



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# PUBLIC PETITIONS COMMITTEE

Tuesday 29 June 2010

Session 3

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**Tuesday 29 June 2010**

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# **PUBLIC PETITIONS COMMITTEE**

## **11<sup>th</sup> Meeting 2010, Session 3**

### **CONVENER**

\*Rhona Brankin (Midlothian) (Lab)

### **DEPUTY CONVENER**

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

### **COMMITTEE MEMBERS**

\*Bill Butler (Glasgow Anniesland) (Lab)  
\*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)  
\*Nigel Don (North East Scotland) (SNP)  
\*Robin Harper (Lothians) (Green)  
\*Anne McLaughlin (Glasgow) (SNP)  
\*Nanette Milne (North East Scotland) (Con)  
\*John Wilson (Central Scotland) (SNP)

### **COMMITTEE SUBSTITUTES**

Claire Baker (Mid Scotland and Fife) (Lab)  
Jamie Hepburn (Central Scotland) (SNP)  
Jamie McGrigor (Highlands and Islands) (Con)  
Nicol Stephen (Aberdeen South) (LD)

\*attended

### **THE FOLLOWING ALSO ATTENDED:**

Trish Godman (West Renfrewshire) (Lab)  
Christine Grahame (South of Scotland) (SNP)  
Iain Gray (East Lothian) (Lab)  
Mr Frank McAveety (Glasgow Shettleston) (Lab)  
Dr Richard Simpson (Mid Scotland and Fife) (Lab)

### **THE FOLLOWING GAVE EVIDENCE:**

Ann Cassels (Fernan Street Action Group)  
Maggie Tervit  
John Thomson (Fernan Street Action Group)

### **CLERK TO THE COMMITTEE**

Fergus Cochrane

### **LOCATION**

Committee Room 1

## Scottish Parliament

## Temporary Convener

### Public Petitions Committee

*Tuesday 29 June 2010*

[The Oldest Committee Member *opened the meeting at 14:00*]

### Interests

**Robin Harper (Oldest Committee Member):** Good afternoon and welcome to the 11<sup>th</sup> meeting of the Public Petitions Committee. My name is Robin Harper, and I am in the chair as the oldest member of the committee.

Item 1 is a declaration of interests from our new committee member. I welcome Cathie Craigie to the committee and invite her, in accordance with section 3 of the members' code of conduct, to declare any interests that are relevant to the committee's remit.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Thank you. I have no relevant interests to declare, and I refer members to my entry in the register of interests.

14:01

**Robin Harper:** Before we move to item 2 to choose a new convener, we are, in the absence today of the committee's deputy convener, required to appoint a temporary convener. I refer members to rule 12.1.17 of standing orders, which states:

"when a Temporary Convener is chosen by a committee, he or she shall take the chair and shall exercise all functions of the convener of that committee until the convener or, where the committee has a deputy convener, the deputy convener is again able to act".

I therefore seek nominations.

**John Wilson (Central Scotland) (SNP):** I have much pleasure in nominating Robin Harper.

**Robin Harper:** As one nomination has been received, does the committee agree to choose me as temporary convener?

**Members** *indicated agreement.*

## Convener

14:03

**The Temporary Convener (Robin Harper):** We can now move to item 2, which is the selection of a convener. I refer members to paper 1 from the clerk. The Parliament has agreed that only members of the Labour Party are eligible for nomination as convener of this committee. That being the case, I seek nominations for the position of convener.

**Bill Butler (Glasgow Anniesland) (Lab):** It is my pleasure to nominate Rhona Brankin.

*Rhona Brankin was chosen as convener.*

**Robin Harper (Lothians) (Green):** I congratulate Rhona Brankin, and vacate the chair.

**The Convener (Rhona Brankin):** I thank Robin Harper, and I thank committee members for choosing me as convener. I look forward to working closely with them.

I want to put on record the committee's thanks to Frank McAveety, who over time has shown a great deal of commitment and enthusiasm for the committee, and has certainly valued its work. He will come before the committee later in the meeting with a petition from his constituency.

## New Petitions

### Cerebral Palsy/Acquired Brain Injury National Football Team (PE1335)

14:04

**The Convener:** We have four new petitions before us today, and we will take oral evidence on the first two. PE1335, by Maggie Tervit and other parents on behalf of football players with cerebral palsy or acquired brain injury, calls on the Scottish Parliament to urge the Scottish Government to take action, including making representations to the Scottish Football Association, to bring Scotland more into line with England, Wales, Northern Ireland and the Republic of Ireland, to adopt the Scottish national team for footballers with cerebral palsy or acquired brain injury.

We will take oral evidence from the petitioner via videoconference. We have visual and audio feed. I welcome Maggie Tervit to the meeting.

**Maggie Tervit:** Thank you.

**The Convener:** I invite you to make an opening statement of no more than three minutes, after which members will have the opportunity to ask questions. The floor is yours.

**Maggie Tervit:** Since the petition went live, I have had the opportunity to do more research. In addition, Gavin Macleod, chief executive officer of Scottish Disability Sport, has communicated with me. I have an e-mail from him. Regarding the nominal payment, he says:

"SDS receives performance funding from sportscotland which is used to support all our key sports and there is a danger that a bid to support football in isolation will be detrimental to the remaining sports. SDS has never operated an individual membership scheme for obvious reasons, so all athletes who attend SDS events and squads are asked to make a contribution. We have to be seen to be treating our sports and athletes equally".

That clarifies why our players are asked regularly to contribute a nominal payment.

Regarding the SFA and other disability football teams, he says:

"Our partnership with the Scottish FA has never been stronger and the levels of investment from the Scottish FA to disability football have never been higher. There is huge pressure on the Scottish FA to support all disability groups who co-ordinate football programmes."

It is obviously essential that we tread carefully so that none of the other football disability teams, sports or athletes that are supported by SDS are disadvantaged.

I now wish to elaborate on the "Action to be Taken" plan on pages 5 and 6 of the petition, which is written in layman's terms as it deals with

a complex situation involving various opinions, bodies and objectives. I have a quote from Gavin Macleod that should be added in support of points 1 and 2. He says:

“extra funding cannot be found by redirecting resources from other areas, this would have the potential to undermine the huge amount of work that has been done to date”.

I will elaborate on point 3 of the action plan in the petition. It would be unreal to compare the Scottish FA with the English FA. We do not expect to catch up with the English. All that we want to do is compare the status of the CP/ABI teams in the four countries, which is an extremely small part of the football associations' programmes. It is a scale in which England obviously leads and the Republic of Ireland is probably second, with Scotland perhaps third and Northern Ireland perhaps fourth. For reference purposes only, it would be beneficial from the point of view of looking to the future to see exactly where everyone stands, who funds the CP/ABI teams, how they are funded and when and what they must do to qualify for more support.

We wish to drop point 4 of the action plan, which is, in hindsight, unnecessary. The Scottish FA document “Hitting the Target 2006-2010: the future of disability football” is due to be rewritten this year. If it appears to be necessary to compare the issues that are outlined, we presume that other football associations have similar documents that are available to read.

In theory, our national team already has an elite position and has set an example for other Scottish disability football teams. In addition, in July 2009, Stuart Sharp, the SFA's national development manager for disability football, was named head of technical control at the Cerebral Palsy International Sports and Recreation Association. He was approached by the CPISRA after his achievements with our team in Rio de Janeiro. We like to think that our team contributed a little to his being offered that position.

If the SFA wants to keep up with change and transformation, one can only presume that, at some time or another, it will start incorporating national disability teams in its core programme. Furthermore, it is only fair to expect that CP/ABI teams should be the first: it must be possible to achieve that one way or another. For example, if the SFA adopts a team, a sponsor may be found solely for our team, with the SFA holding the strings.

**Bill Butler:** Good afternoon. It seems to me—and, I am sure, to other colleagues—to be unfair that players have to self-fund their participation. That is something of an injustice. How is funding for the English, Northern Irish and Republic of Ireland squads made up?

**Maggie Tervit:** I am sorry—I have no detailed information on that. I know only that the Republic of Ireland squad receives a considerable grant from the Football Association of Ireland. The English squad is funded solely by the Football Association.

**Bill Butler:** I have one further question. I know that we do not have the specific figure, but how much approximately would it cost the SFA to adopt the Scottish national team for footballers with cerebral palsy/acquired brain injury?

**Maggie Tervit:** I could guess at £50,000, but I honestly do not know. I do not know how much SDS contributes and how much the SFA contributes. I know that the boys in the selected team that will represent Scotland in August are going to Cyprus in July for two weeks to train. If I remember rightly, that will cost £35,000. Stuart Sharp managed to find a sponsor to fund the trip.

**The Convener:** To which bodies do members suggest we write about the petition?

**Bill Butler:** Given the detail of the petition, and having heard the petitioner, I suggest that the committee support the petition and ask the Scottish Government to take the action that the petitioner requests, by making representations to the SFA to bring Scotland more into line with other home nations in this regard. We should also ask the Scottish Government whether it thinks that it is right that players have to self-fund their participation in matches, training and so on, especially given the success that the team has had, which Maggie Tervit mentioned in passing, and given the positive reputation that it creates for itself and its country.

**Nanette Milne (North East Scotland) (Con):** We should ask the Scottish Football Association and Scottish Disability Sport for responses to the petition and ask whether they will take the action that has been called for. It would be interesting to know what present annual funding in support of the CP/ABI teams amounts to and how it is made up. The SFA may be able to tell us how many squads and players there are, how often the national squad trains together and how many friendly matches it plays in a year.

14:15

**Anne McLaughlin (Glasgow) (SNP):** It might be useful to write to the football associations of the other countries that have been mentioned. In this Parliament, we too often feel that we have to do what is being done in England, Wales and Northern Ireland; however, as those countries have been mentioned, we could find out what they do and what their approaches are. We could also try to get information about how much the proposal would cost before we write to the SFA. If

it is going to cost only £50,000 a year, that will strengthen the argument significantly when we ask the Government to write to the SFA. It would be useful if we could get a ball-park figure, because £50,000 seems to be a minuscule amount.

**The Convener:** Okay. We have agreement from committee members that we should keep the petition open. It is suggested that we contact the Scottish Government, the Scottish Football Association, Scottish Disability Sport and various football associations to elicit information from them.

I thank Maggie Tervit for bringing the petition to the committee. That is often hard enough to do without it being by videoconference.

**Maggie Tervit:** Thank you.

14:16

*Meeting suspended.*

14:18

*On resuming—*

### **Disabled Services (Consultation) (PE1334)**

**The Convener:** The second new petition is PE1334, from Ann Cassels, calling on the Scottish Parliament to urge the Scottish Government to set out what its expectations are in relation to how, when, with whom and on what local authorities consult when they are considering the closure or relocation of centres that provide services for people with disabilities, and to ask what evidence there is that that is what local authorities are really doing. I welcome Ann Cassels and John Thomson from the Fernan Street Action Group. One of you may make an opening statement of no more than three minutes, after which members will have the opportunity to ask questions. I also invite Frank McAveety MSP to say a few words in support of the petition.

