



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# PUBLIC PETITIONS COMMITTEE

Tuesday 11 January 2011

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**Tuesday 11 January 2011**

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# **PUBLIC PETITIONS COMMITTEE**

## **1<sup>st</sup> Meeting 2011, 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**

Jamie Hepburn (Central Scotland) (SNP)

Jamie McGrigor (Highlands and Islands) (Con)

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

Nicol Stephen (Aberdeen South) (LD)

\*attended

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

Trish Godman (West Renfrewshire) (Lab)

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

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

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

Tam Baillie (Scotland's Commissioner for Children and Young People)

Ann Coleman (United Kingdom Without Incineration Network)

Professor Paul Connett (St Lawrence University)

Neil Doncaster (Scottish Premier League)

Michael Gallagher (Green Alternatives to Incineration in Scotland)

Chris McCart (Celtic Football Club)

Stewart Regan (Scottish Football Association)

Shona Robison (Minister for Public Health and Sport)

Jim Sinclair (Rangers Football Club)

### **CLERK TO THE COMMITTEE**

Fergus Cochrane

### **LOCATION**

Committee Room 2

# Scottish Parliament

## Public Petitions Committee

*Tuesday 11 January 2011*

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

### Current Petitions

#### Youth Football (PE1319)

**The Convener (Rhona Brankin):** Good afternoon and a good new year to all of you. Welcome to the first meeting in 2011 of the Public Petitions Committee. I ask everyone to ensure that all mobile phones and other electronic devices are switched off.

Agenda item 1 is consideration of a current petition, PE1319, by William Smith and Scott Robertson, on improving youth football. Many of you will know that, at our meeting on 5 October 2010, we took evidence from Henry McLeish in his capacity as chairman of the Scottish football review committee and, on 23 November, we agreed to invite certain people to give oral evidence so that we could have an opportunity to discuss the issues that are raised in the petition.

With us for this item are Shona Robison, the Minister for Public Health and Sport; Neil Doncaster, the chief executive of the Scottish Premier League; Stewart Regan, the chief executive of the Scottish Football Association; Tam Baillie, Scotland's Commissioner for Children and Young People; Jim Sinclair, the director of youth development at Rangers Football Club; and Chris McCart, the head of the youth academy and youth development at Celtic Football Club. Trish Godman and Iain Gray are also here and might want to take part in the discussion.

We will move straight to questions from members.

**Bill Butler (Glasgow Anniesland) (Lab):** Obviously, this is an important petition that raises serious issues. I want to focus my questions on point 1 of the petition, which involves the legal status and appropriateness of SFA clubs entering into contracts with children who are under 16. Are the documents that are signed by young players a contract or a registration form? We have had differing responses from various members of the panel. Who would like to kick off? I should say that that pun was intended.

**Neil Doncaster (Scottish Premier League):** It is a registration form. FIFA requires that any player who is to be attached to a professional

football club be registered with the association of which that club is a member. It is not a contract.

**Bill Butler:** I take it that you agree with Mr Doncaster on that point, Mr Regan.

**Stewart Regan (Scottish Football Association):** Absolutely.

**Bill Butler:** Have you anything to add?

**Stewart Regan:** As Neil Doncaster said, it is a registration that is entered into with the full knowledge of the parent or guardian. It is not a contract as you would understand a contract to be; it is a registration form.

**Bill Butler:** Are there any contrary views?

**Tam Baillie (Scotland's Commissioner for Children and Young People):** There has been a lot of discussion about whether the form is a contract or a registration document. Whatever it is, it acts like a contract, because it ties the young person to the club. The young person signs it and, as far as I am aware, parents do not always countersign it. The Scottish Child Law centre clearly confirmed that a child under the age of 16 cannot enter into a contract. The key point is the impression that is given by the document and the way that it impinges on children's behaviour. People are under the impression—rightly or wrongly—that they are signing a contract. That has all sorts of consequences, which form the main concerns that are set out in the petition.

You might want to tease out whether it is legally a contract or not, but what I think is important is the impact of the document and the way in which it restricts behaviour.

**Bill Butler:** I do not want to get involved in the semantics of the issue, but I would like to know what other members of the panel think about Mr Baillie's point that, whatever the document is, it binds a young person who is under 16 to a particular club for one season with no exit clause. Do members of the panel feel that those conditions constitute more than simple registration?

**Neil Doncaster:** No, I do not think that they do. You are absolutely right that, in effect, they bind a player to a club for that season, but there is an exit clause in the sense that, at the end of the season, the player is free not to stay with that club and to move on to another. That goes to the heart of the matter, which is what the restriction is. At the end of the season, if the club does not wish to retain the player, the player will become free. If the club wishes to retain the player and the player wishes to stay with the club, there is no problem—everyone is in agreement. The issue occurs when, at the end of the season, the player's existing club wishes to retain him, but another, bigger club wishes him to come to it. That is the practical

restriction that we are probably all talking about. The heart of the matter is the compensation for the training that the smaller club has given, which our rules oblige the bigger, acquisitive club to pay the smaller club.

**Bill Butler:** I do not want to go into compensation for training at the moment, because other members will ask about that.

Mr Regan, do you agree with what Mr Doncaster has said, or do you have anything to add?

**Stewart Regan:** I agree with what Mr Doncaster has said in that the player signs with a club in the full knowledge of his parent or guardian, notwithstanding what Mr Baillie has said. He signs an agreement that, in effect, binds him to that club. At the end of the season, he becomes a free agent, if you like. The agreement is simply an agreement for the club to provide coaching and development services; it is not the contract that people believe it to be.

**Bill Butler:** I would like to hear from Mr Sinclair and then Mr McCart, if that is okay.

**Jim Sinclair (Rangers Football Club):** From my experience with our parents, my concern is that they often do not have full knowledge of the ramifications of signing the document. The compensation levels are not always explained to them, nor is the fact that there will be a price on the head of their youngster.

