problem is that the Scottish Parliament has been the benchmark. The great thing about the Scottish Parliament is that, although it was not the first legislature to have a petitions system, it has been far more open with its system, particularly in respect of its combining the e-petitions system with the petitions system as a whole. As members are well aware, other petitions committees are looking to the e-petitions system in particular.

I am sceptical about e-petitions and some aspects of e-democracy more broadly, particularly if we keep it in mind that between 35 and 40 per cent of the Scottish population does not have access to the internet, at least not at home. Those people form the target populations that the committee will be most interested in—the disengaged, underserved populations. There are therefore problems with putting too much emphasis on the e-petitions system.

Aside from that, most other petitions committees deal with the same sort of issues and problems—if not explicitly the same—so, to be frank, I do not think that there is a lot of help to be gotten from others.

14:30

John Wilson (Central Scotland) (SNP): The report rings alarm bells for us in relation to awareness of the Parliament, never mind the petitions system. Did you find that there was greater awareness of the number 10 petitions system than of the Scottish Parliament system? If so, why was that the case? I know that when petitions go on the number 10 website, some social networking groups tell contacts to sign up to them. We could examine how people who submit

petitions to the committee put out information on those petitions, bearing in mind Dr Carman's caveat that 30 to 40 per cent of the population do not have access to the internet at home.

Mark Diffley: I will deal with the first question. We found that, generally, there was greater awareness of the number 10 petitions system. We did not measure that statistically in the survey, but several of the people who took part in the group discussions that we held had used the number 10 petitions system and none had used the Scottish Parliament system. Why is awareness of the number 10 petitions system greater? It comes back to the issue that we discussed earlier. You may have answered the question, at least partly, when describing the tools that are used to get people to sign up to petitions. The issue is also wrapped up in the public's lack of awareness of what the Scottish Parliament does. People take the view that either the council or Westminster is the obvious recipient of a petition, regardless of its subject.

Dr Carman: As I said, I have problems with the number 10 system being called a petitions system, because it is very different from what the committee does. It would be helpful if the Scottish petitions system was distinguished from the number 10 system. If I submit a petition to number 10, I may get a nice e-mail thanking me, but that is about it. The important distinction needs to be made that the Scottish system is far more formal and there is much more process to it.

John Wilson: The report refers to the use of public information co-ordinators by the Welsh Assembly. When the Parliament was established, we established a number of partner libraries throughout Scotland that were supposed to be the conduits for information to the general public about the work and role of the Parliament. Did you examine the role of public libraries in distributing information and making it available to the wider public?

Mark Diffley: Not directly. The issue did not arise spontaneously in any of our discussions. From the research that we have carried out, I cannot say that there is much evidence of partner libraries being used to positive effect.

Dr Carman: When the issue was raised in focus groups, people were sceptical about whether having information in public libraries would do much.

Mark Diffley: Earlier, Chris Carman made the point that, instead of expecting people to come to you, you need to go to them.

The Convener: We are searching for more effective ways to engage. We all know that we are in a fairly turbulent political environment, given how the public feel about elected politicians here,

in the House of Commons and in local authorities. There will always be a gulf, and people will perceive that nobody is listening. Part of our purpose is to try to bridge that gap constructively through the Public Petitions Committee. One of the committee's strengths is that it does not matter who someone is, what the issue is, or even how many other people agree with them; they can petition the Scottish Parliament. It is a democratic Scottish tradition that people can petition their Parliament directly to address issues. I am concerned that we would lose that relationship if we blurred the edges and introduced referring petitions on. People should come to the Parliament directly to ask us to consider issues that they care about. If, after that consideration, we find that other people can resolve the issue, that is fine, but the port of call should be here.

Given the general attitude among the public about value for money, I am worried about the idea of setting up public information officers. I imagine that my constituents would say that, as an elected parliamentarian, I am supposed to be their conduit. They would wonder why I was asking other people to solicit views. As an elected member, I am caught by that ambivalence in determining how to address the issue. Will you help us out a wee bit with that dilemma, because I worried when I read the suggestion?

Dr Carman: The obvious response is that if we had public information officers or co-ordinators who gave out information, your job of engaging with your constituents when they had complaints would become clear—that is what I would want if I were in your shoes. As you know, the problem with your job is that it is about 12 jobs wrapped up into one. If you and your office staff are concerned simply with trying to increase public knowledge of various procedures and ways of getting involved, it becomes harder for you to help people with their concerns. If we had public information officers or co-ordinators with that role, they might tell people that their first port of call should be one of their MSPs, but they could also set out other options.

Another reason to have public information officers is that they could help with some of the work that the committee clerks do. The clerks have a large job, too—they manage the system and help people put together petitions. In a sense, they serve as consultants to potential petitioners, by helping them to draft their petitions in appropriate language so that they can then be brought before the committee. Public information officers could help with that. If they had surgeries in communities with high levels of social deprivation, people could go to them to ask what to do about certain issues. The officers might suggest that they see their MSP and could provide a list of them. They could also show people how to

petition. If someone needed help writing up a petition, they could get that from an officer.

There are all sorts of options for public information co-ordinators. They would be neutral persons whom people with concerns could go to, which might deal with another issue. Someone who supports one party might feel awkward about going to an MSP who is not in that party. Co-ordinators would be neutral persons to whom people could go with concerns. The system would help MSPs to serve their constituents in the way that they need to.

Mark Diffley: All of our recommendations have cost implications, although some are greater than others. However, that arises from our analysis of the will of the people to whom we spoke and from what the research tells us about how people want to receive information. Given that there is a problem with awareness, not just of the Public Petitions Committee but of the Parliament and its powers more generally—that is pretty unarguable—people are telling us that television is the best way to address the problem. I recognise that that does not answer your question, but it is a way of saying, “Okay, it costs money, but there is clear evidence to suggest that this is what people”—

The Convener: I do not think that you can answer the question, although it was not constructed deliberately so that you could not. There is ambivalence among people. In my experience of public office, folk will say, “We want this,” and when you provide it, they say, “We really don't want that at all, we want you.” People are uncertain about what they want from those who serve them. There is no doubt that they want accountability and transparency, which is right and proper, but they also want accuracy. In my experience of public life—and I am sure that other members feel the same—people sometimes want to know who to blame. They want to say, “I came to you to try to solve my problem. You didn't, so I'll make a judgment on that,” or, “You solved it so I'll make a positive judgment.” We all live in that world and it is perfectly legitimate.

As current custodians of the Public Petitions Committee, I am concerned that, 10 years in, we are not increasing awareness to the point where people feel that the committee is a direct route in. I think that we offer a direct route, but there is a gap between my thinking and the thoughts of the wider public whom you consulted. We need to bridge that gap more effectively.

I know I am hogging the meeting a bit, but this is my final comment. My experience of anybody under 25 is that what they read most is text messages—I can never get my son's or daughter's mobile phones off them. How important could texting be in evolving awareness and taking

up issues on people's behalf? Nobody converses with words any more; it is all text language.

Dr Carman: People at Westminster experimented with consulting young people by text. They got a fair few responses, when they could decipher what the various responses meant.

The Convener: I wonder which letters came up.

Dr Carman: I am beginning to show my age. The problem with text consultation is that it is like Twitter, whereby you are limited to using 140 characters. You cannot say much in 140 characters and you cannot really say much in a text message. There are limitations when you start to look at such mechanisms.

That said, all sorts of new methods could be looked at, including Twitter, text messaging and RSS—really simple syndication—feeds, although the problem is that we think of them as new ways of engaging, when they are not; they are new ways of sending brief bursts of information to people. If you want to help raise awareness of the Public Petitions Committee and Parliament, where are you going to get the mobile numbers so you can contact people in the first place? They would have to contact you so you could begin to contact them, which takes us back to the question of engaging not with the people who are already engaged but with the people who are not engaged.

Mark Diffley: The message from the research is that the best way of reaching a critical mass of people is through television, which, going back to your question about cost implications, has the largest cost implication of any recommendation. Nonetheless, it is people's preferred communication method.

John Wilson: I know that the public information co-ordinators proposal could have major cost implications.

The figures show that 30 to 40 per cent of people in Scotland do not have access to home computers and that 45 to 50 per cent of the population do not actively engage in politics—they do not vote—so what guarantees do we have that setting up a system of public information co-ordinators would lead to an increase in the number of petitions from the groups that we are trying to attract? We might end up with the converse situation, in which we get more petitions from the same types of groups that currently petition the committee, because they will have more knowledge and more access to the public information co-ordinators, and they will utilise that. We know that certain groups in society would actively use the information to their advantage, but we are trying to engage with the disengaged sections of society. Would public information co-ordinators assist that process?