**Ann Cassels (Fernan Street Action Group):** Good afternoon, ladies and gentlemen. We are here on behalf of Fernan Street Action Group. The Fernan Street complex was built in the late 1980s and has been a partnership between social work services and the users, some of whom still attend. It had three components: respite, day care and information. It has hosted various daytime activities such as a heart and stroke club, an extend class that provided exercise, arts and crafts, drama and a drop-in facility. Physiotherapists have also used it twice a week.

We have held fundraising days and dances. At night, the centre has been used by the brownies and the local Multiple Sclerosis Society branch. Housing associations have held their meetings in

it, councillors have held surgeries and an east Glasgow disability group has used it. It is centrally located beside a train station and bus routes. For respite users, the building is near shops, a health centre, a library and sports centres. Now, those users are in an industrial estate and are further away from those amenities.

We first heard about the closure after it was agreed to by a local council committee. There was no consultation and no users were invited to put their case. The Fernan Street centre was to be the social work services' flagship in Glasgow. The council has systematically shut all other disabled centres in Glasgow. It is a disgrace that we will no longer have suitable services in a city the size of Glasgow. Would it not have been more practical to keep open that purpose-built building, with equipment, alarms and staff for disabled people and to maximise its use and cater for able-bodied people, too, rather than compromise with less suitable buildings for the disabled?

The Fernan Street centre is not just a building; many friendships have been made. We are in our own way a community of people with disabilities. We are more aware of how others learn to cope with their disabilities. How would councillors feel if members of their families depended on the services? Would not they want the best available service? We feel that if we do not take what is being offered to us, we will have nothing at all. Do not forget that the issue is not just about the users; it is about carers having time, too. If that is how we treat disabled people, we do not know the meaning of care in the community.

The process is happening not only in Glasgow; it is a problem throughout Scotland because councils are having to make cuts. We understand that cuts have to be made, but why hit the most vulnerable people first? Do councils think that we will be an easy target and that we will just accept it? I do not think that we will.

The Fernan Street building must stay open because the quality of service that it provides is second to none and it is a major asset to the east end of Glasgow and to Glasgow City Council, if it would only admit it. We realise that the budget is restricted, but the money that was spent would be recouped through the work that the centre does—physically and mentally—for the users and their carers. Carers know that their family members and loved ones are in a safe and friendly environment and are getting the best care that is on offer. They can gain correct information on any problems that they have. We do not believe that there are any centres of the same quality in the area, either within the city limits or beyond.

We are the first to raise such issues, but I am sure that we will not be the last. The sad thing is that people never know when they will need such



services. Once those services are gone, we will not get them back.

**The Convener:** Before I ask Frank McAveety to say a few words, I record our thanks to him for his commitment and service to the Public Petitions Committee in the past three years. Thanks very much, Frank—we are delighted to see you back in your capacity as a constituency member.

**Mr Frank McAveety (Glasgow Shettleston) (Lab):** Thanks very much, convener.

I want to add to the points that Ann Cassels has raised. Members have received background papers relating to the consultation. The critical point that Ann Cassels has identified is, in a sense, about the need, when key users of a service have not been engaged with senior officers, for post-consultation to try to find ways to manage the services that people have been utilising.

After a number of inquiries, I and other elected representatives have raised issues on behalf of the Fernan Street Action Group and we have met the local community health and care partnership. I welcome the opportunities to do that. Even at this late stage, we wish to pursue matters further.

Underpinning the petition is a debate about what kind of consultation should take place and how to work with service users. I have a personal view about the value of location, and I am sure that people throughout the country have similar views about the value of local services. From the discussions that we have had, it is clear that the changes have been driven by the finance agenda. Local councils will have to address, and are addressing, those issues, but there is a real concern—not only among service users—that the range of services that allow people to come together will be lost. If a more extensive consultation process had been carried out, we might have come up with a more imaginative response than closure.

In conclusion, from the point of view of those who use the service, there is a sense that there needs to be an honest debate about how we arrive at such decisions. As Ann Cassels identified, we know that there is a difficulty with finances, and the action group also knows that, but this might be a short-term saving that proves to be a major mistake in the long term because of the range and quality of the services that are provided. It is true not only in this case but throughout the country that difficult decisions are having to be made, but to make such decisions on a financial basis rather than based on services would be wrong, even in the light of the public finances that are available.

**The Convener:** Thank you. I ask committee members to ask questions.

**Anne McLaughlin:** I will ask a couple of questions, because I am slightly confused. It has been said that the decision was taken to close the building because it was not fit for purpose, but you have both said that the decision was finance driven. Is the building fit for purpose? I know that we are talking about wider issues, but can you respond on that specific point?

**Ann Cassels:** The council is saying that the respite provision is not fit for purpose because the rooms are too small for equipment that is needed, such as hoists, and the bathrooms are too small for two carers plus the person plus a hoist. There is nothing wrong with the rest of the building that could not be sorted.

**Anne McLaughlin:** So the rest of the building is closing purely because the council is withdrawing the funding.

**Ann Cassels:** The rooms were too small and the council decided that it would cost too much to make these rooms bigger.

**Mr McAveety:** Could I just amplify that? I will quote from the minutes of one of the meetings that we have held with senior officers. The minutes state that the

“Council needed to close due to the Budget available for such services ... the availability of money is making this decision inevitable.”

There is a combination of that factor plus the problem with the element of overnight respite care, because of the Scottish Commission for the Regulation of Care standards. No one is arguing about that. People might feel uncomfortable about moving to a private sector provider, but in principle the conditions were not great for the provision of such care. However, people genuinely feel that, in respect of day care services, there is an issue for broader discussion and debate; they would have been happy to have that discussion, but they have, in a sense, arrived at that position after the event rather than before it.

**Anne McLaughlin:** I think that Frank McAveety is right that this is happening all over and that some services will have to close because funding has to be withdrawn, but the key problem is that consultation is not taking place. I have experienced that with services when the funders have decided to withdraw funding because people can access other services, but the other services are nothing like the services that are being withdrawn and do not address the problems that the service that is being withdrawn addresses. They would know that if in the first place they properly consulted the people who use the service. That is a significant issue and it is one that we need to delve into a wee bit deeper.

One point that I want to add, if the convener does not mind, is that I am now saying to a lot of

community organisations that funding will be difficult over the next few years. Everybody accepts that, but there is an organisation called Pilotlight, which works with local organisations to enable them to become more self-sustaining and less reliant on public funding. I am looking into that organisation and will send the petitioners information about it, because Pilotlight's support has enabled a couple of organisations that I know to continue to provide a service to the people who require it when they would not have been able to continue without its support. I will send you information about that, because the situation will get more difficult over the next few years.

**Bill Butler:** Good afternoon. Obviously, the committee has heard that the consultation was not really a consultation at all, that it was very poor and that it was like dictation rather than consultation. Can Ann Cassels or John Thomson say what needs to be done to make consultation in circumstances such as that faced by Fernan Street centre users more meaningful? What could make it better for users and at least more honest and open?

**Ann Cassels:** The users need to be involved. The council should be looking for properties to put people in rather than waiting until they have decided that the place is closing and saying, "We have a room here and a room there—we will just move you in there," without taking into account the fact that the existing centre has permanent staff and bathrooms with alarms and handrails. One of the properties that it talked about moving us into was a building used by a pre-five group. We would have been in the building with the pre-fives. Now, we are a wee bit slower on our feet and not as agile as we could be, so where is the sense in that? We have a building that was purpose built for disabled people. Why do they not make the best of that building and move so-called able-bodied people in beside us? That would mean that we were both catered for.

14:30

**Bill Butler:** The building is just off Shettleston Road.

**Ann Cassels:** That is right.

**Bill Butler:** I remember it because I was a councillor there for a brief period. John, do you agree with Ann? Do you have anything to add?

**John Thomson (Fernan Street Action Group):** I will describe my personal experience. My wife is an A1 priority plus—she is at the highest level; people cannot get any more dependent than that. They offered her two places. One was at Revive in Maryhill, which is only for exercises; there is no communication between people. The other one was at a place in

Drumchapel—the Antonine centre—but it takes an hour to get there and an hour to come back, so it would add two hours to our day. Carol can be shattered coming up from the Fernan Street centre. She is paralysed from the neck down and she is doubly incontinent. Usually, when she gets up from Fernan Street, she needs to go to the toilet right away. That is just the nature of her illness.

To get Carol to the Antonine centre by booking taxis on contract—which means that the cost does not go on the meter; there is just a one-off payment every month—would cost £400 a month. They turned round and said, "Your mobility will cover that," but we do not get £400 a month in mobility. It is a farce. I actually asked them if they had worked things out on the back of a cigarette packet.

There has been no consultation whatsoever and no thought has been put in. They are offering people ridiculous premises. They said that they would offer like for like, but one of the other places that was mentioned—it was not offered, but it was mentioned—was a guest centre up at Ruchazie that does not have toilets to suit Carol. She needs two people and a hoist because of the nature of her illness, but there were no suitable toileting facilities at all. I do not know what they are talking about. I am honestly shocked at the standard of care that they think they can hand out to people.

**Bill Butler:** I am listening carefully, as my colleagues are, to what you are both saying. It is shocking, and it shows a lack of any kind of thought or care for the people who are supposed to be cared for and supported. Thank you for being so frank with me.

**The Convener:** As there are no further questions, I invite members to suggest how we should proceed.

**Bill Butler:** The petitioners have made a powerful case about the lack of proper, thought-out consultation and real contact with both those who depend on the Fernan Street centre and the family members who depend on it to provide services for their loved ones.

If colleagues agree that we should pursue the petition, I suggest that we write to the Scottish Government to ask what its expectations are in relation to how consultations are carried out—the "how, when, with whom and on what"

that are mentioned in the petition. It would also be useful to ask the Scottish Government whether it monitors local authorities in that regard and looks at how consultations, especially with vulnerable groups of people, are carried out. What we have in the case that we have been discussing is the opposite of good practice. It is just not acceptable.

We should ask the Scottish Government about the things that I mentioned, but colleagues might have in mind other things that we can do.

**Nanette Milne:** I wonder what expectations organisations such as Capability Scotland and the Equality and Human Rights Commission have of provision for people such as the petitioners. We should ask those organisations what they recommend.

**The Convener:** Is that agreed?

**Members** *indicated agreement.*

**Bill Butler:** Given that the issue relates to local authorities, I think that we should also write to a selection of local authorities to ask them what their reaction is to the very serious points and concerns that the petitioners have raised. I suggest that we write to Glasgow City Council, City of Edinburgh Council, Aberdeen City Council and perhaps a rural authority.