I do not wish to get too technical, but the salient point is that the registration runs until 30 June. Clubs can speak to those kids and sign them from 1 June onwards. At that point, parents and children do not know whether there is interest from any other parties. I think that that is a fatal flaw in the registration process. I do not know that I can speak for anyone else but, as a club, we think that there should be a period of time, perhaps in May, prior to the registration being continued, when another club has the opportunity to show its interest in the young player to the parent and the child and, indeed, their current club. Only then would a child be given a full choice about whether to re-sign for their existing club.

**Bill Butler:** Are you saying that in your view, unfortunately, there is a lack of transparency at that important interval and that, if there were more transparency, there would be more choice?

**Jim Sinclair:** I do not think that there is anything Machiavellian about it—

**Bill Butler:** That is why I did not use the word “Machiavellian”. I just meant—

**Jim Sinclair:** All that I am saying is that, as the registration procedure stands, it denies a young

person and their family an element of choice that should exist.

**Chris McCart (Celtic Football Club):** I want to go back to the question about the registration form. The parents sign the registration form, which is the same at boys club level as it is at pro youth level. The parents sign it at boys club level and at pro youth level. The young player will be accompanied by a parent or guardian when they enter into the registration agreement.

**Bill Butler:** What about Mr Sinclair’s point? Do you think that it has some validity?

**Chris McCart:** It certainly does, but we are moving on two or three levels. We are going on to talk about development contribution and scouting players from other clubs, and the freedom and the choice that a young player has. He might not be aware that other clubs are interested in him. The SFA has set out its terms of reference on approaches to young players, and clubs follow that approach, but whether the young player or their parent is fully aware of the interest of other clubs is yet to be seen.

**Bill Butler:** Right. Can I have one more question, with your indulgence, convener?

**The Convener:** Yes.

**Bill Butler:** I want to get this right because I am not expert in this field. My information is that the youth initiative registration/contract form for the signing of a 15-year-old player enables the club to hold that child for a further two years after the initial year elapses. Is that not different from what Mr Doncaster and Mr Regan said about younger children?

**Neil Doncaster:** To be fair, I think that Mr Sinclair and Mr McCart are far more familiar with the detail of the 15-year-old level than Stewart Regan and I are.

**Jim Sinclair:** The process is just as you described. Registration is annual until the age of 15, or when we come to the end of the under-14s season. When a young person signs at that point, they are in effect signing a three-year rolling contract to which they are bound.

**Stewart Regan:** The right age is actually the school leaving age, which is normally 16 but, because their leaving date can be before the child’s 16<sup>th</sup> birthday, there is a small window during which they can sign at the age of 15. A professional contract can be signed only after the player has left school or on their 16<sup>th</sup> birthday.

**Bill Butler:** Is that a sort of transitional agreement before going on to a full contract?

**Stewart Regan:** There are players who will, after they arrive at the age of 16, enter into full professional terms with the club. That depends on

how talented they are in the view of the club. In our opinion, a contract on full professional terms will not be signed until after the player has left school and is eligible to start work.

**Tam Baillie:** I just want to make a quick comment about how we are talking about children—we are talking about them as commodities. There has even been a mention of a price on their head. These children and young people have a right to play, but we are putting restrictions on their behaviour because they have signed a form. They have the right to have an opinion and to have account taken of it. We are talking about that choice being exercised just before they sign the contract, but what about for the length of the contract? All the decision making around the contract is stacked on the clubs' side. We have to put young people and their needs and rights right at the centre of the issue. At the end of the day, it is nurturing their talent and skills that should be central, not whether the clubs make a decision or not. Frankly, we have to start thinking about children and young people as being at the centre of the issue rather than as commodities as part of the framework.

**The Convener:** Mr Regan, if you want to, you can come back on that and then we will wind up. We might return to the subject later, but I am conscious of time.

**Stewart Regan:** I totally disagree with what Mr Baillie said. I do not think that anyone thinks of children as commodities. We are thinking about developing talented footballers for the long-term success of the Scottish team. Talent needs to be nurtured and managed and that costs money. Clubs are prepared to invest in developing children with the full knowledge of their parents or guardians, and they agree to bind themselves to a club for a period of 12 months in return for good-quality coaching and development from a professional club. When they reach the school leaving age, like any child in the current marketplace they are eligible to enter the workplace. At that point, they become professionals and are either signed on professional terms or not. No one is talking about children as if they are commodities. We are talking about developing talented children and improving their skills for the long-term success of the game.

14:30

**Bill Butler:** The rights of the child are paramount. I have one essential point. Mr Regan, do you think that Mr Sinclair has a valid point when he states, to paraphrase him, that the process could be a bit more transparent, especially in May? I know that you are not saying that the status quo is perfect, because the SFA and others are of course working to develop the

strategy. Is that one of the improvements that could be looked at, considered and made?

**Stewart Regan:** I refer you to part 1 of Henry McLeish's report which, on pages 16 to 17, talks about a small review group being set up

"to look in detail at a number of related issues facing children and young people".

It goes on to say that the group should

"meet the need for a further and more in-depth look at the policies and procedures of regulating, compensating, nurturing, developing and financing children and young people in the youth development process".

**Bill Butler:** Is that part of the overall draft performance strategy that is being developed?

**Stewart Regan:** It is not part of the performance strategy per se, but it is a recommendation from Henry McLeish. In support of what Mr Sinclair said, I would say that the processes and ways of dealing with the issue can be improved. I am prepared to consider how we might deal with that to try to tighten up some of the things that are perhaps not as transparent as they might be.

**Bill Butler:** I am obliged.

**The Minister for Public Health and Sport (Shona Robison):** Stewart Regan makes an important point that with the review of the youth action plan, there is an opportunity to consider the issues that the petitioners have raised. Clearly, there are aspects that need to be considered, because otherwise the petitioners would not be here and we would not be having this discussion. The timing is right and I am pleased to hear what Stewart Regan said. The Scottish Government is keen to work with the SFA and others to consider the issues, but within the context of the review of the youth action plan, which is under way.

**The Convener:** Of course, the Scottish Government puts funding into that.

**Shona Robison:** To date, the youth action plan has largely been funded by the Big Lottery Fund but, as of April, the Scottish Government will fund it, so we are keen to work with our partners to ensure that issues are resolved. Clearly, improvements can be made, as we have begun to touch on today, and we are keen to work on those.