14:45

Mark Diffley: I do not know to what extent a guarantee can be offered, but, as I said earlier, the issue is one of awareness rather than participation—it is not about whether people like the system or not. That is particularly true among underserved groups. We know from the research that the majority of people receive information about the petitions system—how simple it is, for example—very positively and are much more inclined to use the system as a result.

Chris Carman spoke about the need to get out and engage with people, rather than rely on them to come to you. The combination of those two factors—that people receive the message positively, which we know because we have tested it, and that we need to reach out to those areas that are particularly disengaged—leads us to that conclusion.

Dr Carman: It is difficult to give a guarantee. When we said to people in the focus groups, "We've told you that there's a Scottish Parliament petitions system. How do you think it works?" they said, "You have to have a lot of signatures to show support, and you probably have to go to your MSP, which will be a big ordeal." You have probably heard all those things before. However, as soon as we told them, "Actually, it takes only one signature. You should try other avenues too, but it is a fairly straightforward process," people said, "Oh, that sounds much better."

If you adopted a system of public information co-ordinators next month, you would not suddenly see an increase in petitions the following month, because there would be a long-term process of building public awareness and knowledge. You could provide a short-term burst of information by using television campaigns or snappy little commercials to tell people that a petition requires only one signature, for example, but there would still be a long-term process. The effect could not be measured in even a session of Parliament—the goal would be long term.

The Convener: Are there any final comments or questions?

Nanette Milne: My question is on a different issue. We have, as you know, held several external meetings as part of the inquiry. We think, as a committee, that they worked reasonably well. Do you agree? What information did you get back from the participants?

Vanessa Chan (Ipsos MORI): We carried out in-depth interviews with five people who attended the external meeting in Dumbarton, and the feedback was generally quite positive. One issue that arose was that people were not really aware of how the meeting worked before they came along. It was not clear to them what was going on,

and they were a bit surprised when they got there. In general, they felt that the Public Petitions Committee was a great way of bringing democracy to the people, but that more could be done to promote it clearly so that people know what the committee actually does.

Nanette Milne: So it comes back to the basic point about raising awareness.

Vanessa Chan: Yes. It was recommended that the committee should hold meetings to inform people about how the committee works before the actual committee meeting takes place. Some people were a bit confused that they were hearing evidence on other petitions.

Anne McLaughlin: I was struck by what you said about the danger being that we engage more of the people who are already engaged with the process. That is fine—we want to engage more people—but today's discussion about the public information co-ordinators has been interesting.

I have been on the Public Petitions Committee only since March, so I might have got this wrong, but I think that our focus has been on improving access through the internet, which a large percentage of people do not have. There is clearly a need to target people, which you cannot do by mass advertising; you can do it only by using people who can provide that focus.

John Wilson asked about guarantees. You cannot give guarantees, but I can almost guarantee that if somebody's role was to reach out to hard-to-reach groups, we would see an increase in petitions from those groups. I have not questioned 1,000 people, but I have questioned some people, and my experience is that when they become aware of the petitions system they become quite excited about it. People have asked me what they could use the system for and I have replied, "Well, you were talking about this last week and you were talking about that last week." We have to raise awareness to such a level that the petitions system is in people's minds when they are thinking about the changes that they want to effect.

The convener talked about people's perception of our employing people as public information co-ordinators—they might say that we should be doing that job. There is that danger, but it is probably a question of how we pitch the idea. We could promote co-ordinators as being available to help people to make the Scottish Parliament and their MSPs work better for them. Before the report was published, it had not occurred to me how much we are missing out on input from people who do not have access to the internet. It is not just a financial issue; there are lots of people who can afford internet access but who do not have it because it just does not work for them. We should

not miss out on input from those people. This evidence session has been interesting.

The Convener: We have finished our questioning, so I invite the witnesses to make any final comments.

Dr Carman: Trying to figure out how to engage the unengaged and raise awareness of the petitions system is definitely a large job. I have had conversations with people who have been involved with cross-party groups. I spoke to an active member of a cross-party group who talked about mental health issues. He asked what I was working on and I said the Public Petitions Committee. He replied, "Oh, what's that?" That fellow was engaged with the Parliament on a regular basis through the cross-party group, but he had never heard of this committee. All sorts of people do not know about the petitions system, so you have a large job in raising awareness of it.

The Convener: I thank you all for your contributions. As you know, our inquiry is ongoing. I hope that we will end up with clear conclusions. You have given us a lot of significant information, which has concentrated our minds. I hope that we use that as part of our overall consideration for our report. Thank you for your time and the work that you have undertaken.

New Petitions

14:53

The Convener: We had intended to consider PE1250 next, but I understand that the petitioner has transport difficulties, so I propose that we delay consideration until later in the meeting. I know that Christine Grahame has expressed a particular interest in the petition. We will notify your office of the broad timeframe in which we will deal with it, Christine. We will deal with the other two new petitions first. We might then have to deal with the current petitions before we deal with PE1250, depending on the petitioner's travel arrangements. Do members agree to delay consideration of the petition until the petitioner arrives?

Members indicated agreement.

Christine Grahame (South of Scotland) (SNP): Thank you, convener. I felt like giving evidence during the previous item, given the number of petitions in which I have been interested.

The Convener: I saw you bobbing about, but I was concentrating on the members of the committee. We will notify you of when we expect to consider the petition.

Scottish Prisoners (Microchip Implants) (PE1251)

The Convener: The next new petition is PE1251, by Raymond Bell, which calls on the Scottish Parliament to urge the Scottish Government to issue a clear statement that it will not introduce, for tracking, surveillance or identification purposes, the implanting of prisoners with microchips. Do members have any comments or observations on how we should handle the petition?

Anne McLaughlin: The petition is extremely interesting, but I noticed that the Scottish Government said that it has no intention of implanting prisoners with microchips. I cannot remember how the Government put it, because I cannot find the relevant paper—I think that it was an e-mail to the clerk.

The Convener: As the clerk has been named, he might want to respond.

Fergus Cochrane (Clerk): At the end of April, the Scottish Government intimated to us:

"As far as implanting prisoners with microchips is concerned the Scottish Government has no plans to either consider or do this."

The Convener: We also have an additional submission from the petitioner, which committee members might not have seen.

Would you like to suggest a course of action, in the light of that information?

Anne McLaughlin: If the petitioner wants the petition to remain open, I will not suggest closing it, but the Government has given a pretty clear steer that it has no intention of even considering implanting microchips in prisoners, which is what the petitioner is looking for.

John Wilson: Our briefing papers refer to a response from Scottish Government spokespeople on the microchipping of prisoners, but for the benefit of the petitioner and the committee, it might be worth our while writing to the Cabinet Secretary for Justice to formalise that response. Instead of relying on a Scottish Parliament information centre briefing to establish the Government's position, we should obtain a clear statement of intent from the Cabinet Secretary for Justice to the effect that, for as long as he can commit, it will be the view of the Government that prisoners who are on remand or in other relevant circumstances should not be microchipped.

Marlyn Glen: My suggestion is the same—that we write to the Government for confirmation of its position.

The Convener: We agree to follow that course of action. We will try to obtain an immediate response for our next meeting or the one after.

Anne McLaughlin: It might be worth while writing to other organisations to get their views on the issue. We will write to the Cabinet Secretary for Justice to get the Government's view, but it would be worth having on record for future reference the views of human rights organisations on the idea of microchipping prisoners.

John Wilson: I suggest that we write to the Howard League for Penal Reform to ask its position on the matter. It is clear that the petitioner has raised the issue because of decisions that have been made south of the border. An organisation such as the Howard League for Penal Reform might have a particular viewpoint on the microchipping of prisoners who are on remand, so it would be useful to write to it, too.

The Convener: Thanks for those recommendations, which we will act on.

Police Officers (Convictions) (PE1252)

The Convener: PE1252, by Angus Grant, calls on the Parliament to urge the Government to review all legislation and guidelines that give chief constables the discretion to retain police officers who have convictions. Do members have any

comments? The issue has been raised in parliamentary questions.

Marlyn Glen: We should write to the Scottish Government to ask it directly whether it plans to review all the relevant legislation and guidelines, and if not, why not? More specifically, we should ask whether a zero-tolerance approach should be adopted with police officers who have a criminal conviction.

15:00

Nanette Milne: We should ask similar questions of the police organisations, such as the Association of Chief Police Officers in Scotland, the police complaints commissioner and the chief inspector of constabulary.