**Nanette Milne:** Yes, it might well be worth writing to Aberdeen City Council, which was in the very same situation a couple of years ago. It might be interesting to see how Aberdeen City Council responds to the issue now.

**The Convener:** Okay, we will continue with the petition. We will write to the organisations that have been mentioned and take the petition forward. Given the current financial situation, I think that we are all agreed that such issues will be faced by quite a few groups in the coming days.

**Nigel Don (North East Scotland) (SNP):** Convener, we are perhaps skirting around the fact that there is a very specific issue in Glasgow. I am aware that Glasgow City Council has a commitment to service users and a disability equality scheme—I am sure that it has the bits of paper that say all the right things—but what we have heard from the petitioners plainly indicates that some of the right things have not happened in the midst of all that general paperwork. I agree that we ought to address the principles involved, but I wonder whether we ought not also to write to Glasgow City Council to ask it to respond to the specific issues that have been raised, which we should not ignore.

**Anne McLaughlin:** When we write to Glasgow City Council and other local authorities, can we ask whether they believe that they consult in the way that they should by involving service users? Can we also ask them for a concrete example of that? It might be nice if Glasgow City Council gave us an example of how it consulted the users of the Fernan Street centre. No doubt the council will assert that it consults people properly, but it would be good to have something that tells us how it did that. The council will say, “Yes, we consult

properly and, yes, the public believe that we consult properly,” so I would like to be given an example—not just from Glasgow City Council but from the selection of local authorities that we contact—so that we can read about what local authorities think is the correct way to consult.

**The Convener:** It occurs to me that it might be appropriate also to write to Convention of Scottish Local Authorities to ask about the quality of consultation that local authorities are expected to undertake.

I thank Ann Cassells, John Thomson and Frank McAveety MSP for giving evidence. The petition will be continued.

### **Pit Ponies (PE1330)**

**The Convener:** PE1330, by Roy Peckham, calls on the Scottish Parliament to urge the Scottish Government to prohibit the use of equines underground. Do members have any suggestions on how the committee should deal with the petition?

**John Wilson:** Convener, I think that the committee should continue the petition.

Let me just read out an extract from a short story that I managed to pick up from a friend who worked in the pits for 51 years. As well as writing a poem about the pit pony, he describes what actually happened to such animals:

“Little welsh ponies were coupled to the hutch to transport the coal. They had to be small as the roads were very low but they were tough animals. There must have been around sixty ponies in the stables. There was an ostler on the day shift and one on the back shift but there was none on the night shift and so the ponies were often overworked. The ponies could be quite temperamental, some were easy to work and some could be quite difficult. As a result the night shift drivers were taking the good ponies in the absence of an ostler. Some of the ponies would work fourteen hours a day but the night shift wasn't in production so fortunately they weren't many used at night.”

As I said, that brief description of what happened when pit ponies were used in the pits comes from someone with 51 years' experience.

The same author goes on to describe how he saw a pit pony being killed—for which he blames the driver—because it was chained up to a hutch that was allowed to go over a ravine. The pony was dragged along with the hutch, so the pony was killed as well.

The situation that the petitioner highlights must have been an oversight when the legislation was changed. However, it is clear that, under the present legislation, pit ponies could be brought back into use if deep mines were reopened.

In continuing the petition, we could write to several organisations for comments. I hope that

we will prevent the reintroduction of the practice if deep mines are reopened. We should write to ask the Scottish Government whether it will prohibit the use of equines underground, as the petition requests, and for assurances that pit ponies will not be used if any new deep coal mines are developed.

We could write to ask a range of organisations—the British Horse Society Scotland, the Scottish Society for the Prevention of Cruelty to Animals, the National Equine Welfare Council and the International League for the Protection of Horses—whether they support the petition. We could also write to Scottish Coal to ask whether it supports the petition and to obtain an assurance that pit ponies would not be used if any deep coal mines were reopened. Lastly, we should write to the National Union of Mineworkers, as its members' experiences of how pit ponies were used or abused in pits could be relevant to the petition.

**The Convener:** As members have no more comments, we agree to continue the petition.

### **Gypsy Travellers (Council Tax) (PE1333)**

**The Convener:** The last new petition is PE1333, by Shamus McPhee on behalf of the Scottish Gypsy Traveller Law Reform Coalition, which calls on the Scottish Parliament to urge the Scottish Government to investigate the inequalities and discrimination that are faced by Scottish Gypsy Travellers and members of the settled community who reside in mobile homes in the assessment of council tax liability and of water and sewerage charges.

Do members have suggestions on how the committee should deal with the petition?

**Bill Butler:** We should continue the petition. We need to write to ask the Scottish Government whether it will investigate the inequalities to which the petition refers and when they will be redressed, if the Government agrees that they exist. In particular, is there a discrepancy between the Local Government Finance Act 1992, under which a caravan must be classed as a dwelling for the purpose of council tax banding, and the Housing (Scotland) Act 1987 and subsequent acts, which state that a caravan cannot be classed as a dwelling in relation to the assessment of minimal tolerable standards? If so, when will the Government remedy that? When we ask the Scottish Government those questions, we should throw in the question whether local authorities can legally charge the council tax even if they provide no amenities. That is a reasonable question to ask. The petition throws up a range of questions; those are three suggestions to start with.

**Nigel Don:** I am sure that we could do several things with the petition, but they are not all springing to mind. The issue that comes to the fore is the extent to which Gypsy Travellers are a separate ethnic community. I am sure that some are from the community of folk who have since time immemorial been Travellers and whom we might—with the greatest respect—legitimately call Gypsies. I am no expert on the subject, but I have the impression that some folk have also banded together and bought themselves caravans that they park on the local green because they feel like going there. They are travelling odd-job men and sometimes they get away with what the local community regards as murder. I have the impression that, sometimes, those people really are not Gypsies—they are folk who come from a different background and who have adopted that lifestyle.

I have no idea how to discriminate between those groups—or rather, how to distinguish between them; “discriminate” is probably the wrong word. Will we explore that issue? Folk out there have picked up the label. They go for a camping holiday somewhere convenient—I am giving a slightly extreme example—and the police do not want to move them on because they think that to do so might be to discriminate against a group against whom they should not discriminate. The police fail to distinguish between the proper ethnic group—if I might use that phrase without being pejorative—and the hangers-on.

I do not have the answer to that, but I think that there is a real issue lurking here. I do not know quite how we should explore it, but if we are going to say that part of our travelling community has ethnic rights, there must be some edge to that. I think that the settled communities would be grateful to find limits to it, so that the police can decide who are the folk who should be allowed to stay and who are just the hangers-on.

14:45

**The Convener:** Are you referring to the Race Relations Act 1976?

**Nigel Don:** I think that what we are talking about underpins the whole legislative framework, regardless of whether it was thought about at the time.

**Anne McLaughlin:** It is important to point out that this petition is not about anything to do with the police; it is about people paying for services that they do not access. It refers to:

“Scottish Gypsy Travellers and other members of the settled community residing in mobile homes.”

It is about the home in which people live and whether it has access to services for which they are being charged. I think that Nigel Don has

raised a slightly separate issue, although I know that he is not saying that we should not progress the petition. We should progress the petition, look at the Housing (Scotland) Act 1987 and find out from the Government how it will take the petition forward.

**Bill Butler:** An Equal Opportunities Committee report from 2005 found that there was a lack of equality of treatment in relation to accommodation, education, health representation and engagement. It would be reasonable to ask the Scottish Government whether there has been any advance since that 2005 report, specifically in relation to the issue that the petition raises about the supply of water, electricity and proper sewerage facilities. I also think that we could ask the Scottish Gypsy Traveller Law Reform Coalition whether it supports the aims of the petition and what it has to say about the issues that the petition raises.

**The Convener:** Thanks. It occurs to me that we should perhaps ask some local authorities to comment, too, because they will have experience in this area. I understand that the petitioner's particular concern was about the threat of sequestration and being billed for a dwelling, which, if it was a house, would have been condemned for being below a tolerable standard. The issue is to do with the home being a mobile home as opposed to a house and the fact that Gypsy Travellers will often live in mobile homes. It might be sensible to ask the Scottish Human Rights Commission what steps it would take to prevent a similar thing from happening to other Gypsy Travellers. Are there any other suggestions?

**Nigel Don:** I am grateful for the opportunity to respond to what Anne McLaughlin said. Please be assured that I agree with her absolutely. The petition is about Gypsy Travellers and the settled community who live in mobile homes. I was merely trying to draw a distinction between some parts of those groups.

**John Wilson:** I agree that we should write to the Scottish Human Rights Commission, the Equality and Human Rights Commission Scotland and the racial equality council in Central Scotland to ask them for their views on the petition and whether they support its aims. We should also ask whether they classify Gypsy Travellers as a separate ethnic minority group in Scotland, which goes to the heart of the petition. I know that sequestration and the way that people have been charged for council tax and other things are crucial issues that the petition raises, but the petition is really about our trying to establish the rights of Gypsy travelling people in Scotland, which we do not seem to have managed to do. I know that a lot of work has been done in Europe in relation to the Romany community and other communities, but

we do not seem to have resolved the situation in Scotland.

To comfort Nigel Don slightly, most of the Gypsy Travellers of whom I am aware share only two surnames. I lived less than a mile away from what was a travelling people's site, and the same surnames would crop up time and again. I hope that that will allay Nigel Don's fear that we are referring to new age travellers rather than the population of Gypsy Travellers that we have had in Scotland for a number of years. It might also be worth while to write to Shelter to get its views on the petition and whether the charges are right. We must remember that the charges on households from Scottish Water for water and sewerage are separate from council tax. It may be worth while asking the Scottish Government specifically whether it would exempt Gypsy Travellers from water and sewerage charges.

**The Convener:** Thanks very much. It is agreed that we will continue the petition and take the suggested actions.

## Current Petitions

### Common Good Sites (Protection) (PE1050)

14:51

**The Convener:** Item 4 is consideration of 19 current petitions, some of which will be considered together. The first is PE1050, by Councillor Ann Watters, calling on the Scottish Parliament to urge the Scottish Executive to introduce legislation to provide better protection for common good sites, such as Ravenscraig park in Kirkcaldy, and to ensure that such assets are retained for their original purpose for future generations. Do members have any suggestions on how to proceed with the petition?

**Bill Butler:** Yes. I think that a number of positive outcomes have flowed from this petition, because it has helped to secure information and has ensured that local authorities have considered the issue. We have before us information about Audit Scotland's findings on the progress made by local authorities in compiling common good asset registers as part of their 2008-09 audits. Audit Scotland concluded:

"Councils have generally taken reasonable steps to comply with the guidance".

We also know that, in light of that assessment, the Scottish Government is satisfied that common good sites are as protected as they can be and sees no need for new legislation in respect of common good assets. Audit Scotland will continue to monitor progress made by local authorities as part of the annual audit process.