**The Convener:** I seek clarification on the point that 15-year-olds might be bound for—how long?

**Jim Sinclair:** Three years.

**The Convener:** At the age of 15?

**Chris McCart:** There is a one-year rolling registration form at 15.

**Jim Sinclair:** That is technically correct, absolutely, but the onus is on the club to reregister the young player. There is no element of choice at

the end of the season. If a player is signed with our club, I decide that they will re-sign, rather than the other way round. In effect, the club is committing to the boy for three years, if we want to put it euphemistically.

**The Convener:** So if the parents say that they want the child to come out of that at age 15, they are bound.

**Jim Sinclair:** They are bound.

**The Convener:** So there is an issue there.

**Jim Sinclair:** I want to pick up on Mr Baillie's point about the rights of young people and looking after them. Any compensation model that is eventually decided on would be far better looking back at what has happened in a youngster's career rather than shaping it as they go forward. In the event of a young person eventually signing a professional contract for a club, there should be levels of compensation that are paid at that point, but we should not put a price on the heads of 11, 12, 13 or 14-year-old kids. That would send out a conflicting message. To me, it would be far fairer if the moneys were paid in the event of a professional contract being secured, as that would allow for greater freedom of choice and would put less onus on kids and so on.

**The Convener:** Do other members have questions on compensation?

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** I think that Mr Sinclair said that, at the end of the year, the child or young person becomes a free agent.

**Jim Sinclair:** Yes.

**Cathie Craigie:** I did not want to put words in your mouth.

**Jim Sinclair:** Just for clarity, it is the end of the season when the registration period ends.

**Cathie Craigie:** Okay, so that would be at some point before 30 June. Is that when they have to register?

**Jim Sinclair:** They—

**Cathie Craigie:** When would they be a free agent? You said that they can start to have discussions on about 1 June.

**Jim Sinclair:** If the young player is with Rangers, we would be speaking to them at that point and asking them to re-sign. We have the month of June in which to do that. However, up until that point, the youngster does not know that there is any interest from Chris McCart across the road at Celtic.

**Cathie Craigie:** I take that point. At that moment, the young player becomes a free agent and it is up to them to choose whether to sign up

again for Celtic, Rangers, Dundee or whoever. Is that—

**Jim Sinclair:** I am a wee bit uncomfortable with your expression "a free agent" because, sadly, that does not happen. The club would maintain and hold on to the registration after that period if the youngster did not want to sign, so they would still be bound to whatever club they are signed with.

**Cathie Craigie:** But if the youngster decides that he really does not want to be into football and he wants to take up something else, he is a free agent to do that.

**Jim Sinclair:** In that sense, he is, of course. Yes.

**Cathie Craigie:** Can the young person do that at 15 or are they tied in, given the points that you made in answer to—

**Jim Sinclair:** They can leave football, for sure.

**Cathie Craigie:** And if young people leave football at that age, the bigger clubs will not chase them for compensation for the investment that they have made up to that point.

**Jim Sinclair:** No, but I am right in saying that the registration will remain with the club.

**Cathie Craigie:** So a club could still hold someone—

**Jim Sinclair:** If it chose to do so. If you think about it, it could be the best player in the club who now decides that he wants to walk off into the sunset, but I know that, across the road, Mr McCart has already had designs on him, and blah blah blah. Not that Chris would do anything as untoward as that, I am sure.

**Cathie Craigie:** Does that happen often?

**Jim Sinclair:** No, because they are keen to stay. By and large, 99 per cent of the time, or a high percentage of the time, they are keen to be where they are. They are happy and settled there. I suppose the essence of the matter is whether they have the element of choice. That is where the thorny issue lies.

**Cathie Craigie:** The flaw, as you see it, is that the young person and their family do not know what other clubs might be interested.

**Jim Sinclair:** If we are truly talking about choices, all those choices should be made available to the young person. There might be eight clubs that are desperate to sign the youngster but, because we do not tell them, or there is no mechanism for telling them, they cannot avail themselves of that opportunity.



**The Convener:** If a youngster and his family were to move to another part of the country, what would be the position?

**Jim Sinclair:** I think that clubs as a group more or less concede that that is just one of those things. That is life. Such moves are above what we are discussing here.

**Anne McLaughlin (Glasgow) (SNP):** I want to look at the issue of compensation payments and what the SFA calls reimbursement of the training fee, which currently stands at £5,000 a season, I think. Does anyone on the panel want to comment on how appropriate that is? If you believe that it is appropriate, why is no similar fee paid to clubs that are affiliated to the Scottish Youth Football Association or that are in the pro youth system?

**Jim Sinclair:** My view is that clubs should be compensated for the work that they do. The mechanism for that is up for debate. What I have difficulty with is how the figures are arrived at, and the fact that, if they are subject to a review, they rise again. I do not know that any great calculation or computation goes hand in hand with that process. That is the issue that I have with the compensation mechanism. However, if clubs are investing, they should be recompensed to some degree.

**Anne McLaughlin:** And on the question about why SYFA clubs do not require reimbursement or a compensation payment—

**Jim Sinclair:** If we are truly talking about compensation, it should be extended to those clubs, in whatever manner is agreed to be appropriate.

**Stewart Regan:** It is important to understand what we mean by compensation, because I think that some people are getting confused and thinking that it is some kind of transfer fee for a child or a young person. In order to encourage clubs to spend time and resource developing potentially talented players, there is a need for money. Some clubs do that free of charge in return for the child's services over that period, hoping that he or she might go on to represent the team at a higher level later on. If a bigger club comes along and takes that player, clearly there is a need for that money to be returned to the club, in return for the investment that it has put in. That is what we mean by compensation.

Where you cast the net and how far down the football food chain that goes depends on our ability to understand who the player was registered to. We have made great strides in recent years in putting in registration processes for youth and amateur players, but sometimes players move between clubs and trying to identify which local club at the local park started developing a player is very difficult. I agree that this area can be

looked at to see whether improvements could be made. I am not sure how practical it is to go right the way down to where the player started out, because some players might move around quite a lot before they settle on their first real club.