John Wilson: I seek clarification. The petition refers to convictions but not to criminal convictions. When we write to the Cabinet Secretary for Justice, it might be worth while seeking clarification on the distinction that could be made between convictions and criminal convictions. It might also be worth while writing to the police complaints commissioner to find out his views on what types of convictions may warrant a chief constable removing the warrant card of a police officer.

The Convener: Do we agree to keep the petition open and to seek the views of the cabinet secretary and a variety of representative organisations?

Members *indicated agreement.*

Current Petitions

Criminal Memoirs (Publication for Profit) (PE504)

15:01

The Convener: We are delaying consideration of the other petition under item 2 until we have the petitioners in front of us, so we move to item 3, which is consideration of current petitions, many of which we have dealt with at previous meetings.

I do not know whether this is a commendation for PE504, but it says in the papers that it is the oldest petition in the system. It has been in the system for so long—more than seven years—that perhaps it is getting a telegram from the Queen. PE504 is from Mr and Mrs Watson, who call on the Scottish Parliament to take the necessary steps to prevent convicted murderers in Scotland from profiting from their crimes by selling accounts of their crimes for publication.

The petition has been before us a number of times, but the Cabinet Secretary for Justice and the Home Office have been discussing practical issues, and those discussions—tortuous as they may seem to us—are on-going. Given that information and the need for continued dialogue, I am open to suggestions about how we should deal with the petition.

Robin Harper: A consultation paper on defamation is being worked on and has not yet been published, so perhaps we should suspend further consideration of the petition for five or six months.

The Convener: Are there any other suggestions?

Anne McLaughlin: Will the consultation be complete in six months?

Fergus Cochrane: It should be completed by then. We also await the outcome of the Coroners and Justice Bill—there will be a legislative consent motion on that in Parliament on Thursday.

The Convener: The issue is serious. We are talking about families who have suffered the indignity of seeing the individuals who have carried out those acts publishing their stories in newspapers and so on. We need to pursue the issue, even if that means delaying the petition for six months in order to get the information that is required. Hopefully, clarity from the Home Office will assist the cabinet secretary in legislating here.

Nanette Milne: After we have the outcomes that we are awaiting, we could ask the cabinet secretary to meet the petitioners so that he can bring them up to speed with what is happening.

The Convener: I am happy to do that. I thank members for their patience on the petition. I apologise to the petitioners that it has taken so long for some reasonable progress to be made.

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

The Convener: PE812, from Caroline Paterson, on behalf of Stirling Before Pylons, 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.

Dr Richard Simpson is one of the members who cover the area and he has spoken in support of the petition on a number of occasions. I presume that that is why he is here this afternoon.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): The inquiry reporters have submitted their report to the Government and we await its response. Ministers have said that they will respond by the end of the year. Since the public inquiry concluded, however, information continues to be gathered. The problem is to decide at what point to draw a line. There can be no doubt that we need the power line in the interests of Scotland's renewables, but we also need to be sure that there is no health hazard associated with it. That is my particular interest.

I draw the committee's attention to my parliamentary question S3W-23891, to which I have not yet received a reply, which mentions that

"proposed legislation in Germany and Austria could result in the undergrounding of up to 250 kilometres of 400kV power lines in Lower Saxony and Thuringen in Germany".

The proposed legislation covers power lines that pass within 200m of single homes and 400m of residential areas. My question also mentions

"the decision last year to underground 60 kilometres of the interconnector between France and Spain"

and

"the decision to remove 52 pylons"

in the area of the Olympic games in London. I presume that that decision was made partly because of the logistics, but it is interesting that the lines are to be undergrounded. There is evidence that the move towards undergrounding throughout Europe is gathering pace, and the costs are coming down. When the original submissions were made, the cost of undergrounding was about 10 times the cost of overhead lines, but it has now come down to three to five times that cost.

There is increasing health evidence, a growing political response, and a reduction in the costs. I hope that the committee will take those three new factors into account and keep the petition open until the Government's response to the report is published.

There is a further factor, which is not unassociated with the others. On 2 April 2009, the European Parliament passed a resolution calling for a review of the International Commission on Non-Ionizing Radiation Protection limit, which is currently 100µT, because of the increasing weight of evidence on health matters.

Finally, I remind the committee that there are two declarations on the use of the precautionary principle in health matters. One is the Rio declaration of 1992, but perhaps more important in the context of the petition is the Maastricht treaty of 1992, which says that when health evidence begins to emerge, even if it has not reached a point where its evidential power is absolute, the precautionary principle should be applied. I believe that that applies to the application to put overhead power lines through part of my constituency.

The Convener: Thank you. Similar arguments are made in the extensive written statement that we received from Christopher Harvie, MSP for Mid Scotland and Fife. It supports the petition, stating that the precautionary principle should be applied and that we should not

"create an expensive, long-term health hazard that future generations may rightfully blame us for."

Do members have any observations or comments on the petition?

Nanette Milne: I certainly do not think that we should be closing the petition, but I also do not think that we can do much more until we get the Government's response at the end of the year. In the meantime, it would be appropriate to write to the Government to outline the concerns that Dr Simpson has raised this afternoon and to ask it to consider the emerging facts. It might also be worth writing to the Health Protection Agency for the same reason.

John Wilson: The evidence that Dr Simpson and Professor Harvie gave us makes it quite clear that things have changed since the inquiry was first established and that the precautionary principle must be taken on board when we are considering this issue. As Nanette Milne has indicated, we should write to the Government to seek a clear and unambiguous response on how the inquiry will consider the information that is now coming out, particularly the European Union's decision to call for a review of the current guidelines.

We need to be clear about the fact that an inquiry's report should not make a recommendation that is based on outdated information. The review must take account of the latest developments and information that has been produced by the scientific community. It would be pointless to produce a report that is based on information that is two years out of date. We should ask the Government what consideration it will give to the latest information that is coming out of Europe and elsewhere.

The Convener: The recommendation is to keep the petition open and pursue some issues, including the ones that have just been raised by John Wilson, with the Government and other agencies. Do we agree to do that?

Members indicated agreement.

The Convener: Hopefully, that will reassure your constituents, Dr Simpson.

Village and Community Halls (PE1070)

The Convener: PE1070, from Sandra Hogg, on behalf of the Scottish Council for Voluntary Organisations, calls on the Scottish Parliament to urge the Scottish Government to recognise the importance of village and community halls in rural Scotland, and to consider the associated issues to do with funding and the regulatory framework.

The petition has been before the committee on a number of previous occasions, and we have given the issues fairly substantial consideration and have tried to progress them. Do members have suggestions about what to do with the petition at this point?

Nanette Milne: I think that there has been satisfactory progress on the petition. The petitioners have been very much involved in the process. At this point, we could quite comfortably close the petition, and I understand that the petitioner would be content for that to happen.

John Wilson: I agree that we should close the petition, but we should note that the Scottish Government's decisions on the rural development programme and its policy of continuing to exempt such halls from paying water charges until 2014 have been useful with regard to retaining as much of the rural provision of such services as possible. The Government has been actively working in the background, which has led us to the position in which we can close the petition.

Robin Harper: I agree with John Wilson. I am content with the Government's decision to delay any consideration of water charges for such halls until 2014, which means that it can be an issue in the next election.

The Convener: As John Wilson knows, I always welcome intelligent and thoughtful decisions that are made by the Scottish Government.

Do we agree to close the petition?

Members indicated agreement.

Education Maintenance Allowance (PE1079)

The Convener: PE1079, from Laura Long, calls on the Scottish Parliament to urge the Scottish Government to review the eligibility conditions for the educational maintenance allowance programme to take account of the number of children in a household between the ages of 16 and 19 who are in full-time education.

I believe that the issue that the petition deals with was subject to an announcement in Parliament in the past few weeks. Members have before them copies of a letter to Fergus Cochrane from the Scottish Government's education department, which gives an update on actions that the Government has taken with regard to the EMA.

As you would expect from a clerk who is inundated by petitions, Fergus Cochrane suggests that that letter is a sufficient response and that the petition might have run its course. Do members have any views?

15:15

Marlyn Glen: The letter that I have before me is dated 31 March. Is that the letter that you are talking about?

The Convener: No, it is the one that is dated 15 May.

Marlyn Glen: Oh, here it is. Thanks. Yes, in that case, I agree that we should close the petition, as it looks like the matter has been addressed.

The Convener: Do members agree with that recommendation?

Members indicated agreement.