Given all that, I think that the petition has probably gone as far as it can go and that there is not much more that we can really do on it. On that basis, I think that we should close it. However, I emphasise how beneficial the petition has been in securing the information to which I referred.

**Robin Harper:** I agree that we have probably gone as far as we can with the petition and that it would be right to close it. However, I put on record my considerable concern that many local authorities still do not have a common good asset register, although we are told that they are making progress in getting registers in place.

There is a series of judgments here. Audit Scotland's finding was that

"Councils have generally taken reasonable steps to comply with the guidance".

That is not nearly as precise a judgment as I would have liked to have heard from Audit Scotland. There will be continuing concerns about the status of common good sites in Scotland for a

considerable time and the committee should remain aware of that fact.

**The Convener:** We could ask Audit Scotland to keep the committee updated on progress. I assume that it would be appropriate to do that even if the committee agrees to close the petition. Is the committee satisfied with that suggestion?

**Bill Butler:** Absolutely.

**John Wilson:** I suggest that we ask Audit Scotland to keep not only the committee but the petitioner updated. As Robin Harper indicated, although the Government has used the Audit Scotland report to justify the response that we have received from it, the letter that we received from the public services reform directorate contains some worrying signs. It refers to two local authorities that do not have common good asset registers and says that one checks the land title deeds only when it is about to sell. The petitioner's original concern was that common good assets were being sold off without any public consultation or reference to the fact that local authorities are transferring out of the common good assets that were given to communities by benefactors.

The letter goes on to say that

"6 Audits did not comment on Common Good Assets ... Most of these claim not to have common good assets with the exception of"

two local authorities. That means about a fifth of the local authorities in Scotland are without common good asset registers. I am reluctant to close the petition at present, but I will agree to close it with the proviso that the convener will ask Audit Scotland to keep us and the petitioner up to date on developments.

**The Convener:** Thank you. The committee has agreed to close PE1050.

### School Bus Safety (PE1098 and PE1223)

**The Convener:** The next two petitions will be considered together. PE1098, by Lynn Merrifield, calls on the Scottish Parliament to urge the Scottish Government to make provision for every school bus to be installed with three-point seat belts for every schoolchild passenger and to ensure that, as part of local authorities' consideration of best value in relation to the provision of school buses, proper regard is given to the safety needs of the children.

PE1223, by Ron Beaty, calls on the Scottish Parliament to urge the Scottish Government to take all appropriate action, whether through amending guidance, contracts, agreements or legislation, to require local authorities to install proper safety signage and lights on school buses, to be used only when necessary, when schoolchildren are on the bus, and to make

overtaking a stationary school bus a criminal offence.

Do members have any suggestions as to how to proceed with the petitions?

**Nigel Don:** Having expressed considerable frustration a fortnight ago about what we had not done, I wonder whether we should now be thoroughly positive, strike while the iron is hot, recognise that we have a new Government down at Westminster and also recognise that the tragic accidents to which we referred last time occurred and lessons are beginning to be learned from them.

Should we consider redoing what we did a while ago—I see from the notes that it was last December—and get together the right people from Westminster and here and possibly the police? I like the suggestion that we try to get the appropriate Westminster minister to appear before us—it has been suggested that it might be the Parliamentary Under-Secretary of State for Transport, but I have no idea what title is appropriate. Might we get the Minister for Transport, Infrastructure and Climate Change back before us, and invite the two chief constables from Strathclyde and Cumbria, to address the issues of the recent accidents and the lessons that can be learned? I hope that we can do that to a sensitive timescale, although I do not know how soon it should be done. Could we get those folk around the table and say, “The problem is not going away. You know it’s not going away, and it’s not going to go away. Is anybody prepared to reconsider what we can actually do?” We must recognise that the legal landscape is complex.

15:00

**Bill Butler:** I agree. The safety of the children and young people who travel on school buses, which both petitions are really about, is paramount. We recently had two fatal accidents, which were absolutely tragic.

We should invite the Parliamentary Under-Secretary of State for Transport or the Minister of State for Transport—whoever is responsible at Westminster—and Stewart Stevenson, the minister here at Holyrood. I agree with Nigel Don that we should also invite the appropriate police authorities. It is way past the time that we should have been looking at the issue across legislatures to see what can actually be done, to change laws if necessary and to work together to reach a situation in which the possibility of future fatalities is drastically reduced. We cannot guarantee that, but we should move towards that.

It is suggested in the briefing paper that we take oral evidence at our meeting on 26 October. We could reflect on what we hear from witnesses and

keep as a second option the idea of debating this important, serious and, as Nigel Don said, complicated subject in the chamber. I agree with Nigel Don on the first step, but we should also keep in mind the second option.

**Nanette Milne:** I agree. The stumbling block has always been getting anything done legislatively. If we get the relevant ministers together, particularly in light of the fact that we have a new Government at Westminster, we may hear something different—I do not know. I was the one who originally suggested having a debate in the Parliament, and I would like to keep that option on the table, so I go along with Bill Butler’s suggestion.

**Anne McLaughlin:** The last time that we discussed the petitions I suggested that we get all the people who are responsible and lock them in this room until they can tell us how they will make things happen. We might not need to lock the door, but we can have security staff there.

We must make absolutely certain that we get the right people at the meeting: those who can work together, make the decisions and make things happen. We have to ask them to come prepared. We should point out to them that the issue has been going on for quite a long time, that we have had evidence sessions and that we want them to come prepared to tell us how they will resolve it and when.

**The Convener:** We all agree that the committee feels strongly about the issue and that there is a degree of frustration. In light of the two tragic fatal accidents, we want to take matters forward. Is it agreed that we continue with the petitions and follow the suggestions that have been made, with the option of making a bid for a debate in the chamber?

**Members** *indicated agreement.*

### **Transport Strategies (PE1115)**

**The Convener:** PE1115, from Caroline Moore, on behalf of the Campaign to Open Blackford Railway-station Again, calls on the Scottish Parliament to urge the Scottish Government to ensure that national and regional transport strategies consider and focus on public transport solutions such as the reopening of Blackford railway station, which is identified as a priority action in the latest Tayside and central Scotland regional transport strategy, and in doing so recognise and support the positive environmental, economic and social impacts of such local solutions. I seek members’ views on how to take the petition forward.

**Bill Butler:** We need to continue the petition. We know from the information that we have

received that Transport Scotland has considered the report that the petitioner provided to it. It has indicated that there may be concerns that the petitioner's proposals do not fully integrate with the current and committed operation of the network, but Transport Scotland has nevertheless committed to work with Tayside and central Scotland transport partnership—tactran—to examine what improvements can be delivered through the ScotRail franchise. On that basis, I think that we should continue the petition.

There are a couple of questions that we could ask Transport Scotland. The petitioners raise the issue of transport planning for the 2014 Ryder cup at Gleneagles. We should ask Transport Scotland what plans it has for putting in place something like the petitioners' proposals to meet demand around Gleneagles in 2014. We should also ask Transport Scotland if, together with tactran, it will provide a clear timetable for the next stage of the work, including an outline of the approach to be taken and the activities involved. I hope that it will be productive to ask Transport Scotland those two things.

**Nanette Milne:** I agree with Bill Butler. Among our papers is a letter from my colleague Elizabeth Smith, who would have been here to speak on behalf of the petitioners had she been able to attend. She feels strongly that there is a case for the actions that are being proposed, and I go along with that.

**The Convener:** I welcome Richard Simpson to the committee. I understand that you are here in support of PE1115.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I apologise for arriving only now—I was following the committee's deliberations on the television and I was waiting for the petition on tail docking to be considered, but I missed it.

I have just one thing to add to what Bill Butler said. In the most recent announcement on alterations to stations to take disability into account, the United Kingdom coalition Government has halved the budget for that, from £7 million to £3.5 million. The likely consequence is that Gleneagles station, which has almost the worst disabled access in Scotland, will no longer be dealt with.

With the Ryder cup approaching, there is an even stronger case for reopening Blackford station before 2014. That strengthens the case for tactran and Transport Scotland to think very hard whether spending £4 million upgrading Gleneagles station—presumably, most of it will now have to come from our own money—is wise expenditure when the expenditure on reopening Blackford station would be only slightly more in total and would provide a much better alternative.

**The Convener:** The committee agrees to continue with the petition and to seek information from Transport Scotland.

**Members** *indicated agreement.*

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

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

I invite suggestions on how to deal with the petition.

**Anne McLaughlin:** We had considered carrying out some research of our own into the matter. However, we were going to defer the decision until the Home Office had responded to the recommendations in the Papadopoulos report, the "Sexualisation of Young People Review".

That department has responded that it is not yet in a position to comment—obviously, there is a new Government now. The worrying thing is that it has said that no decision has yet been made on whether or not there will be a formal response to the review. We are left having either to commission research ourselves or to wait for the UK Government's response to the review, which would be my preference.

I seek clarity on the matter. We do not know whether the Home Office is going to respond to the review. Is that correct?

**The Convener:** I think that that is the current position. Given that a new Government is in place, we should perhaps give it a certain amount of time. However, the petition has been going on for a considerable length of time—two years now.

**Anne McLaughlin:** I would be happy either for us to wait for a response—if we know that there is definitely going to be one—or for the Home Office to tell us by the end of July whether it is going to respond. It might not have decided whether it is going to respond by the next time that we consider the petition, and we could still be just hanging about, waiting. I understand that there are financial constraints and that we ought to spend any money on research wisely. Nevertheless, I am keen to establish when the Home Office is going to decide whether it will respond.

**Bill Butler:** I agree. The committee should write directly to Theresa May, the new Home Secretary,



asking the question directly: is the new Conservative-Liberal Democrat coalition Government at Westminster going forward with this and are any results going to arise from the Papadopoulos report? If the Home Office tells us that it cannot give us an exact time or that it is still thinking about the matter, we will need to think again. However, we should ask that question directly of the new Home Secretary—that is only fair. I take into account the fact that it has been two years.

**Robin Harper:** I wonder whether there is an appropriate trade association that we can write to—a small shopkeepers association—or whether we have already written to such an organisation. If we have written already, we could write to it again, asking for its view and whether it is prepared—at least pro tem—to do anything on a voluntary basis until we can get something from the Home Office.

**The Convener:** The latest submission from the Scottish Government states that it is

“happy that the Committee takes forward research on adherence to the code”.

Perhaps Fergus Cochrane can remind us whether any research has been done on the extent to which the code is being adhered to.

**Fergus Cochrane (Clerk):** None that we are aware of. The current code is voluntary. I cannot remember the exact number of newsagents that are members of the National Federation of Retail Newsagents—I am not sure that it necessarily represents the majority of newsagents—but the committee has previously written to organisations such as the Federation of Small Businesses and the NFRN.

**The Convener:** The coalition programme document states:

“We will crack down on irresponsible advertising and marketing, especially to children.”