**Tam Baillie:** I have a couple of views on this. It is a helpful suggestion to decouple the young person's movement from the money that is paid—the compensation—as Stewart Regan suggested, because the way that the system operates at present suggests that it is a transfer system, as things happen contemporaneously and compensation has to be paid as the young person moves around. It would be very helpful to separate out the money for whatever activity the clubs are involved in and whatever investment is made from the current behaviour of the child or young person. The way that the system currently operates places extra restrictions on things and very much gives the impression that it is about the transfer of a child or young person.

I welcome the statement about having the youth review, because this is one of the issues that such a review could reasonably look at, so that there would be a much better system that separates out the potential movement of young people from club to club from the moneys that can be spread, using whatever formula—I do not claim to have any expertise in what that formula might be; Stewart Regan will be much better qualified to consider that.

**Neil Doncaster:** I have a concern about decoupling movement from the compensation payment. The details can always be improved but, at the moment, the principle is that clubs are compensated for the investment that they make in players. If we move away from that principle, we will remove any incentive for clubs to develop young players. The reason why clubs invest huge time and resource in developing young players is that they hope to be able to discover the gems of the future. Those gems will come through and thrive at the club and they might move on to another club and also to represent the Scottish national team. The hope of finding those gems is the sole reason why clubs will engage in such expensive youth development. If those gems are able simply to up and move without a bigger, acquisitive club having to pay a compensation fee, any incentive for the smaller clubs to invest that time and effort will be removed; they will simply stop doing it and the country will be much poorer for it. We need to recognise the value in having a system that ensures that smaller clubs' efforts in developing youth talent are protected.

14:45

**Jim Sinclair:** I endorse the view that compensation should be paid to clubs. However,

UEFA club licensing would insist that a club operates a youth programme and the benefits that accrue to any club, small or large, will remain the same—I do not think that there is any doubt about that. My experience is that we are not talking about mass migration at the end of a season from one club to another. Given the clubs that we are at, I am sure that Chris McCart would endorse that fully. We are talking about an element of choice that should exist—there is little debate about that, whether the number is one or 10. I am sorry, but I do not agree with Mr Doncaster: it will not mean the demise of youth development in the country, for those reasons.

**Anne McLaughlin:** As I understand it, if a young player wishes to move club and the compensation payment or reimbursement for training fee is not paid, that person can no longer play football. Can anyone on the panel justify that? We are talking about children and young people.

I think that the convener asked about children moving. How far do they have to move? I am worried about that whole area. If no fee is paid, and the club wants to hold on to the young person but they do not want to play for that club any more, they cannot play for anybody—they cannot play at all.

**Neil Doncaster:** I can try to answer that. We have a mechanism that protects children from exactly that circumstance. Any such circumstance can be brought to us and the SPL board then adjudicates on it. If a disagreement were ever to arise and a player felt that he was being restricted because of those rules, that is exactly the sort of thing on which we would adjudicate after looking at the circumstances. If it was down to a player moving because of a family move across the country, for example, that could be taken into account.

The practical reality of what happens, and where we generally get disputes, is that a player will want to further his career and may wish to go to a bigger club. The issue is the protection of the smaller clubs' investment in those players.

**Anne McLaughlin:** Are the parents and children aware that they can come to you with disputes? We have heard a lot about how they are not always fully aware of what they are getting into. How are they made aware?

**Neil Doncaster:** That is a valid point. Although we might hope that the documentation is completed in the right way and that people are fully briefed at the time they enter into the registration, we must accept that that may not always be the case.

We have worked on a code of conduct that we intend to roll out among all our clubs and which would need to be signed by the club, the player

and the parent or guardian. That would make it patently clear that when the player registers with a particular club there may be a compensation payment attributable to that club at the end of the registration, but equally it would present a clear mechanism for what to do if any concern arose and give details of who at the SPL the player should contact to address that concern. Ideally any dispute would be resolved amicably, but if it could not be, we would adjudicate on it to ensure that a young person did not find themselves in that position through no fault of their own.

**Anne McLaughlin:** Bearing in mind that a lot of people in that position may not yet be aware—because the code of conduct is still being worked on—that they can come to you, how many disputes have come to you? How many young people are you aware of who are currently unable to play football because of the compensation issue?

**Neil Doncaster:** We have had no formal hearings, certainly in the 18 months in which I have been involved with the SPL; I cannot say what happened before that. Anecdotally we hear of issues, but those generally tend to be resolved between clubs. They usually come down to a player wanting to move to a bigger club for whatever reason, and there may be some sort of question mark over the compensation to be paid to his former club. That is what tends to happen, but in all instances in the past 18 months the issues have been resolved—they must have been, because we have never had any formal complaints brought forward to us.

**Anne McLaughlin:** Alternatively, you have not had any because people are not aware that they can come to you. I would welcome the code of conduct; the more that you can do to promote that, the better.

**Chris McCart:** You make some very good points, as Mr Doncaster said. When the players enter into the registration and sign with their parent, the clubs have to give them the terms of reference and all the details are part of that. In reality, only three teams in Scotland—Celtic, Rangers and Hearts—are prepared to pay the development contribution. No other club can afford to pay it at the level at which it is set.

I return to the point that was made earlier about the problem that arises for Celtic, Rangers, Hearts and other clubs if they want to retain a player but the boy's parent wants them to move because of a lack of playing time or because they are moving house. The issue is usually resolved by communication between clubs, but it poses a problem for clubs such as Celtic if boys want to leave, especially if we have paid the development contribution to other clubs. We cannot get that money back, unless a boy is going to Rangers or

Hearts. However, as Mr Doncaster said, 99 per cent of the time the issue is resolved. Recently, there was a boy who left Hamilton; that is probably what started this debate. All that the clubs want is to ensure that there is fair play, that there are no underhand dealings and that players are not tapped up. Ninety-nine per cent of the time, a club will allow a boy to leave, following communication and dialogue with the club that he is going to.