The Convener: That is a wee victory for the clerk, for a change.

Cancer-causing Toxins (PE1089)

The Convener: PE1089, from Morag Parnell, on behalf of the Women's Environmental Network in Scotland, calls on the Parliament to urge the Scottish Government to investigate links between exposure to hazardous toxins in the environment and the workplace and rising incidences of cancer and other chronic illnesses.

Are there any comments from members?

Marlyn Glen: I understand that a meeting took place last week but that we have not received any report about it. We should continue the petition and await such an update.

The Convener: Are there any other suggestions? I think that there are a few questions that we might want to pursue.

Robin Harper: I believe that American manufacturers have decided to remove bisphenol A from babies' bottles. We should ask whether the Food Standards Agency will review its own advice about the levels of BPA.

John Wilson: It might be worth asking the Food Standards Agency what advice it will be issuing regarding the recent reports about toxins leaching into water that people keep in bottles in their cars.

The Convener: Do we agree to keep the petition open and pursue those points?

Members indicated agreement.

Wind Farm Developments (PE1095)

The Convener: PE1095, from Sybil Simpson, on behalf of the save your regional parks campaign, calls on the Parliament to urge the Government to provide greater protection for the national regional parks of Scotland from industrialisation, including wind farms and their associated quarries, roads, cable trenches and substations.

Are there any comments from members?

Robin Harper: It would be worth asking the Government whether it agrees that the Sandford principle, which should cover this issue, was properly embedded in the original legislation. I was assured that the Sandford principle—in other words, the principle that the environment should prevail when there are contradictory pressures on the environment of a park—was implicit in the legislation.

Nanette Milne: There are issues around the planning system as well. We should ask Scottish Natural Heritage and the Scottish Environment Protection Agency whether they think that planning policies are adequate to protect the purpose and status of regional parks.

John Wilson: In addition to Nanette Milne's suggestion, we could ask SNH and SEPA whether they continue to support a blanket ban on industrialisation in regional parks. It might be useful to get their viewpoint on that issue, given the major quarrying works that have taken place in some national parks down south. It is difficult to understand why quarrying or other works should be allowed in regional parks that have been designated as such specifically to protect the natural heritage.

The Convener: We will take on board those comments from committee members and we will continue the petition. Is that okay?

Members indicated agreement.

St Margaret of Scotland Hospice (PE1105)

The Convener: PE1105, from Marjorie McCance, on behalf of the St Margaret of Scotland hospice, calls on the Scottish Parliament to urge the Scottish Government to guarantee the retention of continuing care provision for patients who require on-going complex medical and nursing care, such as that provided at the 30-bed unit at the hospice, and to investigate whether arrangements for funding palliative care provision at hospices in the context of Health Department letter HDL(2003)18 are fair and reasonable.

We have considered the petition on at least two occasions since we heard directly from the petitioners. The issue has attracted considerable interest from the local MSPs, including Des McNulty, who cannot make it to today's meeting, and Gil Paterson, who has also been supportive of the petition.

Does Gil Paterson want to make an opening statement on the petition? As always from now on, I should say that statements on this petition should not go on for more than two minutes.

John Wilson: Why do you say that?

The Convener: I say that due to the previous experience.

Gil Paterson (West of Scotland) (SNP): It was not me. I will try my best to be brief, but the issue is quite complex.

I refer members to the letter of 16 March 2009 that the convener received from the Cabinet Secretary for Health and Wellbeing. Let me quickly read out a paragraph that sums up the issue:

"Turning to the funding arrangements currently in place for the provision of palliative care, as currently outlined in HDL (2003) 18, I have indicated previously that this remains a matter for discussion through the Scottish Hospices Forum".

Following a meeting of the forum, the forum has basically said to St Margaret's, "You're on your own." That is not a good answer for St Margaret's because of the disparity that exists between St Margaret's and other hospices—the funding arrangements are out of kilter. In my view, it would be helpful if the committee supported the concept of the cabinet secretary having a meeting with people from St Margaret's to address the issue. If the forum cannot deal with the issue, someone else should, so the next port of call is probably the cabinet secretary.

Another aspect that members will be aware of is the stay of execution that has been obtained for the 30 beds. St Margaret's is trying to have a meeting with the health board to discuss matters further, but the board is still of the opinion that St Margaret's should go to a place to which it cannot go because of the articles by which it was set up. A cross-party group of MSPs had arranged a meeting on the issue with the cabinet secretary but, unfortunately, that arrangement had to be stood down because of the swine flu outbreak. We certainly hope that our meeting will still take place. However, let me emphasise that, although word has gone out that St Margaret's in some way does not want to engage, St Margaret's is continually requesting to engage with the health board on the issues. Frankly, the sooner that happens, the better. Again, I think that the committee could be helpful in arranging that meeting, which St Margaret's has been looking for.

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

John Wilson: I have previously mentioned NHS Greater Glasgow and Clyde's behaviour with regard to meeting representatives of St Margaret's and, given what Gil Paterson has said, the points that I made then still seem to be relevant. If the health board is making it difficult for the hospice to meet and discuss its future, it is incumbent on the committee to write to the cabinet secretary to express its concern at the board's reluctance to have a meeting and to ask her to write to the health board, asking the chief executive and chair of the board to arrange a meeting as soon as possible and allow the issue to move forward. After all, if we cannot secure even a meeting between St Margaret's and the health board, we are failing everyone.

The Convener: We can take that suggestion on.

Robin Harper: I agree with John Wilson. Instead of expressing our difficulty in understanding the health board's reasons for not meeting St Margaret's, we should perhaps express our failure to do so, and ask the health board to explain its reasons.

The Convener: We have given the health board a fair opportunity to be much more open and transparent. It is not as if it has had a great track record in that respect over the past few years, particularly given that in more than a fair share of petitions petitioners have consistently highlighted the board's approach to engagement and the provision of information.

The core suggestion is that we encourage the Cabinet Secretary for Health and Wellbeing to engage directly with the health board and the hospice on the issue, and with the health board on opening up dialogue with the hospice. We will

therefore keep the petition open as we follow those actions.

Members indicated agreement.

Cancer Treatment (Cetuximab) (PE1108)

The Convener: PE1108, from Tina McGeever, on behalf of Mike Gray, calls on the Parliament to urge the Government to consider the provision on the national health service of cancer treatment drugs, in particular cetuximab, to ensure equity across NHS boards on the appropriateness, effectiveness and availability of such treatments.

I welcome Tina McGeever to the meeting. Ms McGeever has not only attended the meetings at which her own petition has been considered but been a regular attendee in general and, when asked for her comments, has been very supportive of the committee's work. I appreciate that. She has also made a very positive contribution to the moving stories exhibition, which was opened by the Presiding Officer. In fact, the Presiding Officer, who I know is interested in the public petitions process, has also joined us this afternoon. I want to recognise Tina McGeever's work in highlighting the accountability that the Parliament should have to its citizens—including herself and Mike, who is no longer with us—and its duty to secure better responses to issues of concern.

As members will see, Tina McGeever has raised a number of specific questions that she feels still need to be pursued in relation to the committee report that was debated in the chamber a number of months ago. I believe that we should keep the petition open, but the question is how we pursue certain relevant matters. Do members have any comments?

Nanette Milne: We really need to find out how—and, indeed, whether—things have moved on since the petition first came before the committee. I know that we put a number of questions to the Cabinet Secretary for Health and Wellbeing at a previous meeting but, after a quick glance at Tina McGeever's list, I suggest that her questions are all very relevant and that perhaps we should simply seek the Government's response to them in toto. After all, time moves on. It is not good enough for the process still to be patchy, and we have to push ahead the issue as quickly as we can.

15:30

The Convener: Are members happy to pursue the questions that Tina McGeever has submitted and issues raised in the responses that we have received?

Members indicated agreement.

The Convener: We will keep the petition open and, I hope, get some satisfactory answers to those questions.

Given that it is always helpful for elected members to be in the Presiding Officer's good books, I will, with members' permission, move to PE1180, which I believe he wishes to speak to.

Alex Fergusson (Galloway and Upper Nithsdale): That is an extremely kind offer, convener.

The Convener: Obviously I am looking after my own interest. Perhaps you will remember me the next time I am looking for a question.

Alex Fergusson: I saw through that one straight away.

The Convener: I am a Glaswegian with noble intent, if you can believe me.

Alex Fergusson: I understand that you were about to have a break. I would be very happy for the committee to do so for the simple reason that Mr and Mrs Wallace, who submitted the petition and were hoping to attend the meeting, have not yet made it here.