When we write to Theresa May, it might be worth drawing her attention to that and asking whether that would include the inappropriate positioning of such magazines.

Do committee members have any other suggestions?

**Anne McLaughlin:** We understand that when people are in new positions, it takes a while for them to settle in. However, we could ask for a response by a certain time—although obviously not a deadline—and explain why, so that the matter does not drag on and on. We could say that we want to make progress but that we do not want to do anything until we have seen the response to the report, and that we would like the information that she can give us now, before we next consider the petition.

**The Convener:** Okay. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** We have agreed to keep the petition open.

### Tail Docking (PE1196 and PE1230)

**The Convener:** The next two petitions are considered together as they both relate to tail docking. PE1196, by Michael Brander, calls on the Scottish Parliament to urge the Scottish Government to amend the Animal Health and Welfare (Scotland) Act 2006 as a matter of urgency to allow the tails of working dogs to be docked. PE1230, by Dr Colin Shedden, on behalf of the British Association for Shooting and Conservation, the Scottish Countryside Alliance, the Scottish Gamekeepers Association and the Scottish Rural Property and Business Association, calls on the Scottish Parliament to urge the Scottish Government to amend the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 to allow prophylactic tail docking of working dogs under tightly specified circumstances. Do members have suggestions on how to deal with the petitions?

15:15

**Bill Butler:** We should continue the petitions. Colleagues will recall the research study by the University of Bristol and the Royal Veterinary College on the risk factors for tail injuries in dogs. We have been waiting for some time for the study to report. [*Interruption.*] I am informed that the tail injury paper was published a couple of days ago. I do not know what it says, but we should also write to the Scottish Government to ask for its response, including what actions, if any, it will take in light of the study recommendations. We should also write to the Scottish Society for the Prevention of Cruelty to Animals and Advocates for Animals. We should continue the petitions.

**Robin Harper:** Bill Butler has provided an accurate and precise résumé of my thoughts on the subject.

**The Convener:** Thank you for not feeling the need to share them with us nonetheless.

**Nanette Milne:** We should most definitely continue the petitions. I agree that we should ask the Government what action it is taking in response to the study, a copy of which is included in the extra papers that we have been given. It says:

“Dogs with docked tails were significantly less likely to sustain a tail injury; however, approximately 500 dogs would need to be docked in order to prevent one tail injury.”

One tail injury is one injury too many. My views on tail docking are well known: I am in favour of

working dogs having their tails docked. We should ask the Government for its response to this piece of work.

**Nigel Don:** In its letter to the committee, the Scottish Government has left a hostage to fortune. In the very last sentence, it says:

“Only when the Royal Veterinary College/University of Bristol report is published will we have all of the necessary information available.”

I hope that the Government will not now come back and say that it does not know enough on the subject.

**The Convener:** Okay. So, we will seek responses from the Government and the organisations that members mentioned. Pending receipt of that information, we will continue the petitions. Are we agreed?

*Members indicated agreement.*

### **General Practitioner Dispensing Practices (PE1220)**

**The Convener:** PE1220, by Alan Kennedy, calls on the Scottish Parliament to urge the Scottish Government to review all relevant legislation to ensure the continuance of general practitioner dispensing practices in instances where commercial pharmaceutical practices apply to operate in the same local area. I seek members' views on how to proceed with the petition.

**Bill Butler:** When Christine Grahame attended the last meeting at which PE1220 was considered, she agreed to contact those who are affected by the issue and ask them to make a submission to this committee. They have now done that and their submission describes the impact of the loss of dispensing income on small rural practices. I have two additional questions for the Scottish Government: how will it ensure that public opinion is incorporated into the decision-making processes of NHS boards in addition to the requirement to consult publicly; and what assessment has it made of the impact that the changes will have on rural areas?

**The Convener:** Dr Simpson, are you appearing on behalf of your constituents in relation to this petition as well?

**Dr Simpson:** Perhaps I can help, as some of my constituents are involved in the problem of dispensing. In fact, the appeal on the matter has recently been denied, so they have come off the agenda as being concerned. However, the consultation on the review that the Government is undertaking is just closing and a report should be available some time in August. I presume that it will be made available to the committee because of its interest through the petition.

**The Convener:** Do we agree that the petition be continued, with the possibility of contacting NHS boards to ask for their views?

*Members indicated agreement.*

### **Biological Data (PE1229)**

**The Convener:** PE1229, by Craig Macadam, calls on the Scottish Parliament to urge the Scottish Government to establish integrated local and national structures for collecting, analysing and sharing biological data to inform decision-making processes to benefit biodiversity. I welcome the committee's views on how to deal with the petition.

**Nanette Milne:** Things have moved on significantly in relation to the petition. The petitioners have met the Government's biodiversity science group and recommended a number of improvements to the collection, analysis and sharing of biological data. The reason for the petition has, to some extent, been dealt with and we could safely close it now because the Government has already taken a number of steps to tackle the matters that are involved. Thanks to the committee, a line of communication has opened up between the petitioners and the Government.

**Robin Harper:** I am content to close the petition, but with a final reservation that it is extraordinarily important that we know what is in our environment and record it accurately. There is no point in having a biodiversity action plan if we do not know the biodiversity that it covers.

**The Convener:** Does the committee agree to close the petition?

*Members indicated agreement.*

### **HM Prison Kilmarnock Contract (Independent Review) (PE1241)**

**The Convener:** PE1241, by William Buntain, calls on the Scottish Parliament to urge the Scottish Government to conduct an impartial and independent review of its 25-year contract with Kilmarnock Prison Services Ltd on the design, construction, financing and managing of HM Prison Kilmarnock. Do members have any suggestions on how to deal with the petition?

**Bill Butler:** We have examined the petition five times and given it thoroughgoing consideration. We have also listened carefully to what the petitioner's local and regional MSPs had to say. My information is that the petition is now centred on a dispute between the petitioner and the Scottish Prison Service about a number of issues in which the committee has no real locus, so there is not much more that we can do to advance it any further. Therefore, we should close it.

**The Convener:** Is the committee happy to close the petition?

**Members** *indicated agreement.*

**Freight Trains (Overnight Running)  
(PE1273) and Rail Noise and Vibration  
(Larbert) (PE1302)**

**The Convener:** We will take the next two petitions together. PE1273, by Anne Massie, calls on the Scottish Parliament to urge the Scottish Government to take the necessary action and make representations to the appropriate bodies to stop the overnight running of freight trains on the Stirling-Alloa-Kincardine railway line. PE1302, by Colin Sloper, calls on the Scottish Parliament to urge the Scottish Government to ensure that greater consideration is given to the problems of noise and vibration generated by increasing levels of heavy freight on the rail network and to consider what action can be taken to encourage freight operators to use more track-friendly rolling stock.

Dr Simpson is with us again. Does he want to say something?

**Dr Simpson:** I want to bring the committee up to date. I hope that I will not repeat what members already know.

The situation with regard to the Stirling-Alloa-Kincardine railway line remains that no one will accept responsibility for the original problem. We now know that Scottish Power could never have turned round the number of trains that was proposed in the original environmental impact report within the 7 am to 11 pm time period that the report indicated would be used. Scottish Power can turn trains round in two hours—that is the only guarantee that it can give. Therefore, it takes most of 24 hours to turn round 23 rail paths or 12 trains.

In light of that, and given that Network Rail could never have stopped night running other than on the ground of safety, the question remains: why did Transport Scotland, in its original submission to the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee, which was chaired by a member of this committee, not take into account that night running would occur from the outset? My constituents still feel aggrieved and let down about the fact that they were totally misled.

That said, Transport Scotland has now carried out noise surveys along the SAK line and is offering noise abatement measures in some 69 housing areas—that indicates the extent of the problem. However, Transport Scotland has not taken account of vibration, which is a problem for a substantial number of households. In addition, we have not yet got the results of the survey that Transport Scotland undertook in response to my

request for it to repeat an offer of a survey in relation to 169 households that were surveyed before the railway reopened.

One piece of good news is that we have had a response from the Government, which says that all new railway schemes in Scotland will follow the England and Wales guidelines on noise, despite those guidelines not legally applying to Scotland. There is an undertaking from the Scottish Government in that regard, which was mentioned in a written answer to a parliamentary question that I asked.

My question for the committee is whether you will ask the Government whether anyone is prepared to take responsibility for misleading my constituents and for the inappropriate impact report. At the very least, my affected constituents are owed an apology for the derogation of responsibility by Transport Scotland. Clackmannanshire Council was the agent in relation to the operation of the bill, but the council was acting as agent on behalf of the Scottish Government at the time. Given that the council's experience of railways had been extinct for some 25 years, the council could not reasonably be held to be responsible, although technically it is jointly responsible for the situation.

Only the very limited number of four households are being offered compensation, because the railway was technically still available for operation along part of its length and any household along the line that was still legally open is not entitled to be offered compensation. Frankly, that adds insult to injury for those people.

15:30

**Bill Butler:** As Dr Simpson said, a member of this committee was convener of the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee.

I agree that no one is willing to take responsibility and that everyone is passing the buck. I note the small steps that have been taken and the little progress that has been made in relation to noise abatement. However, the problem of vibration remains, which must be horrendous for the people who have to endure it.

It remains the fact that Dr Simpson's constituents and my committee were misled—there is no doubt about that. The impact report was misleading. The fact that because of a technicality only four households are being offered compensation adds insult to injury, as Dr Simpson said.

We need to continue PE1273. We need to write to the minister directly to request answers to questions. I do not know what colleagues think

about that suggestion. For instance, we could ask whether, at the request of the committee, the minister will organise a meeting of all the relevant parties—Network Rail, the Office of the Rail Regulator, freight operating companies, relevant councils in areas along the railway route, the petitioners and elected members—to find a way to minimise the disruption to residents adjacent to the railway, update the committee on the outcomes of that meeting, and clarify who is ultimately responsible for what and how that fact will be publicised. That is an important point.

Members of the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee heard evidence in Alloa town hall that was given under oath. I feel deeply that my colleagues on that committee and I were absolutely misled about the night running of trains. I hesitate—but only just—to use the word “lied”; we were certainly misled. If we want to move things forward from the small steps that have been taken thus far and address the concerns of Dr Simpson’s constituents and others who have had to endure the night-time running of trains, we must write to the minister. A meeting of all the interested parties is needed, and we need to ascribe responsibility or blame. Responsibility and then action must be taken. Obviously, an apology is always welcome, as Dr Simpson said, but an apology is not enough. Real compensation must be offered to those who must endure something that they were specifically told by my committee that they would not have to endure.

That is all that I have to say at the moment, convener.