**Jim Sinclair:** I agree entirely with Chris McCart. However, not all youth development programmes are of the same standing. It is in the interest of Scottish football for the best young players to go to the best academies; I make no value judgment about where those are. Not all academies have the same ability to produce young players. In the interest of Scottish football, all of us should look to promote flexibility and mobility, so that players can work with the best sport scientists, coaches, facilities and so on, instead of being bound through a lack of choice or awareness of their ability to go somewhere else, even though another club wants them to come there. It seems that we are fighting against one another, but there is a bigger picture for Scottish football.

**The Convener:** I invite the minister to comment on the variation in quality of provision, given that taxpayers' money goes to clubs for youth development. Through sportscotland, she will have a view on the quality of provision that should be in place where taxpayers' money is involved.

**Shona Robison:** Sportscotland has been fairly up front and clear with the SFA about what will have to be delivered in the second half of the youth action plan, which has been subject to a great deal of discussion over the past few weeks and months. We are halfway through the plan. Undoubtedly, some good things have been delivered, but it is time to step up delivery. More money is going into football now than went in in the past, but the whole of sport must recognise that financial times are difficult. Despite that, significant investment will be made in football in the next few years. At issue is what is delivered for that investment.

In part, the fairly detailed discussions in which sportscotland and the SFA have been engaged have been about transparency, targets and the delivery of youth development—the number of those coming through, the quality of provision of training and support, and ensuring that there is a quality product for every young person, no matter where they access the development programme. Good work has been done, but there is more to do. We have had a useful and open discussion.

**The Convener:** It might be interesting to hear some smaller clubs' views on the issue, as the facilities that are offered are very different.

**Nanette Milne (North East Scotland) (Con):** How many people go into development squads and what percentage of them end up with professional footballing careers at the end of the day?

**Chris McCart:** There are six teams in the development programme: the under-11s, the under-12s, the under-13s, the under-14s, the under-15s and the under-17s, which is a dual age band. We are allowed to register 20 young players for each age group, but not every team exercises that right to sign and register 20 players. Underneath that, clubs also have age groups of under-eights, under-nines and under-10s, where the boys train and play with their boys club but come in to get some elite training as well.

That is the set-up for youth development. At the end of the under-16 or under-17 stage, when the boys are eligible to leave school, we take on average about eight players full-time each year. There is drop-out, but there are also opportunities for the boys to live their dream of being a professional footballer. The clubs try to provide that.

**Nanette Milne:** Are the younger end of eight and nine-year-olds prohibited from playing football with their school team and so on?

**Chris McCart:** No, not at all. They would play with their boys club.

Again, Rangers and Celtic take the same approach in that regard. The philosophy behind the programme is that each club takes an holistic approach to developing young players. It is not for Celtic or Rangers to dictate to boys clubs; we must work hand-in-hand with them and with the schools, the SFA and the SPL. We must work together to try to make the approach better. If the under-11s and younger are not on a registration form, the boys clubs dictate to us and we are delighted with that. For example, they tell us that they need the boys on a certain night and that they can play with us on a Saturday.

We try to work with the boys clubs. We want to build up a rapport with them and get a good name for the club that we work in. If we acted towards a club in a way that said that we were a bigger club than them, the following year they could produce two or three excellent players and they might not want to deal with Celtic. The image of the club, and how we operate, is paramount for the development of the club and the young player.

**Nanette Milne:** I am encouraged to hear that, because social development is very important at those young ages. Playing with their peers and interacting with their friends is very important for the boys. I was a bit concerned about that being lost, but you have reassured me that that is not the case.

**The Convener:** What are the rules about boys playing in schools football?

**Jim Sinclair:** The performance level clubs take a view that the youngsters in their charge should not play schools football, principally because, by and large, they would be with that club four nights a week and on a Sunday for a game; in anybody's language, that is a massive commitment, given that the boys also have homework and everything else to do. There is also the issue that, if we are indeed dealing with the elite young players, they should be given a consistent message, not a conflicting one, about how they develop. Many of our young players would welcome that decision being taken out of their hands and the fact that they are not press ganged by anyone else to play.

I cannot use the argument the other way, though. You will come back to me and say that that element of choice should exist and, of course, that view is out there.

**The Convener:** This issue is brought up a lot. If the interests of the young person are paramount—I think that everybody is agreed on that—where is that in relation to this issue?

**Tam Baillie:** For me, it is quite straightforward: the restrictions on young people's choices are unacceptable. I accept that the clubs put a heavy investment into the children and young people, but by the same token the young people have a right to make their own decisions and choices.

I find it quite unacceptable that we put such restrictions on young people's development, especially those young people who may not have a good experience at a club but who are still subject to very tight restrictions on where else they might be able to play. There is a balance to be struck, but for me that situation is unacceptable.

I welcome Neil Doncaster's comment about the code of conduct, but we are dealing with children's and young people's hopes, aspirations and dreams. That puts a very heavy onus on the duty to care for our children and young people. The Scottish Football Association has a particular responsibility to set the standard to ensure that the duty of care is fulfilled. The issue will be discussed by the review group, because that is part of the recommendations. That is important, because it is how we can get a reasonable balance in the expectations on the child or young person as they go through their training programme. Those issues should be taken into account through the review group that the committee has heard is about to be set up.

15:00

**Shona Robison:** I want to give a slightly wider context. Because of the petition, we are focused

on the youth football initiative. Out of the 2,700 boys who are going through that initiative, only about 4 per cent go on to professional football. In my and the Government's view, it is important that we see football in its wider context and in terms of recreation. It might be of interest to the committee to consider the active schools network's contribution to football. Nearly a million football sessions have been delivered in schools through the network, so there is a wider context. I understand why we are here and why we are focusing on the youth football initiative, but the funding that the Scottish Government provides very much relates to a lifelong interest and is not just for the boys who are lucky enough to go into professional football. They are a tiny number of the boys and girls who play football in schools and, we hope, at an amateur level beyond school. We must remember that that is of huge importance.

**The Convener:** Given that, will you respond to the question about whether it is acceptable for young people to be prevented from playing school football if they are involved with a club? As the minister for sport, do you think that that is acceptable?