The Convener: As always, I bow to your better judgment on these matters.

Alex Fergusson: Very wise, convener.

The Convener: We will take a brief comfort break.

15:31

Meeting suspended.

15:41

On resuming—

Further Education (Students with Complex Needs) (PE1180)

The Convener: I will resume where we left off. I know that the Presiding Officer has a busy schedule; given events elsewhere, it is important that he knows what is happening in the office.

PE1180, from Tom and Josie Wallace, has been considered by the committee previously. It calls on the Parliament to urge the Government to ensure that students with complex needs are supported in achieving further education placements and that appropriate funding mechanisms are provided to enable such placements to be taken up. I know that Alex Fergusson has raised the issue in his capacity as constituency member, so I invite him to make a contribution.

Alex Fergusson: I am grateful for that, convener. I am even more grateful to you for

calling a comfort break that has allowed my constituents, the petitioners, to get here in time to hear the committee's deliberations.

I will start by briefly taking members back to the beginnings of the petition. At its centre is a young boy, Thomas Wallace, who has severe learning difficulties—he is severely handicapped, to use a rather old-fashioned phrase. During his school years, his parents were given every expectation that when he left school their son would benefit most from attending a residential establishment. Given his very rural home, that makes enormous sense, because it is the only way of providing young Thomas with the opportunity to

“combine educational learning opportunities with group living experiences which will help develop independent living skills.”

Those are the words of Dumfries and Galloway Council, in a letter to the committee of 20 February 2009. In the same letter, the council recognises that

“a small but significant group”

within its boundaries requires that creative approach to be taken.

Once Thomas left school, Mr and Mrs Wallace's hopes were dashed, as the expectations and assessments that had been approved by the education department could not be afforded—that is the reality—by the social services department, under whose auspices Thomas now fell. Nothing could be done—the department could not go the extra mile to ensure that Thomas could fulfil his potential.

More, I suspect, in sorrow than in anger, Mr and Mrs Wallace turned to the Parliament for assistance. They submitted their petition on 9 September last year; as the convener intimated, I was pleased to speak on their behalf. I closed by saying that I was sure that

“Mr and Mrs Wallace will do everything that is humanly possible for their son, but I like to think that the system could have done an awful lot more”—[*Official Report, Public Petitions Committee*, 9 September 2008; c 1026.]

Since then—forgive me if I cut through the fine words and fancy ideals—we have had mapping exercises, questions and responses, consultations and partnership working, all of which no doubt have a role to play. However, for Thomas nothing has altered. In effect, the local authority says that it cannot afford what everyone once agreed would be best for Thomas, and the Government says that the matter is for the local authority. We have a vicious circle with regard to Thomas's support.

15:45

Thomas's parents have, of course, done their best for their son. They have begged and

borrowed £55,000 to send him to Dilston College of Further Education in Hexham, Northumberland—to be fair, that has been backed by £15,000 from the local council. He has positively thrived in those surroundings, as the experts always said that he would do, but he will have to leave them as his parents simply cannot afford to borrow any more money. Instead of making significant progress, Thomas will no doubt regress.

I come to the point that I really want to bring to the committee's attention. A paper that the Scottish Parliament information centre kindly prepared for me, which compares how we deal with such issues in the United Kingdom, states:

“There are 4 colleges in Wales with specialist residential places. Similarly to England, where individuals' learning needs are assessed as requiring residential specialist education or training, the Welsh Assembly Government funds further education placements for these individuals at a specialist residential college, either in Wales or elsewhere.”

We have no such places in Scotland, and the Parliament or Government do not fund those people nationally. I simply ask members whether we are really prepared to tolerate there being such a system in another devolved legislature, particularly in the policy area that we are discussing, without questioning why such a disparity exists. We could be leading the way instead of falling further behind.

When Mr Wallace and I met last week, he asked me a question that I could not answer. If I may, I would like to put that question to the committee for it to think about in the context of everything that we say and do about lifelong learning, equal opportunities and equal access. After everything that Mr Wallace had been through, he said to me, “Do we really want to be bothered with handicapped people?” I leave the committee with that question.

I do not know what the committee will do with the petition. I would understand if it wished to close it, but serious questions need to be asked about the disparity in provision in different parts of the United Kingdom. I think that there is a postcode lottery in Scotland for dealing with such issues; there is certainly a postcode lottery throughout the United Kingdom. I beseech the committee to ask the questions that still need to be asked, and I thank it for its time.

The Convener: Thank you for that powerful contribution. I noticed the reaction of members, which was the same as mine, to the personal and financial impacts that there have been on the family. Do members have any observations to make on how we should deal with the petition?

Nanette Milne: I agree that the local member's presentation was impressive. We should not close

the petition at this point; we should keep it open. We should get back in touch with the Government again to make all the points that Alex Fergusson has made. Obviously, the issue is serious. It probably does not affect many people, but it can have an enormous impact on the lives of those whom it does affect.

Robin Harper: We have received petitions on related matters. I feel strongly not only that we should continue to ask questions but that the petition should go to the Parliament's Education, Lifelong Learning and Culture Committee. What happens in England and Wales is so disproportionate to what happens in Scotland that surely we should give the issue full parliamentary attention. It is not good enough simply to ask some questions; we should press for the matter to be fully considered.

Marlyn Glen: I agree that we should continue the petition. I wonder whether the UK Equality Bill, which will affect all the devolved Parliaments, will introduce a public duty on the matter, as there will be new strands, including for disability. I wonder whether we should continue the petition until we see whether that bill affects it—that could be a good reason for continuing it.

John Wilson: I agree with others that Alex Fergusson made a powerful argument for the petition. In light of that, we could write to the Scottish Government and ask whether it intends to undertake a review of the Education (Additional Support for Learning) (Scotland) Act 2004. There is a postcode lottery regarding what region people live in, whether Wales, England or Scotland. In addition, as Alex Fergusson said, there is a postcode lottery in Scotland, depending on the resources that are available to each local authority.

If the Parliament and Government are committed to social justice for people with additional learning support needs, we must ensure that there is provision to allow them to participate fully in the available educational opportunities. It is clear that opportunities are not available at present in Scotland, so the Government must review that. We are sending people south of the border for educational opportunities, so we must review what is available in Scotland to address that situation and ascertain who will fund what is required. We cannot rely on local authorities to provide such funding.

As Marlyn Glen pointed out, the forthcoming equalities duty will apply to all levels of government, including local government and the Scottish Government. We must therefore ask the Government to review the 2004 act and ensure that we have adequate provision to allow people to participate at the appropriate level. That may

require additional funding directly from the Scottish Government.

Given what Alex Fergusson has said, we should ask the Scottish Government to consider what is done in Wales and England to meet additional support for learning needs, in order to ascertain whether something is missing from Scottish educational provision for people with such needs.

The Convener: There is a strong sense from committee members that we are very supportive of the concerns that the Wallace family has raised, so we will pursue those matters. We should keep the petition open and explore whether the issues can be considered further. We will call on the Government and other agencies to undertake reviews to assess whether the petitioners' concerns can be addressed. I hope that that meets the expectations that Alex Fergusson and the Wallace family had prior to the meeting.

Alex Fergusson: I will not take much more of your time, convener. I just want to say that the fact that I am grateful to the committee is entirely irrelevant, but Mr and Mrs Wallace will be delighted at the outcome that the committee has reached. There are serious questions to be asked and serious comparisons to be made, and I am delighted that the committee has shown a commitment to ask and make them—thank you very much indeed.

The Convener: Thank you for your time. I know that the petitioners have had a long journey to get here, but I hope that what we have decided will keep the process open and help resolve matters.

Alex Fergusson: A cup of Parliament coffee will make up for the journey.

Robin Harper: We should do what we have decided for this petition with other petitions that we have before us on the same matter—I can think of one at least.

The Convener: Can we do that retrospectively? I am not disinclined to do that, but I do not know whether it can be done procedurally.

Fergus Cochrane: Is the petition that Robin Harper has in mind on the same topic as PE1180?

Robin Harper: Yes. There is another petition on the same topic, but I cannot put a name to it.

The Convener: I suggest that you draw the clerk's attention to that later, Robin. If the committee needs to reconsider the petition that you have in mind, I am happy with that.

Diabetes (Self-management Plans) (PE1123)

The Convener: PE1123, by Stephen Fyfe, on behalf of Diabetes UK Scotland, urges the Scottish

Government to ensure that all national health service boards provide the necessary resources to promote and deliver diabetes self-management plans to all people with diabetes. We have had the petition in front of us on two previous occasions, and the notes indicate that dialogue has opened up between Diabetes UK Scotland and Scottish Government officials. I think that that represents progress, so I recommend that we close the petition on those grounds. Do members accept that recommendation?