**Robin Harper:** It seems to me that we will not get people not to run the trains; the trains will continue to run. Despite the PE1302 petitioner’s cursory response—it is the response of somebody at their wits’ end; they have used heavy irony—one must be sympathetic. We heard clear evidence that more track-friendly rolling stock is available and could be, but is not being used. We should revisit that aspect and perhaps invite Network Rail in to give us its view. There will be less maintenance and less overall cost for the operation if track-friendly rolling stock is used, otherwise it is clear that the track will have to be maintained at much greater expense, particularly given the number of trains that run on it. The maintenance problems would be reduced and the overall cost of running the trains on the track would be less if proper, track-friendly rolling stock was used. We need to dig down into that. I would like to have some people from Network Rail in front of us, if that is possible. I would certainly like to secure a response from it. Part of the answer must be that compensation will not be enough for many people. Compensation will not make the disturbance go away. People’s lives will still be

disturbed by the operation; indeed, many people’s lives will be seriously disturbed by it.

**The Convener:** We have proposals to continue both petitions.

**Bill Butler:** I agree with Robin Harper that we should continue PE1273, but we are in a fix with PE1302 because we have rules with regard to standing order 15.7 that the petitioner must provide within a certain timescale comments of substance on the detail of the written responses. I note that the petitioner was given an extension until Friday 18 June, but the clerks have still not received any communication.

I have great sympathy for the petitioner. It is obvious that they are at their wits’ end. Whether we should be flexible with standing orders is entirely a matter for you, convener, but I suggest that we give the petitioner one more chance to respond. It would be their last chance, because other petitioners do follow the procedures that are set out and flexibility has already been extended to the petitioner, so I do not think that we can do too much more than give them one last chance.

**The Convener:** That clarifies my understanding that, although the petitioner has not responded, it is up to the committee to decide whether or not to continue the petition.

**Anne McLaughlin:** We should give the petitioner another chance. They are clearly under a lot of stress. I only have to miss half an hour of my sleep and I am like a bear with a sore head the next day, so I feel really sorry for this guy. If he sees that the committee was considering closing the petition—as we are entitled to do because he has not given a substantive response—but that we pushed for him to be given one more opportunity, maybe that will give him hope. I note that he stated:

“I have all but given up hope”.

If we give him another opportunity, perhaps he will have a bit more hope and understand that we do want to proceed with the petition for him. We should make it clear that we are keen to proceed with it and make progress for him.

**John Wilson:** Convener, I indicated twice that I wanted to join the debate. I am not sure whether you are looking down this end of the room.

**The Convener:** I will endeavour to look more carefully down that end.

**John Wilson:** It is just that I have spoken on the issue in the past. Although I welcome Bill Butler’s comments on holding discussions with the local authorities and people who are affected by the Stirling-Alloa-Kincardine line, the issue is not just one for people in that area. It affects everybody who lives along the route that the freight trains

take. They do not operate just from Stirling to Kincardine. They operate from Hunterston right through to Kincardine and they have an impact all along that route.

I can feel the petitioner's frustration when I read his comments about how the committee or the Scottish Parliament is dealing with the petition. Comments such as

"I am most looking forward to another summer of windows open, trains passing at crazy o'clock and when I am just nodding back off to sleep I will be dreaming of the effectiveness of the Scottish Parliament in resolving the matter"

clearly show his frustration. On 16 June, he wrote:

"Many thanks, I have all but given up hope!"

We should make it clear to the petitioner that committee members have some sympathy on the issue that is raised in the petition but that we need his co-operation to allow us to take it forward. We should take on board Robin Harper's comments about the rolling stock that is being used, and we should recognise that the committee will benefit if the petitioner is prepared to continue with his fight and pursue the petition. As others have said, I welcome our giving the petitioner another opportunity to respond, which will allow us at least to take forward the argument with the companies, Transport Scotland, Network Rail and DB Schenker, on the freight wagons that are being used to ship the coal from one end of the country to the other.

**The Convener:** Okay. Do we agree to continue both petitions PE1302 and PE1273?

**Members** *indicated agreement.*

### **Education (Scotland) Act 1980 (Parental Choice) (PE1284)**

**The Convener:** PE1284, by Graham Simpson, calls on the Scottish Parliament to urge the Scottish Government to note the successful outcome of a number of legal cases brought by parents against local authorities involving placing requests for children; it also calls on the Government and councils to desist from applying any policy on class sizes that conflicts with the numbers stipulated by law and the statutory rights of parents under the Education (Scotland) Act 1980 to choose the school that they wish their children to attend. Do members have any suggestions on how to deal with the petition?

**Bill Butler:** Our information is that the Government is going to lay regulations that will limit primary 1 classes to a maximum of 25 pupils and which will be in place in December 2010 for the 2011 placing round. The Scottish Government is also committed to keeping the issue of the need for further regulations on class sizes under review.

Given both those promises, I think that there is little else that this committee can do, especially given that the Education, Lifelong Learning and Culture Committee has considered the Government's class size policy on a number of occasions and has agreed to monitor the issue further. I think that the Public Petitions Committee has done all that it can do. I therefore suggest that we close the petition.

**The Convener:** Is that agreed?

**Members** *indicated agreement.*

### **Stillbirths and Neonatal Deaths (PE1291)**

**The Convener:** PE1291, by Tara MacDowel, on behalf of Sands, the stillbirth and neonatal deaths charity, calls on the Scottish Parliament to urge the Scottish Government to note and act on "Saving Babies' Lives Report 2009" by Sands in support of its why 17? campaign; to develop a strategy for reducing levels of stillbirths and neonatal deaths; to fund further research to improve understanding of why stillbirths and neonatal deaths happen; to develop gold standard antenatal care provision in all national health service boards; and to work with Sands to improve public awareness of these issues. I seek suggestions on how to deal with the petition.

**Nanette Milne:** This is another petition that has moved on. I think that the Scottish Government has taken on board most of the issues raised by Sands. It has set up and has agreed to chair a short-life working group made up of Sands representatives and health professionals, which will work out how best to address the issues raised in the petition. The committee has facilitated an appropriate meeting and an on-going relationship between Sands and the Government, so I think that we can close the petition.

**Bill Butler:** We should welcome the fact that the Scottish Government has ring fenced funding to Sands until 2011 for work with NHS boards. I agree with Nanette Milne that the time has now come to close the petition.

**Anne McLaughlin:** I echo what Bill Butler said about the ring-fenced money, which is used to ensure that staff get the training and education that they require. I seem to remember, from hearing from the petitioners and from attending a reception that Sands held in Parliament, that one of the most significant issues was educating staff so that they are aware of potential risks and of how to work with parents who have suffered in this way.

15:45

**The Convener:** I note from the briefing that advice will be given to NHS boards towards the

end of 2010, that ring-fenced funding has been provided and that a neonatal services expert advisory group, which includes Sands representatives, has been formed.

In the light of the action that has been taken, is the committee happy to close the petition?

**Members** *indicated agreement.*

### **Planning (Protection of National Scenic Areas) (PE1295)**

**The Convener:** PE1295, by Flora Dickson, calls on the Scottish Parliament to urge the Scottish Government to clarify how sites that have been identified as areas of national scenic value can be considered as suitable locations for the building of crematoria and other developments; whether allowing applications under the planning system to build crematoria and other developments runs contrary to the reasons for designating sites as such; and whether the promotion and protection of our natural heritage should merit the conducting of a full and robust environmental impact assessment for planning applications that are made. Do members have suggestions on how to deal with the petition? [*Interruption.*] Oh, I am sorry—I did not realise that Christine Grahame was here to speak to the petition.

**Christine Grahame (South of Scotland) (SNP):** That is perfectly all right—I know that you are looking at this end of the table.

**The Convener:** I am trying to look at committee members' side of the table.

**Christine Grahame:** I welcome you to your convenership—now you will know what it is like for the rest of us conveners.

**The Convener:** I welcome you to the meeting.

**Christine Grahame:** I hope that committee members are gentle with you, at least on your first outing.

The Government's response says that

"SNH will be publishing the work"

to review national scenic areas

"in June 2010."

I do not know whether that work has been published—I have been remiss and I have not checked. The response also says:

"SNH plans to issue guidance on the ... qualities"

of national scenic areas

"in the latter half of 2010."

The qualities have been considered with the aim of making the system more standardised, so I look forward to the committee's continuing the petition until it sees what is produced.

I understand perfectly that a national scenic area is completely different from a national park, but ambiguity arises when it is not treated with the same regard—a national scenic area is in limbo on its own and is not protected in the same way as national parks are. When the public have on their doorstep or visit a national scenic area, they need to know what that means and what protection the area has.

**The Convener:** What do committee members feel?

**Nanette Milne:** Christine Grahame is right—if work has been done and a review has taken place, we should wait for the result of that and for the forthcoming guidance. I suggest that we keep the petition open until then.

**The Convener:** Okay—that is agreed. Do we also agree to seek an update from the Scottish Government and clarification of some matters?

**Members** *indicated agreement.*

### **Further Education (Students with Complex Needs) (PE1180)**

**The Convener:** PE1180, by Tom and Josie Wallace, calls on the Scottish Parliament to urge the Scottish 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.

Alex Fergusson intended to say a few words about the petition but—unfortunately—he cannot attend the meeting because of other business, so he gives his apologies.

Do members have suggestions on how to deal with the petition?

**Anne McLaughlin:** Our briefing note says that the petitioners have not commented on anything that relates to the petition since December 2008. Given our earlier discussion about looking for a response from a petitioner, do these petitioners even want us to do more with the petition? The briefing says that it is a year and a half since they have been in touch—is that correct?

**The Convener:** The last written response from the petitioners is from 31 March 2009.

**Anne McLaughlin:** The briefing says:

"the petitioner has not responded to any correspondence or provided comment on any of the responses sent to them since December 2008",

but later it refers to a response in 2009. However, it is at least a year since the petitioners responded.

**The Convener:** That is a long time. Do you suggest that we should close the petition?

**Anne McLaughlin:** There is a clear indication that the petitioners have moved on with whatever they are doing—perhaps they have achieved what they wanted. I suggest that we close the petition.

**Robin Harper:** We could note the Scottish Public Sector Ombudsman's report of 24 March, about which I have one quotation:

"This outcome recognises that local provision may well provide the best infrastructure and support for young people with profound and complex needs. Although residential colleges offer specialist provision and services facilities, they should not necessarily be seen as the first or only choice, especially when you consider the transition that has to be made two or three years later, when the young person moves back to their own community."

However, the Scottish Government should also note that a number of colleges in England and Wales are specialist providers for young people who have complex needs. In fact, some are exclusively for young people who have complex needs. Perhaps the Scottish Government might like to give some attention to that because I do not think that we have one college that is only for young people with specialist needs, and there are advantages to such colleges.

**The Convener:** Are you suggesting that the petition remains open?

**Robin Harper:** No, I am happy to close it, but it is worth noting that Scotland and England and Wales have completely separate approaches to the issue.