**Shona Robison:** Quite honestly, I think that we need to consider that. Several issues have emerged today that are worthy of closer examination. My worry is about young people putting all their eggs in one basket. Some of the 96 per cent who do not go on to play professional football might find that basket to be not all that they thought and hoped it would be. We must think about how to ensure that something is available for those young people, so that they do not lose interest in football entirely. A support mechanism must be in place, which might be through school football or playing at an amateur level. We need to consider that.

**Cathie Craigie:** In my head, I thanked the minister for bringing us back to focus on the very small group of children who sign the forms. However, I was disappointed with the second part of her answer, because I wanted to focus on that small group in a question to Tam Baillie about their choices. I agree with him 100 per cent that young people should be able to make informed choices about what they will do for the rest of their lives. However, we are talking about a very small group of children who have the opportunity to train as elite athletes. As Mr Sinclair said, they will have to give up four nights and one day a week. There are only seven days in the week and they have to give up five days to try to become an elite athlete. Surely that choice is made at the beginning of the season. From what we have heard today, the young person should at any time have the choice to move away and become a free agent. Is Tam Baillie saying that it is not enough to allow young

people to make that choice at the start of a season and that they should be able to make it at any time throughout the year?

**Tam Baillie:** Yes. We have heard that children and young people's circumstances change, as can their outlook and experience of being with a club. Therefore, they should be given the space to change their minds during that period of time. We might want to build in the same notice period that the clubs give the young person, so that there is equity in the agreement that they come to, but it is perfectly reasonable for people to change their minds as the year unfolds.

**Cathie Craigie:** But there is nothing to prevent them from doing that. They can walk away at any point in the year. My point applies to all sports and not just football. If a young person goes into a sport and wants to become an elite athlete, they have to sacrifice something. It would not be healthy for a young person to train with a club for five days a week and then go on to do something physical on the other two days.

**Tam Baillie:** There will probably be precious little time left in the week if they are training for that amount of time, so why would we want to put that heavy restriction on the young person? It applies to a whole range of activities. It is not just about school football. Why would we do that if they are already being trained to a high level? We know that, to become an elite athlete, they have to commit to training four or five times a week, particularly at the later stages.

**Cathie Craigie:** I just feel that—

**The Convener:** Please make this your final point.

**Cathie Craigie:** The governing bodies and the clubs seem to be saying that all is not perfect and we could get something better. It seems to me to be a weak part of the argument to say that there has to be choice at every stage. There has to be a point at which the young person makes a choice and says, "I'm going to commit to this for the few months of the season."

**Tam Baillie:** I have already welcomed the fact that both bodies are saying that they are going to review it. There are checks and balances that they will have to take into account, and as I said, I am particularly interested in how they will exercise the duty of care, particularly when they are dealing with the hopes, aspirations and dreams of young people. The prizes are very significant, but we have to deal with the matter in a sensitive way and ensure that children, young people and their parents are aware of what they are letting themselves in for.

**Stewart Regan:** This is a really interesting point as far as the whole debate is concerned, and it is

a fundamental point for me. Cathie Craigie made some excellent points on developing successful players for the future. Talent development is important. This country invests millions in sport—some in participation, but also some in performance, to try to get this country to develop the very best athletes.

The issue is not peculiar to football. My experience in cricket and also in athletics has shown that we must not burn young people out. We have to manage their development carefully. If an elite performer is at the best academy and they are getting the best training, the people who provide that are best placed to advise on what training the young person should do, without overdoing it. It is important to manage back non-essential training in order to ensure that the young person can succeed and fulfil their potential. In many ways, that is the duty of care that Mr Baillie is asking for. We, as the SFA, do not want young people to carry out too much sport. We would prefer the experts—the professionals—to provide the right level of development.

Let us not forget that we are not talking about every child. Some 2,500 children are going through the youth action plan, of which a small percentage are at the performance level—that is, the elite level. They are the ones whose time is managed, but they are the ones who could be our future international players. We have got to treat them with kid gloves.

**Jim Sinclair:** I emphasise the point that Mr Regan has just made. We are not all about performance, as a nation. We have to be about participation. We have to be about getting everybody up off the chair to do what they can. Rather than affording yet another choice for the already chosen ones, if you like, who are in the youth initiative programme, is there not an ideal opportunity for us to get the kids who have never had an opportunity to play and represent a school team to do that? In my previous life at the SFA, that was one of the main thrusts of what we were about. If the first group of kids are taken away, surely there is an opportunity for the others, who have never had a chance to put on a school strip, to do that.

**The Convener:** Many young people all over Scotland are involved in other sports, outwith football, some of them at elite level, and there are not the same restrictions on those youngsters. You can develop young elite sportspeople without the kind of restrictions that are being placed on them. That is the key difference from the situation that we are discussing.

**Jim Sinclair:** I understand that point fully. However, most people would argue that, with growing young bodies, four nights a week and a game would suffice. Rather than losing a choice,

we are gaining one. The point that I am trying to make is that other young kids now have the opportunity to represent their schools.

**The Convener:** The key issue is the duty of care for young people under 16 and the element of choice.

**Shona Robison:** There is no disagreement with what Cathie Craigie said. Whatever sport a young person chooses, at elite performance level they make a major commitment. There is a duty of care on those surrounding that young person to ensure that they are not pulled in all directions. I was trying to make the point that there needs to be better support for the young person at the point at which it becomes obvious that they will not be a professional in the sport concerned. I am not sure that such support is as good as it could be. We need to get better at supporting people into the other options that are available, such as the school team or the local amateur team. If we do not, we may lose them to the sport, which would be a shame.

**The Convener:** When I was the Deputy Minister for Culture and Sport, I visited several Premiership teams in England that had sports academies, before those were developed in Scotland. I was particularly struck by the fact that, at Liverpool, Steve Heighway—I do not know whether he is still there—was cognisant of the fact that only a tiny proportion of the youngsters would have professional careers and was concerned that they should look at careers in refereeing, for example. It would be interesting to hear your views on that issue. I am conscious of the fact that I am going off the point a little. However, if our aim is to provide youngsters with opportunities and to put them at the centre, it is worth our looking at the issue.