Members indicated agreement.

A82 Upgrade (PE1140)

The Convener: PE1140, by Alasdair Ferguson, on behalf of the A82 Partnership, urges the Scottish Government to begin immediately phased improvements to the A82 Tarbet to Fort William road to improve safety and bring that trans-European lifeline route to a standard that is fit for the 21st century. The petition has been in front of us before. The strategic transport projects review made commitments on the A82. How do members wish to deal with the petition?

Nanette Milne: Quite an amount of movement has gone on since the strategic transport projects review, so I would be happy for the petition to be closed. It would, nevertheless, be helpful to the petitioner if Transport Scotland agreed to keep them informed of the progress of the planned works.

The Convener: Is the committee happy with that recommendation?

Members indicated agreement.

Historic Building Listing (PE1176)

The Convener: PE1176, by Thomas Ewing and Gordon Prestoungrange, calls on the Parliament to urge the Government to provide a right of appeal against decisions by the Scottish ministers, following advice from Historic Scotland, not to list an historic building and to review the criteria that are used to list such buildings to ensure that the value that a local community places on local heritage assets is fully reflected and that buildings can be considered for listing even when a planning application that affects them has been submitted.

Do members have any comments on the petition? There are still some issues on which we require further information. We should perhaps write to the Scottish Government about, for example, the reasons for not making public the reports from external assessors and the Government's view on the points that were made in the last submission from the petitioners. I recommend that we keep the petition open and continue the process.

Nanette Milne: I agree with that. I get the feeling that more transparency in the process would help the petitioners to understand what is happening. There is a feeling, which I have encountered in other situations, that people are not quite sure what is going on and whether their concerns are being taken into consideration. I think that we should try to get some answers.

The Convener: Is that okay?

Members indicated agreement.

Acquired Brain Injury Services (PE1179)

The Convener: PE1179, by Helen Moran, on behalf of the Brain Injury Awareness Campaign, calls on the Parliament to urge the Government to introduce a separate and distinct health and community care client category of acquired brain injury. The petition has come before the committee on two previous occasions, but there are outstanding issues on which we have not received responses from key organisations. I think that we should keep the petition open and write both to the Government and to the Association of Directors of Social Work in Scotland to pursue the matter. Okay?

Members indicated agreement.

Epilepsy Specialist Nurses (PE1182)

The Convener: PE1182, by Allana Parker, on behalf of Epilepsy Scotland, calls on the Parliament to urge the Government to increase the number of epilepsy specialist nurses and to ensure that all NHS boards provide adequate epilepsy services for adults, children and people with a learning disability. How do members wish to deal with the petition?

Marlyn Glen: Some of the point of the petition seems to have been addressed, but I wonder about the number of epilepsy specialist nurses. I know that it is not just about epilepsy and that specialist nurses are required in a lot of fields, but I wonder whether that question has been answered.

Nanette Milne: I agree that there is still a question to be answered. NHS boards are expected to achieve the targets that are recommended by the Joint Epilepsy Council with regard to the timing of diagnosis and to make arrangements accordingly, but I do not know whether that is happening. It would be interesting to find out whether all health boards are doing what they are meant to be doing in that respect. I would like us to write to whomever we need to write in order to find that out.

The Convener: Okay. So, the recommendation is to keep the petition open and seek further information on those issues. Is that agreed?

Members indicated agreement.

St Andrew's Medal (PE1232)

The Convener: PE1232, by Alasdair Archibald Walker, calls on the Parliament to urge the Government to instigate a national civic award, the St Andrew's medal, to recognise those who have committed extraordinary or outstanding acts of bravery. The petition has been in front of us before. I understand that the Government is carrying out a scoping exercise relating to bravery and other areas for commendation, and we are awaiting the results of that. Christine Grahame has expressed an interest in the matter.

Christine Grahame: If the Government is carrying out that exercise, I am very happy. This is the 10th anniversary of the Parliament, and it will be important that the Government can do what some local authorities can do and make civic awards to recognise good deeds. That will be good for Scottish society and good for the Parliament. It might even help politicians to regain some repute—although that is not why I am supporting the petition.

16:00

The Convener: We will keep the petition open but suspend our consideration of it for four months while we await the results of the Government's scoping exercise.

John Wilson: If we are suspending our consideration for four months, can we write to the Government to ask when it expects the results to be available?

The Convener: A letter that the committee received from the Government said that the exercise would be completed late in spring 2009, after which ministers would be invited to consider the next steps. Do you want to ask when progress is likely to be made on the issue?

John Wilson: Yes—that would be better than the committee suspending consideration for four months and then finding, when the petition comes back, that ministers have yet to consider the issue.

The Convener: Okay, we are happy to do that.

Great Britain Football Team (PE1233)

The Convener: Petition PE1233 is by Craig Brown—yes, the Craig Brown, in case anyone is wondering—and it calls on the Scottish Parliament to urge the Scottish Government to consider what impact the creation of a Great Britain football team at the Olympics, or other sporting events, would

have on the promotion and support that it and other public bodies such as sportscotland provide for football as a means of encouraging healthy lifestyles as well as generating economic and social benefits.

The committee has considered the petition before, and I know that Christine Grahame has expressed the occasional view on the topic. On you go, Christine.

Christine Grahame: I have indeed. I do not know the Scottish Government's view, although I believe that the committee was writing to find out about the economic impact. I do not think that this issue is a dead duck; it is still a live issue and will have to be kept in focus. Real concerns might arise to do with participation at club level if Scotland were to lose the right to play.

As I said to the committee on a previous occasion, such issues are decided by FIFA, and one FIFA president cannot bind the next. Any undertakings therefore last only for a limited period. Many independent nations within FIFA are keen for the United Kingdom to have only one competing team. The rights of the four individual parts of the UK could be affected, so we are getting into dangerous territory.

The Convener: I do not know whether Christine Grahame has seen a letter received by the committee from Kate Vincent, who is a deputy director in relation to sports policy. She gives reasons why

"the Scottish Government feel the creation of a GB football team for a one off event would have a negative impact on the promotion and support of football in Scotland."

She then adds that the

"Scottish Government and sportscotland have no plans to officially assess"

the impact of

"the creation of a GB football team for the 2012 Olympic Games at this stage."

That is the Government's formal response.

Christine Grahame: Thank you. I note that the response says "at this stage", which is a caveat.

The Convener: I can tell that you were a lawyer in a previous incarnation.

Christine Grahame: I like the word "caveat"; I grow caveats in my garden.

The Convener: The Scottish Government's position is clear. Do other members wish to comment on how we should proceed with the petition?

Robin Harper: I did not realise that the little caveat—"at this stage"—had been included. I had not read the letter carefully enough. Is that really a

caveat? If the Government is saying that it has no intention of assessing the impact, that is enough for me. It would undermine our position if the Government gave the notion any credence whatsoever.

The Convener: The clerk has just told me that the fundamental position is that the Scottish Government has made it clear that it does not support the creation of a GB football team for the 2012 Olympic games. I am not a lawyer, but the phrase "at this stage" suggests to me that the Government does not see any benefit in doing any scoping exercise on any aspects of the issue.

The petition makes arguments about two points, and if we accept that the first issue has been rejected it negates the second. The debate now is whether we close the petition on the ground that we now know the clear position of the Scottish Government.

Anne McLaughlin: I ask Christine Grahame whether she wants us to keep the petition open and to urge sportscotland or the Government to do some research.

Christine Grahame: To use another legal phrase, I would like the petition to be sisted—put on the back burner. The petition could be left open so that the committee could return to it in four months, or whenever, if a decision was made that there would be a team GB. At that point, there would still be a live petition before the committee. A decision has not yet been taken, but if the committee closes the petition another one might be required.

Anne McLaughlin: I should probably know this, but who makes the final decision? If the Scottish Football Association and the Football Association of Wales have said that they will not participate, can a GB team be imposed?

Christine Grahame: The line that has been taken is that there could be a team that does not have players from Scotland, Northern Ireland or Wales in it. The idea has been trailed that a team GB could go ahead with English players only. If there was a determination to have a team GB, the fact that the SFA has said that it will have nothing to do with it would be irrelevant.