**The Convener:** Okay. Are there any other views?

**Nanette Milne:** I do not disagree with the recommendation, but I have a point about the lack of communication from the petitioners. Am I right in thinking that they have attended some of the committee meetings at which the petition was discussed? I have a feeling that they have been in the audience, although clearly they have not communicated with us.

**Fergus Cochrane:** My recollection is that the communication from March 2009 was to update us on their personal situation with regard to their son, rather than to provide the committee with a response to the policy issues. You are correct—they attended previous committee meetings when Alex Fergusson spoke to the petition.

**Anne McLaughlin:** I will try and shed some light on what might be happening here. It might be that, because their MSP attends the committee every time we discuss the petition and speaks in favour of it, they might think that they do not have to respond because he is doing it for them. I remember them coming to a meeting as well. However, we do not have a submission from their MSP this time.

**Fergus Cochrane:** When we forward the written responses that come to the committee and give petitioners the opportunity to comment, we highlight to them the importance of responding. If the committee does not hear from them on two successive occasions, the convention is that the committee assumes that they are content.

**The Convener:** Thank you. As there are no other suggestions, is the committee content to close the petition?

*Members indicated agreement.*

### **Haemochromatosis (Screening) (PE1298)**

**The Convener:** PE1298, by George S Scott, calls on the Scottish Parliament to urge the Scottish Government to promote and support the introduction of national screening and a science-based diagnosis of haemochromatosis iron overload within NHS primary care. Alex Fergusson would have been here to say a few words on the petition but he has intimated his apologies. Do members have any suggestions on how we should deal with the petition?

**Nanette Milne:** I am inclined to keep the petition open. A number of suggestions have been made. For instance, the petitioner has suggested doing a leaflet to give to GPs about the importance of picking up haemochromatosis. We should get in touch with the Scottish Government and make that suggestion, and also ask whether the Government would have another meeting with the petitioner to take further the work on raising awareness. There does not appear to be enough awareness of the condition. Whereas lack of iron is looked at thoroughly and often, the converse is not and the profession is not so aware of it. It would be worth keeping the petition open for a while longer.

**The Convener:** I think that members would support that.

**Bill Butler:** We should also ask the Scottish Government for an update on the liaison between Dr Fitzsimmons and Dr Keel, the deputy chief medical officer, on the development of a research proposal and the liaison with the Scottish molecular genetics consortium.

**The Convener:** Thanks for those suggestions. We will continue the petition.

### **Mental Health (Care and Treatment) (Scotland) Act 2003 (PE1310)**

**The Convener:** PE1310, by Jean Gerrard, calls on the Scottish Parliament to urge the Scottish Government to amend the Mental Health (Care and Treatment) (Scotland) Act 2003 to abolish the overuse of compulsory treatment orders for non-violent mentally ill patients and to provide a process that allows patients and their

representatives to challenge any perceived errors in CTO reports that can lead to misdiagnoses, faulty speculation and the administration of unwarranted forms of treatment. Do members have suggestions on how to deal with the petition?

**Anne McLaughlin:** First, I draw attention to the Scottish Association for Mental Health's very helpful response, particularly with regard to a detail that I cannot believe I missed. On the petitioner's call for the abolition of the overuse of compulsory treatment orders for non-violent mentally ill patients, SAMH points out that the vast majority of people with mental health problems are not violent—indeed, they are more likely to be victims of violence—and if they are harmful in any way the harm is generally done more to themselves. I do not know whether it is possible to amend a petition but, if it is, could we ask the petitioner to take out the term “non-violent”? I am sure that they are trying to make the point themselves, but I do not think that that term is helpful.

If that is not possible, I simply want to put the point on the record. I am sure that no one around the table would disagree with me on that—or, indeed, on anything else.

**Members:** Oh!

**Anne McLaughlin:** Well, they might disagree with me on a few other things.

SAMH and the Mental Welfare Commission have suggested that people who come before tribunals should be able to make their statements earlier in the process to ensure that they feel that their views are given proper weight. SAMH also feels that some people who appear at these appeals do not fully understand their rights and has asked for the guidance in that respect to be reviewed. It would be helpful to ask the Government whether it would be prepared to ensure that that happened.

**The Convener:** I ask Fergus Cochrane to clarify the position on amending the wording of a petition.

**Fergus Cochrane:** The committee has already discussed the issue in relation to the petition from John Muir. Standing orders do not set out how we might deal with such a situation, but my initial impression is that amending a petition in that way would make it a different petition. The committee has already started its consideration of this petition and we have already received a number of written responses. If the committee changed the wording at this point, it might well have to seek a further response from the various organisations that have responded. After all, the emphasis of the petition could be changed. I suspect that the petitioner might have to withdraw the petition and possibly submit a new, amended one. Nevertheless, Anne McLaughlin has put the point on the record.

**Anne McLaughlin:** The only way the emphasis would change is if the petition actually said that we did not want to abolish the overuse of CTOs for violent mentally ill patients. Surely we want to abolish the overuse of anything for anyone. As I said, though, the important thing was to put the point on record.

**The Convener:** Perhaps it would be quicker just to write to the petitioner to clarify the point and ask whether our understanding of the petition was accurate.

16:00

**John Wilson:** We should write to the petitioner to make that suggestion. It is clear from the responses that we have received that the petitioner is keen to get a message across, and that she has a particular view. The petitioner might have used particular language in the petition deliberately because of what she perceives to be happening with the treatment of those deemed to have a mental illness. It would be useful to write to her. I support the continuation of the petition, but I suggest that when we write to the Government we ask it to respond to the petitioner's most recent submission, and particularly the considerations set out in paragraphs (a) to (j) of that submission.

As Anne McLaughlin suggested, we should also write to the petitioner to ask whether she would view a change in the wording of the petition to be detrimental to the underlying issue that she is trying to raise with the Parliament.

**The Convener:** Do we agree to continue the petition and write to the petitioner and the Scottish Government in the terms suggested?

**Members** *indicated agreement.*

### Youth Football (PE1319)

**The Convener:** Our last current petition is PE1319, by Scott Robertson and William Smith, which calls on the Scottish Parliament to urge the Scottish Government to investigate the legal status and appropriateness of professional Scottish Football Association clubs entering into contracts with children aged under 16; the audit process and accountability of all public funds distributed by the SFA to its member clubs; the social, educational and psychological effects and legality of SFA member clubs prohibiting such children from participating in extracurricular activity; and the appropriateness of compensation payments between SFA member clubs for the transfer of young players under the age of 16. It also calls on the Scottish Parliament to urge the Scottish Government to increase the educational target from two hours to four hours of curricular physical activity per week; and to develop a long-term plan to provide quality artificial surfaces for



training and playing football at all ages across all regions. We have two MSPs with us to talk to the petition. I invite Trish Godman to say a few words in support of the petition.

**Trish Godman (West Renfrewshire) (Lab):** I ask the committee to continue the petition for some sound reasons. There is still a lack of clarity about what happens when a registration form is signed by young people—there seem to be few opportunities for them to be released.

I have spoken to the chief executive of the Scottish Premier League and he informs me that it is not a registration form but a commitment form, but from looking at the form I do not know what the difference is. He also informs me that there is a 28-day opt out. From speaking to boys and their parents, I know that they were not aware of that. I believe that registering or committing a very young boy—or young person, as a few girls are involved—in that way is wrong. It is certainly questionable, as there seems to be a lack of clarity about what they are committing themselves to.

The petition mentions compensation. If the boy who signs up is not the best player and another club is unwilling to pay a fee to move him, he will have to continue with a club where he is not happy. That is not good for a child of the age that we are talking about. It is not good for a child if he is not playing with his peers, is not allowed to play school football and has to continue to play with a club where he is not happy. If someone is with the club for a season and it transfers them to another club, the fee is about £3,000. If they are there for two years, the fee is £6,000 and if they are there for three years, it is £9,000. We are talking about quite a bit of money for moving young boys around. I would be interested to know how many of these boys are transferred.

Clubs get funding for their youth football from the Scottish Government and the cashback for communities fund. I have yet to get clarification of where the £3,000 that I mentioned comes from. Neil Doncaster's argument was that some money had to be paid for the amount of training and commitment that the clubs had given the young boys.

One of my main concerns is education. These young boys usually play and practise football three or four times a week and all day on Sunday. I do not know who checks their academic progress, whether that is done now and again or whether there is a system. I am sure that there are good systems in some clubs, but not in others.

I know that the committee has not considered the report by Henry McLeish in great detail. A good chunk of that report is about youth football. It would be good if the committee considered the report and what I have said. There is a lack of

clarity about what happens. We need to ensure that we protect children, particularly young boys who sign up to clubs thinking that they will be the next David Beckham. Only around 4 per cent of them move into any kind of professional football. We could do with a really good Scottish team in the long term, but I do not think that we will get it through the approach that has been taken. We need to look carefully at what is happening out there.

**Iain Gray (East Lothian) (Lab):** I, too, have come to the meeting to speak in support of the petition. The petition and the issues that it addresses were brought to my attention by Scott Robertson, who is one of the petitioners and a constituent of mine. He coaches Musselburgh Windsor, which is a youth football team that is based just outside my constituency, but which draws many of its young people from within the area that I represent. Musselburgh Windsor has been an important institution in East Lothian for a long time, and it has had a great deal of success in boys', girls' and mixed football.

In considering the petition, it is important to understand that it was lodged as a result of the frustrations that are felt by the many volunteers who put unbelievable efforts into running our youth football. The time and energy that they give are unbelievable. I think that they would say that the frustration that they feel at what happens when their players show promise and are picked up by senior teams is not the most important thing; rather, they are most concerned about what happens to many of those young people.

As Trish Godman said, all young footballers who attract the attention of senior teams believe—their parents often believe this, too—that they are on an inevitable course to stardom, but the hard fact is, of course, that very few of them will see that path out all the way. William Smith, Scott Robertson and others have argued that the system can often treat hopes, aspirations and dreams cruelly in order to suit the concerns and interests of the senior teams.

High numbers of young people are signed up. Sometimes groups of players are signed up in order to get a commitment from one of their number. The hope is that a person will come along if their friends come along. Of course, that necessarily means the inevitable rejection of a good number of young people after a period. That is inevitable, but the system can often drive those who have been rejected by a team out of football altogether. Trish Godman talked about that. If a person has signed a commitment form and leaves or falls out with a club, they may find themselves unable to play football for anyone else for two years, by which time they will probably have lost any drive that they had to play.

It may be true that young people or their parents have 28 days to change their mind, but it seems to me that, if the truth is that the young person will not make it or will not benefit from an arrangement with a club, that may not become obvious within as short a period as 28 days. That protection still seems to me to be quite limited. Often, perhaps because of their excitement about an opportunity opening up before them, people might not be aware of that protection. An even more fundamental question is whether we are asking children who are as young as 10 to sign what is, in essence, a legal contract. If so, the contract would be not legal but illegal, because such children are much too young to be legally bound by such a contract.