**Robin Harper (Lothians) (Green):** I have two brief questions. First, I am forming the impression—which may be entirely wrong—that the young people who go through the elite scheme, which involves four days of training and a game each week, get hard training that is fairly restrictive. I have the impression that they have little access to the idea of playing football just for the fun of it and for enjoyment. You may want to respond to that point.

Secondly, several people have mentioned aspirations to play for Scotland and clubs. Have any of the young people who have been involved in the scheme made it as far as the Scotland under-21s?

**Jim Sinclair:** The games are played in a non-competitive spirit, so they should involve less stress, more fun and playing for the sake of it, with subs coming on and off. All those points have been factored in. I cannot deny that rigour and

seriousness are attached to the scheme; it is a business, after all, and we are charged with producing young players. However, we make it as fun, entertaining and appropriate to their age group as we can. I would be horrified if I thought that I were presiding over a scheme that did not do that.

You asked about the efficiency of the scheme and what it has produced. It has been on the go for 11 or 12 years, so all the players who have come into Scottish football during that period have come through the programme. It is easy to have a pot at that and to say that we are not what we were, but a number of factors other than the influence of the youth initiative programme may also have contributed to our current position.

**Chris McCart:** Each year Celtic invests £1.5 million in its academy. Celtic's main purpose in doing so is to create champions league and international players. As Jim Sinclair said, the objective is to create a world-class academy that excels in coaching, sports science and medical and performance analysis. We want to cover all those aspects and expose each young player to them to give them an opportunity. Again, that is backed up by a holistic approach.

However, the fact is that to become an elite athlete or player, people must undergo 10,000 hours of training. Celtic has looked at that and developed a schools programme with St Ninian's in Kirkintilloch in which the boys arrive at 7.30 in the morning, train, get their breakfast and their education, have a meal, and then, when they get to Lennoxton, they do their education again and train as well. They are back in the house after that. Those boys have 16 hours of coaching per week between the ages of 13 and 16, so we recognise that there must be a partnership with schools. We also recognise that, to attain the 10,000 hours of training, what we are doing presently is not enough.

15:15

To go back to schools football, the demands on young players could become greater than ever, given that clubs are now starting to do more development time with them and are more aware of their social time. However, the benefits of the existing system, which we have seen, is that the young players now get to bed at nine o'clock at night and get more sleep, and have the discipline to get up early each morning. They are now into the way of that and we see great benefits coming from it.

When I was younger—nine or 10—I was a swimmer with Motherwell Speedo. We were amateurs, but we used to get up three mornings a week at 6.30 to swim before going to school, then

we would swim at night. We did not do that for any payment, and being a swimmer was probably not even my dream at that time—I always wanted to be a football player—but we were dedicated. We need to produce that kind of dedication in young footballers, because we can see the rewards that individuals who work hard can get from that and, objectively, it will also give them a strong base for their career as it goes along.

The welfare of young players is always paramount, and the success of the St Ninian's project is based on the players' education. Although we expose them to more hours of coaching, their education is paramount. Those boys must leave school with qualifications because, as has rightly been said, whether the percentage of young people in the scheme who become professional footballers is 4 per cent or 10 per cent, that success rate is still too low for young players. They must have something to fall back on and we must work together on that. There must be some sort of partnership with schools whereby the boys leave with qualifications and have alternative choices if they do not make it at football. At the same time, clubs leave no stone unturned in trying to develop those players.

**John Wilson (Central Scotland) (SNP):** Good afternoon. I will follow on from previous answers from members of the panel on which I seek clarification, so that I can develop some of the questions. We heard today from the minister that approximately 2,700 young people under the age of 16 are involved in the football development side of things. Is that correct? Is that how many are registered with the SFA?

**Stewart Regan:** In relation to the youth action plan, the figure that the minister referred to is correct.

**John Wilson:** That is how many are registered by football clubs with the SFA.

**Stewart Regan:** Yes, in relation to the youth action plan at the performance and initiative level.

**John Wilson:** I understand that. What I am trying to get at is how many young people are registered with either professional football clubs or others in relation to the petition that is before us on the restrictions that there might be on young people's freedom of movement between clubs in Scotland.

**Stewart Regan:** Within the 2,700, a proportion—I do not know the exact figure off the top of my head—are categorised, as Mr Sinclair said, at being at the performance level. That is the elite end—primarily the Premier League clubs—where they train four nights a week and do the weekend matches. Largely, the clubs themselves have agreements in place that prevent those children from doing any more physical activity. As I

said, in developing the very best players, we believe that there is a duty of care to make sure that the child does not burn out before they have fulfilled their potential.

**John Wilson:** I am trying to extrapolate figures on how many children are registered with the SPL. I think that Mr McCart told us that 20 young people at each level are registered with Celtic Football Club. I assume that that is the same with Rangers. Potentially, 100 young people under the age of 16 and over the age of 11 are registered with Rangers and Celtic. That will be reflected in other clubs. I assume that, based on those figures, there should be roughly 1,000 young people registered with SPL clubs.

**Stewart Regan:** Yes, if all the clubs have 20 players registered per age group, which is not always the case.

**John Wilson:** It is a maximum. The minister also said that, of the 2,700 who are registered, only 4 per cent might go on to play professional football. Are we registering too many young people? Are we raising their expectations and aspirations in relation to professional football if, to use the minister's figures, 96 per cent of the young people who go through the process never become professional footballers?

Through some of the practices that clubs are employing at present, we might be stopping those young people going on to do other sports, because of the time commitment to football that is required. Mr McCart gave us the excellent example that when he was a youngster he participated in club swimming events. Could football clubs be restricting young people from taking up other sporting activities that they might excel at because their aspirations and expectations have been raised that they will eventually become a professional football player?

**Neil Doncaster:** The reality is that it is very difficult to determine at a young age quite how far any particular player will go. You can identify players at perhaps under-15 or under-16 level who appear to be extremely talented at that age but who never come through the ranks, even though they might be well ahead of their peers at a particular age. You have to draw the line somewhere. I would be concerned if we were dramatically to reduce the numbers of players coming through our clubs' youth development systems, because so many players are late developers. It is vital that the country has the maximum number of talented young players coming through the system. There is a real tapering off and if you do not have sufficient numbers of a sufficient quality coming in at the bottom, you will not end up with the right number at the top.