The Convener: I might be wrong, but my understanding is that the British Olympic Association would decide whether to enter a team for the football competition at the 2012 Olympics. There will definitely be a football competition; the issue is whether Scots, Welsh and Northern Irish players will participate in it, given that their football associations have, rightly, identified that that would be inappropriate.

John Wilson: A team GB might compete in the 2012 Olympics, but clarification is required on the

impact of that on national teams competing in international events. FIFA is being evasive and cannot give us a hard and fast answer. We must ensure that the nations retain the right to compete in international matches. That relates to FIFA world cup matches but also potentially to tournaments run by the Union of European Football Associations. It could be argued that, because a team GB was presented in 2012, a team GB must therefore compete in European international competitions and world cups. We need a response that, beyond 2012, the integrity of the home football nations will be retained so they can compete in such tournaments.

The Convener: After those classy wisdom-of-Solomon moments, do we want to keep the petition open to await a final decision, or do we wish to close the petition, given that the Scottish Government has made it clear that forming such a team would not be an appropriate course of action?

John Wilson: It is not only the Scottish Government that has made such comments—the Football Association of Wales, the Irish Football Association and the Scottish Football Association have all said that they do not wish to take part in a team GB if one is established for the 2012 Olympics. We should keep the petition open and monitor closely the decisions or outcomes from any international or national discussions that take place.

Marlyn Glen: The petition calls on the Scottish Parliament to urge the Scottish Government to ensure that it continues to support provisions for football as a means of encouraging a healthy lifestyle, and it asks whether the establishment of a team GB would make a difference to the support for football that the Government provides. The answer should be that such a team would not make a difference and that the Government would continue to promote and support football. Is that correct, or am I reading the petition wrongly?

Christine Grahame: It talks about the support that the Government and

“other public bodies such as sportscotland provide for football as a means of encouraging healthy lifestyle as well as generating economic and social benefits.”

We have considered the economic impact. I gave evidence previously to the committee about the potential loss—I cannot remember, but I think that it was about £15 million. However, that is a different point. The petition is also about the

“impact the creation of a Great Britain football team at the Olympics or other sporting event would have on the promotion and support”

that the Government, sportscotland and other public bodies provide

“for football as a means of encouraging healthy lifestyle”.

If we cease to have a national team that can play in international and European competitions, it might be the case that people’s participation in and engagement with football will diminish. As you know, many children get into football as a result of watching Scotland play.

Marlyn Glen: I can see the consequences.

Christine Grahame: There are consequences at all levels of participation, from the Scottish Premier League right down to kids kicking a ball in the street—I have brought a tear to the convener’s eye.

The Convener: I can testify to the fact that heart problems increase when we watch our national team.

Christine Grahame: So does the use of Kleenex for your tears.

The Convener: It is a traumatising experience, most of the time.

We want to keep the petition open because there are unresolved issues about decision making. We should stress that, the last time that we considered the petition, there was an exchange of letters and a number of us were caught up in what I would define as cross-ball incidents.

The reality is that the football authorities are autonomous, self-governing bodies that are accountable to FIFA and UEFA, so their direction should not be interfered with by national Government. It was right and proper of the Scottish Football Association to say that, but it was not right of the SFA to claim that politicians on the Public Petitions Committee cannot address an issue that has been raised by ordinary members of the public. There were crossed lines in that respect.

We want to keep the petition open on the basis that other decisions still have to be taken. The wording of the petition, which is complex, is such that it will not be easily addressed in any context, but let us not go into that at the moment. We will keep the petition open and find out whether there are any further developments. One way or the other, the issue will be brought back to the committee in due course. Do members accept that recommendation?

Members indicated agreement.

Scottish Class Action Procedure (PE1234)

The Convener: PE1234, by Peter Brown, on behalf of Leith Links residents association, calls on the Parliament to urge the Scottish Government to instigate a class action procedure, or similar, so that, in that respect, Scots law corresponds with the legal systems of many other countries,

including England and the United States. Shirley-Anne Somerville, who cannot attend our meeting because her own committee is meeting this afternoon, has sent us a letter in which she asks that we consider keeping the petition open. I think that we should keep the petition open because we are still awaiting further information.

Nanette Milne: I do not disagree, but perhaps we should suspend our consideration because Lord Gill's review of civil justice and the Scottish Government's response to it need to be published before we can decide whether to close the petition. We should keep it open pending that.

The Convener: I accept that recommendation.

Specific Learning Difficulties (Assessment of Children) (PE1237)

The Convener: After our final current petition, we will return to PE1250, on which we have still to hear evidence.

Our final current petition is PE1237, by David Ballantine. The petition calls on the Parliament to urge the Government to consider the need for legislation to provide a standard assessment of all schoolchildren by the age of eight that will inform parents, pupils and educators whether the pupil is at risk of developing a specific learning difficulty. We are again considering a petition that deals with an issue that parliamentary committees have discussed over recent weeks and which will be the subject of parliamentary debate over the next few days. Do members have any comments or a course of action to recommend?

Robin Harper: As we will have stage 3 of the Education (Additional Support for Learning) (Scotland) Bill tomorrow afternoon, the petition has gone as far as it can go. As far as a standardised assessment is concerned, we have been given the answer—the range of special needs and specific learning difficulties that exist means that it would be extremely difficult to have a meaningful standardised assessment. In view of the further legislation that will go on the statute book tomorrow, I am quite happy to close the petition.

The Convener: Do we accept that recommendation?

Members *indicated agreement.*

The Convener: I now invite members to return to—

Nanette Milne: Before we move on, convener, I seek your guidance. Three of the current petitions that we have been dealing with involve health issues that are addressed by cross-party groups of which I am an office-bearer. They are the cross-party groups on cancer, diabetes and epilepsy. I wonder whether I should declare an interest.

The Convener: Reference has now been made to that.

New Petition

Planning (Playing Fields and Open Spaces) (PE1250)

16:15

The Convener: I invite Mel Spence to approach the table. We have a challenge for him. I know how he must feel—he has injured his back and, for the first time ever, a petitioner will address the committee in a standing position. He is like my granddad standing in front of the fireplace, telling me off. Actually, that occurred only once or twice, in what was a turbulent childhood—trust me. I know that the traffic made it difficult for you to get here on time, Mel. I appreciate that you have managed to make your way to the Parliament.

PE1250 urges additional measures—if necessary, legislative—to be taken to enforce existing planning policy and guidance, such as Scottish planning policy 11, to ensure that robust sanctions are in place to prevent local authorities from proceeding with developments on land that is currently used as playing fields or open space. I also welcome Christine Grahame MSP, who has expressed an interest in the petition.

I should declare that I am a board member of the National Playing Fields Association, which is now known as Fields in Trust, or FIT Scotland. The issue is one that I have raised in parliamentary questions.

I hope that you did not get your injury running about in an open space, Mel. I invite you to begin your contribution. If you feel uncomfortable at any time, just tell us, and we will try to deal with that.

Mel Spence: I apologise for being a peedie bit late getting here. There was a bit of difficulty with the traffic. I managed to get here, anyway.

If I may, I will use the case of Cuiken primary school in Penicuik as an example to illustrate the wider problem that we face. The school is being replaced on its current site—a new, publicly funded school is being built on the site of the current primary school. At the risk of sounding like a lawyer, I note that within the curtilage of the current school is a full-size playing field, which Midlothian Council has decided is surplus to requirements for the new primary school. Although the new primary school is being built in exactly the same place as the current one, it will have no playing field in future.

Just last week, the parent-teacher council had a meeting with the head of the council's education department at which, among other things, the necessity for young people to have an active lifestyle at school and the importance of physical

education were discussed. The head of the department segued into saying that, at the end of the current school term, the playing field would no longer be accessible to the primary school kids and would be fenced off.

Cuiken is just the first primary school in Penicuik that will face this problem. A second primary school, at Eastfield, was closed and demolished, and a new primary school was built in what is effectively an industrial estate. The old school had a full-size playing field, and that site will shortly come up for disposal. Exactly the same problem of loss of playing field amenity will be faced in a town where, as the council acknowledges, there is already a shortage of playing fields. Midlothian's own "One Team—One Vision" strategy report says that the area is short of playing fields.

We have followed the process, and we, the community council, the parents and sportscotland have all objected, in accordance with paragraph 46 of Scottish planning policy 11, which deals with the various requirements and provisions that need to be put in place if people wish to build on playing fields.

I ask the committee to consider the consultative draft of the new consolidated Scottish planning policies under the Planning etc (Scotland) Act 2006. There is an opportunity for the language, at the very least, to be strengthened. At the moment, the draft that is doing the rounds is pretty much a verbatim lift of the relevant paragraph in SPP 11.