The committee sought evidence from the SFA, the SPL, the Scottish Government and others. The SFA and the SPL have replied that they do not recognise any of the problems and that the system is working well. The temptation is to say, "They would say that, wouldn't they?" The Scottish Government does not opine on whether the arrangement is proper and says rather that it is up to those who enter into contracts with young people to decide whether they are legal, which is rather dodging the question.

The most powerful evidence to the committee is the letter from Scotland's Commissioner for Children and Young People. He does not give an opinion, but it is clear that he believes that questions need to be answered about the legality of some arrangements and about the extent to which they uphold or breach our children's rights. For that reason alone, I argue that the proper course for the committee is to continue the petition and perhaps to ask the appropriate parliamentary committee to take evidence and look further into the concerns that Tam Baillie, Scotland's Commissioner for Children and Young People, has summarised well.

**Robin Harper:** This is the second time that we have considered the petition. What has been described is far too close—frighteningly close—to the exploitation of minors and has little to do with encouraging young people to become involved in football.

The SPL, the Scottish Football League and the SFA replied so late that the petitioners have not had time to respond to us, so we cannot discuss the petitioners' feelings and consider their analysis of those responses. Some organisations have yet to respond to us, which is appalling. The aforementioned SPL, SFL and SFA deserve a rap on the knuckles for taking so long to respond, but the others must be asked to respond urgently on the situation, because the issues are important. We must continue the petition. The organisations should realise that responding so late creates

difficulty for the committee, because we have a heavy workload. Time at today's meeting was set aside to give the petition due attention, but we cannot do that at this meeting, which is regrettable.

16:15

**Bill Butler:** Scott Robertson has replied to the committee, but Robin Harper's point has legitimacy, because the petitioners had only six days in which to think about and turn round their response. That is disappointing.

We considered the petition on 20 April. As always, the committee's clerking team sent letters within 24 hours to all the organisations to which the committee had asked the clerks to send our initial correspondence. The organisations were given a deadline of 17 May to respond. However, it was 11 June before we received a reply from the SPL; 14 June before we received anything from the SFA; and 15 June before we got the SFL's reply. As far as I know, responses are still outstanding from the Scottish Amateur Football Association; unhappily, I have to say, from the Scottish Trades Union Congress; the Scottish Child Law Centre; the local authorities in Edinburgh and North Ayrshire; and the Department for Business, Innovation and Skills. That has been very unhelpful because, as Trish Godman and Iain Gray have pointed out, the petition raises very serious issues about our young people, how youth football is progressed in this country and the deficiencies in the current system that are there for all to see.

I note, first, Trish Godman's comment that someone told her that the form was not really a registration form but a commitment form. If I may say so, that is just an exercise in semantics. Indeed, it is a nonsense; it does not mean anything. I could go on but I will not, because I might be impolite.

Secondly, the very powerful evidence that Iain Gray referred to is indeed that—very powerful. In fact, I want to read into the *Official Report* a paragraph from the response from Tam Baillie who, as members know, is Scotland's Commissioner for Children and Young People. In reply to the question

"What concerns do you have about the demands and impact (the legal, moral and general as the petition states) this is having on under 16 year olds signing on with professional football clubs?"

he said:

"I am not in a position to offer legal advice and my comments should not be relied upon as such. I do believe, however, that the issues raised in the petition highlight a range of potential breaches of children's rights under the UN Convention on the Rights of the Child".

That is a pretty powerful statement. He then goes on to detail possible breaches in

“The nature of Youth Initiative (Performance Tier) registration documents”,

“The issue of compensation” and “Fairness and equality”. Those are very grave issues. Obviously we should continue the petition but the committee should also write both to the organisations that have replied to us very tardily and to those that have yet to reply, making it clear that we are a committee of the Parliament of Scotland and that they need to reply to us in good time.

At the moment, however, we are left with no other alternative but to reallocate a time slot to take another look at all the evidence and to invite Mr McLeish along to talk to us. I know that it will not be easy to do that—the clerk has said that although the petition could be timetabled for a meeting in September, that would not be particularly convenient—but I really think that we need to fit it in.

Moreover, despite the fact that these issues are very serious, some of the responses that we have received are simply not real and detailed enough. We should ask the respondents to address the detail of the petition, not to give us an offhand response that they probably think is a way of being polite. Actually, not responding to a petition that is under discussion by this Parliament and this committee is really the model of impoliteness. I really am very annoyed—as we should all be, colleagues—that not only the committee but, above all, the petitioners have been treated in this fashion. Our message should be that that is completely unacceptable. We need real, detailed answers and we need them back in double-quick time with no excuses. When we get those responses, we can take a serious look at the evidence. This should be their last warning: September—and no later.

I hope that I have made myself clear, convener.

**The Convener:** Eminently so.

**Anne McLaughlin:** I agree with Bill Butler. I have to say, though, that if he had been my teacher in a previous life, I would never have been late with my homework more than once.

I draw attention to what Tam Baillie, Scotland’s Commissioner for Children and Young People, said about potential breaches of the United Nations Convention on the Rights of the Child. He wrote:

“Article 36—child’s right to protection from other forms of exploitation

I am concerned that children are potentially being exploited by a system which is meant to provide them with opportunities and develop their talents. Whilst this may be an unintended consequence of the registration process, it

does need to be urgently reviewed to ensure that children and young people’s rights are adequately protected.”

That is quite a powerful statement, which we should take seriously.

**The Convener:** I think that the committee agrees to continue the petition. I understand that the committee wants to write in no uncertain terms to make plain our views about the lack of responses from some organisations and the tardy and inadequate responses from others. We can also invite Henry McLeish to appear before the committee. He was not aware of his previous invitation until too late, which is unfortunate. Do we agree to give him the opportunity to come to the committee, to continue the petition and to consider it at a meeting in September?

**Members indicated agreement.**

## New Petitions (Notification)

16:21

**The Convener:** The committee is invited simply to note the new petition that has been lodged since our previous meeting. It will be timetabled for our consideration at the earliest opportunity after the summer recess.

## Work Programme

16:21

**The Convener:** The final item is consideration of a revised work programme for the remainder of 2010. The committee is invited to consider and agree on whether to hold its external meeting in Arran on Monday 13 September and not Monday 20 September and on the revised meeting dates as set out in paragraph 9 of the work programme. The committee is also asked to note that the Scottish Parliamentary Corporate Body has agreed to the committee's holding its meeting at the Scottish Youth Parliament conference on the morning of Friday 29 October 2010 in the chamber.

**Bill Butler:** As Arran high school has said that it cannot accommodate the date that was first proposed, we should go for 13 September and not Monday 20 September. That is sensible and the clerking team has laid out the position clearly in the paper.

I have a problem, which is my fault entirely—*mea culpa, mea maxima culpa*. I had not realised that I must be somewhere else—Oban—on Friday 29 October. The convener and Cathie Craigie will probably have to be in the same place as me. That presents a bit of a problem, for which I apologise to the clerk. Labour members of the committee have a problem because the Scottish Labour conference is being held on 29 October.

**Anne McLaughlin:** We do not mind.

**The Convener:** The committee decided to meet on 29 October because the Scottish Youth Parliament's conference is on that date, so changing that meeting date will not be easy.

**Fergus Cochrane:** The meeting on 29 October is fixed, because the Scottish Youth Parliament's conference is being held on Friday 29 and Saturday 30 October. The committee's meeting will be part of the wider conference, so the date is not moveable.

**Nigel Don:** The suggestion is that, if we meet on 13 September, we will not meet on 20 September, which we are of course in favour of. However, I ask the clerk whether we will have enough time to deal with all that we know is backing up. I am not looking for more work to do, but I am conscious that the work already exists. We should consider whether, if we cancel a meeting, we will wish in February that we had held it.

**Fergus Cochrane:** We are still timetabling the same number of meetings—eight—between the end of the summer recess and Christmas. The committee will probably find that it goes back to

having a more traditional workload, with about seven or eight new petitions and about 15 current petitions to consider at each meeting. If the committee wants to timetable an additional meeting, we can come back to you on that.

**Nigel Don:** Do we want another meeting? No. Do we want a manageable schedule? Yes. Bill Butler and I were reflecting on the scheduling of Justice Committee meetings recently. We know what happens when we run out of time to do things. That is why I asked the question.

**Nanette Milne:** I take Nigel Don's point. However, if we have to have another meeting, can I make a plea for it not to be on 20 September? The End of Life Assistance (Scotland) Bill Committee, which has also run out of time, has scheduled an evidence-taking meeting that afternoon, on the basis that the Public Petitions Committee is not meeting.

**Anne McLaughlin:** Our meeting would be on 21 September.

**The Convener:** Will Fergus Cochrane share his views on a manageable workload?

**Fergus Cochrane:** On new petitions, there is likely to come a point—I am not sure when—when the committee will draw a line under new petitions for consideration. After that, new petitions will go before our successor committee.

On current petitions, a couple of times each year the committee has had a meeting at which members considered only current petitions, with about 40 to 50 petitions on the agenda. That is a lot of work, but it is a convenient way of getting a large number of petitions in front of the committee for consideration and decisions. The intention is to timetable probably a couple more current-petition-only meetings between September and dissolution.

We will perhaps look to bring petitions back to the committee within a tighter timescale. We might be able to bring forward deadlines that we set for people to respond and cut timescales in that way.

The workload is all still manageable in the number of meetings that are scheduled. Having two current-petition-only meetings would assist greatly, because that is a convenient way of getting a large number of petitions considered.

The number of current petitions has gone down slightly to below 100, but during the summer recess new petitions continue to come in and the number will creep up, so there will inevitably be a backlog after the recess.

**Anne McLaughlin:** Unless we meet over the summer.

**The Convener:** I take it that that was a joke.

If there are no more comments from members, are we happy to agree the dates?

**Members indicated agreement.**

**The Convener:** Okay.

I neglected to read out a message from Elizabeth Smith in relation to PE1115, to which Nanette Milne referred. As a result of the revised parliamentary business schedule, a meeting of the Education, Lifelong Learning and Culture Committee was rescheduled for today, so Elizabeth Smith was unable to attend this meeting—I thank her for sending her apologies. In her e-mail, she said that she would be very grateful if I could draw her views to members' attention. With members' agreement, I will do so now. She wrote:

"I would like to reiterate my support for petition PE1115 (Re-opening of Blackford Station) on the basis that there are, I believe, very strong grounds for a full debate about how the recent, very comprehensive feasibility study commissioned by COBRA can be incorporated into the wider strategic transport review for the Tayside area. The petitioners have, in my view, over a long period of time, demonstrated their commitment to the best interests of different groups within the local community and have engaged fully with that community as they have presented a well-balanced case."

That is now on the record.

That concludes our final meeting before the summer recess. Our next meeting will take place at 2 pm on Tuesday 7 September.

*Meeting closed at 16:29.*



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