The current policy is obviously not working—if it was, I would not be speaking to you about it. There is a presumption that people should not build on school playing fields, yet it still happens, and it has been happening for 25 or 30 years. I accept that the trend is declining, but the cynical side of me says that that is simply because there are fewer playing fields left for people to build on. We need to stop it. Kids are not getting fitter—they are getting less fit. Outcomes from single outcome agreements address the question of people having more active lifestyles, but how can we possibly attain those outcomes if we do not give the kids somewhere to have proper physical education while they are at school?

The Convener: Fantastic—well done. That was a long shift to be standing. Does Christine Grahame want to add anything?

Christine Grahame: Yes. I got involved with the petition as MSP for the area, but I am also interested in it as the convener of the Health and Sport Committee. I think that Robin Harper and the Greens, as well as the convener, have raised the point about the loss of open spaces and playing fields over the Parliament's lifespan.

It seems extraordinary that at a time when we are facing an obesity epidemic and when type 2

diabetes is appearing in our children—which never used to happen, or was at least extremely rare—we are looking at removing playing fields that are immediately adjacent to schools. Children can spill out of the classroom on to the fields and do sporting and physical activities. However, if the playing fields are removed, we will have to transport the children elsewhere, which will take up staff time and eat into the weekly two-hour target for physical education. That seems absolutely ludicrous.

For councils to remove playing fields flies in the face of everything that the policy of both the current and previous Governments aims to do for children who lead such sedentary lifestyles. Gone are the days when Robin Harper and I—not together, but individually—climbed trees and ran about from dawn until dusk. We did not sit in front of a computer having an internet experience of activity; our experience was genuine. We did not know that we were doing two hours of physical activity—but we were, and more. The issue is serious.

The convener will be well aware of the Health and Sport Committee report that has just come out, in which we wrote of our concern about the lack of amenities for delivering sporting activity. We are concerned that most, or many, schools are not delivering two hours of PE a week. When it comes to physical literacy—catching balls, balancing and jumping from one foot to another—our children are not able to do the things that came automatically to us when we were playing peevers and skipping. Perhaps Robin Harper did not play peevers or skip, but it is a serious point.

Mel Spence will tell me if I am wrong, but I do not think that the council told sportscotland about the situation until there was a hoo-hah in the local papers. A gesture was made to sportscotland, but there were no real teeth in it.

The Convener: The Health and Sport Committee report identifies a number of those issues. Mel Spence may not have had a chance to look at it but he will find in there strong comments about trying to deal with those problems.

The review of planning policy offers an opportunity. In its final months, the former Executive explored a consultation, but there has been a transition period between Administrations to consider. To be blunt, although there was a direction of travel under the former Executive, the information that it gathered has not been transmitted effectively enough to the present Executive. There is no real difference between the parties on the issue of trying to protect playing fields; we just have to make the legislation work. We are conscious of that. Although we broadly support the petition, we want to know how best to take it forward on the petitioner's behalf.

John Wilson: Every member sitting round the table could cite examples of local authorities that have tried to dispose of playing fields. I was involved in such a case last year. It was not that the local authority was going to sell the land; the authority was transposing an education establishment on to playing field land that provided opportunities for a range of sporting activities such as football, Irish football and hockey.

When councils consider selling off land or using it differently, they must think about its current use and how it will be used in the future. Local authorities throughout Scotland are using the current planning regulations to make alternative proposals, particularly where they own the land. Councils are supposed to bring such cases back to the Government to get final planning consent to move forward, but given that they are getting consents to build on existing sports fields, there must be a tacit agreement by ministers in the Scottish Government to allow them to go ahead. Many authorities take that as permission to dispose of land that is currently used for sporting activities.

It is incumbent on us to write to the Scottish Government to ask how it will strengthen the current planning regulations to ensure that where there is a clear demand for sporting activities on green-belt land, the local authority should be instructed to reconsider any proposals for the use of that land.

Christine Grahame and the convener spoke about young people's lifestyles. If we continue to strip away opportunities for sporting activities, we will create further problems in the future. At some stage, we must take a stand and say that enough is enough. We need to retain the activities that take place on playing fields; if we continue to strip playing fields away, we will lose those activities. We have just debated a petition on the creation of team Great Britain. If we continue to lose football pitches at the current rate, we will not have to worry about team GB, because we will not have a team Scotland.

Robin Harper: If my memory serves me correctly, somewhere in the region of 100 football pitches disappeared from Scotland in the first four years of the Parliament's existence. Not only football pitches are going—we are losing general play or amenity space, which is not defined as such but which is used by communities and children for the purposes of play and general recreation. Some of that space does not have the specific protection that one would like it to have.

This is an enormously important issue. The Government should be encouraged to review what has happened to formal and informal play space in the 32 local authorities over the past 10 years; the picture may be fairly grim. That trend in the wrong

direction, which was identified a long time ago, must be stopped. Little has happened during our time in Parliament to arrest it.

The Convener: The petitioner will sense from members' comments that the committee is strongly willing to assist him. We know that Scottish ministers will have to make decisions on the issue at some time in the near future, so let us try to influence the debate. The Health and Sport Committee report is helpful; the petition has been submitted at a propitious time.

How do we wish to progress the petition? There are a number of issues that we need to raise directly with the Scottish Government and with other agencies. I note with interest the suggestion that we examine a cross-section of local authorities, including that of the petitioner. We should look at a combination of authorities, including a city authority and authorities that have engaged in substantial changes to their school estate in recent years. We have identified two or three such authorities.

Missing from the clerk's paper is a reference to sportscotland, which must be consulted. We should refer to the evidence that it gave to the Health and Sport Committee. It would also be worth while for us to contact FIT Scotland—in which I have declared an interest—which is working actively with other partners to retain exactly the type of playing fields and recreational areas that the petitioner has identified.

Anne McLaughlin: I suggest that we write to South Lanarkshire Council. I remember that a couple of years ago there was an issue with the council creating playing areas that consisted of a tarmac-like substance painted green to look like grass. It might be interesting for us to include South Lanarkshire Council on the list of local authorities to which we write.

Christine Grahame: The Health and Sport Committee is pitching for a debate on its "Pathways into sport and physical activity" inquiry report. We would be delighted if members of the Public Petitions Committee who have made statements today about the activities that take place on playing fields were to take part in that debate. It is a very important issue for the coming generation.

Marlyn Glen: Is there any way in which the committee can contribute to the consultation that closes on 24 June? Can we send in our deliberations?

The Convener: Yes, we can do that.

Marlyn Glen: The petitioner specifically requested the strengthening of planning policy.

The Convener: I hope that those suggestions are helpful. Mel Spence is standing there, asking

himself, "What have I done wrong?" Essentially, we want to get the process right, and the petition has come at a good time because we can also pursue it through a parliamentary debate. You are welcome to return to the Parliament when the debate is held. Your petition will also come back to the committee. We will try to ensure that there are minimal problems with the traffic in future. Thank you for your patience.

Mel Spence: Thanks very much, convener.

New Petitions (Notification)

16:30

The Convener: Item 4 is to note the new petitions that have been received, which will be considered at our future meetings. They are detailed in the paper that members have received.

Annual Report

16:31

The Convener: Item 5 is consideration of the committee's draft annual report for the parliamentary year 9 May 2008 to 8 May 2009. Are members happy with the report as drafted?

Nanette Milne: There are one or two typos. For example, I think that information plaques would be more appropriate than "information plagues".

The Convener: Okay. Let us move swiftly on.

Nanette Milne: There is another one in relation to e-petitions.

The Convener: In which paragraph?

Nanette Milne: It is in paragraph 11, seven lines from the bottom of the page. The word "discussion" should be "discussing".

The Convener: So we just need to get the tense right.

Nanette Milne: I also think that, in the same paragraph, "discussed this issue" should replace "discussed with this issue".

The Convener: Okay. Is there anything else that we need to deal with?

Members: No.

The Convener: Do we accept that summary, which will be part of the committee's annual report to the Parliament?

Members *indicated agreement.*

Decision on Taking Business in Private

The Convener: Thank you for your patience. The next meeting of the committee will take place in Edinburgh on 2 June.

Meeting closed at 16:33.

16:32

The Convener: Item 6 is a decision on whether to discuss in private at future meetings the draft report of our inquiry into the public petitions process. We have now completed our oral evidence and will consider a first draft of our report at our next meeting on 2 June. Are we happy to have that discussion in private?

Members *indicated agreement.*

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