**John Wilson:** In some respects, I accept that argument. However, you said that there are some late developers who might not have gone through the youth development programme with the clubs and might not have been registered but whom a scout talent spots playing on a Saturday afternoon or Sunday morning in a local park. I know that there are many scouts throughout Scotland who might identify to a club a player who is playing youth football, who is not attached to a club, who might have great potential and who might be taken up, but on whom the club would not have spent the type of resources that Mr McCart indicated. Based on the figures that he gave, I think that Celtic Football Club is investing almost £15,000 a year per player in its youth development programme at Parkhead.

I am trying to get fixed in our minds the point that, although we have a youth development programme to which the clubs are committed, there may be opportunities for young people who have not taken that route to come through to play professional football.

**Stewart Regan:** These children are part of elite academies because, at the outset, they have a degree of talent, which is nurtured. There comes a point at which a decision is made about whether the child will fulfil their potential as a footballer. There is an element of choice right the way through. The parents or guardians sign up to the scheme, and the child is usually keen to pursue a footballing ambition, especially if it means playing for one of the bigger clubs.

You make a good point about scouting, but that happens all the time. Clubs have scouts out there, so late developers are spotted and brought into the process. All of us are trying to ensure that we cast our net as widely as we can, to ensure that we spot the real gems either at the outset or later on, when they develop. I echo Neil Doncaster's point that reducing the number of those who come through the process at the outset would severely restrict our ability to develop long-term talent for the future of the clubs and the Scotland team.

**Jim Sinclair:** Conversely, could it not be argued that the £1.5 million, which we match, has been invested to make the experience of the young players who are involved in the programme of an excellent standard, as opposed to what would otherwise be provided?

**John Wilson:** That could be a converse argument, but my point relates to the expectations of a 10-year-old. Effectively, we are talking about clubs signing up and registering 10-year-olds, to take them through a programme that may last six or seven years. At the end of that programme, they may not become professional football players. The point that I was trying to make about aspirations and expectations is that you spot talent

at 10. Players make a six or seven-year commitment to you for four nights a week and Sundays, only to find that they are no longer required in the sport at professional level.

We must try to get over the message to young people that, even if they do what is asked of them, not all of them may succeed. At issue is when and how they decide whether to change their preferred sport. I know that kudos is attached to playing for larger clubs, such as Celtic and Rangers boys clubs, but more kudos may be attached to playing for Albion Rovers or Raith Rovers, because young players may be guaranteed a game every Saturday afternoon, whereas they may not be guaranteed a game with Rangers, Celtic or other Premier League teams.

**Neil Doncaster:** You make some really valid points. Chris McCart and Jim Sinclair have an extremely difficult job. Having to look young players in the eye and tell them that they do not have a future in the game is something that I would not wish on anyone. That is an extremely difficult thing to have to do; unfortunately, it is the sad reality, given the hard-edged nature of professional sport. Only the very best in any age group will make it through the system.

There are things that can be and are done to look after children's interests. All the performance-tier clubs make a great deal of effort to ensure that those who will not make it are catered for, directed in different ways and given some sort of inspiration to perform elsewhere. At the end of each season, we take a day to give those players who are to be released a second chance. There is an open day, which we support financially, to ensure that those who will not make it at the top level with our clubs have an opportunity with lower-tier clubs in England or elsewhere in Scotland. A huge proportion of the lads who participate in those exit trials end up playing elsewhere, lower down the chain, and find their level. That is one of the real problems with professional sport.

15:30

**Trish Godman (West Renfrewshire) (Lab):** Most of my questions have been answered, but I will make a couple of comments.

Ten or 11 years down the road, it is absolutely right to have a review, because lots of issues have come up. Separating off the fact that 96 per cent of young people in the scheme do not get anywhere, we are here because some things need clarification. Today, the difference between a registration and a contract was clarified publicly. They are two totally different things, but the words are often bandied about and used wrongly. I do not know who is responsible for the registration



procedure. Is it Stewart Regan or Neil Doncaster? I do not know the answer.

Let us face it—not every boy or girl is going to end up at Celtic or Rangers with £1.5 million behind them, so we are looking at the smaller clubs that do not have that kind of money, and what happens to kids there.

First, there seems to be a question mark over the 28-day opt out. I am sure that when I met you, Neil, you told me that there is a 28-day opt out, so someone who signs the registration form has 28 days to change their mind. I did not make that up, right? There is a school of thought that says yes, there is such an opt out, but there is another school of thought that says no, that is not the case, so it seems to me that, right at the beginning, something is not right.

Secondly, you also said that information is given to the child and their parent or carer when the child signs, but I am not sure that you can be 100 per cent certain that every club explains the position clearly to their potential player—the wee boy or girl. I am sure that clubs such as Celtic and Rangers have a set-up where they can do that. However, it seems to me that, whether it is the SFA or the SPL that is responsible for the registration procedure, somebody should take the parent and the child through what the document actually means. That should include whether they have a 28-day opt out, what it means to sign up for a year, what will happen when the child becomes 15 and are signed up for another year, what will happen when they turn 16, when they might be doing well, what would happen if they were not doing well, and what it means when another club is interested in them but they do not know about it. Jim Sinclair is right to say that those things need to be clarified.

Right at the beginning of the process and throughout it, the welfare of the young, enthusiastic kid has to be paramount. The procedure needs to be made absolutely clear as far as the parents are concerned, and it needs to be made absolutely clear to the young person, bearing it in mind that they will have different ways of absorbing the information depending on whether they are 11 or 15. If it is the SFA that is responsible for the registration procedure, it should take responsibility for ensuring that there is a named person who explains it—either a named person in every club, or a named person at the SFA.

**Neil Doncaster:** I will respond to the first of those two good points. I read the papers and saw my name associated with a 28-day opt out, but that is not something that I am familiar with. I have spoken to my colleagues and I do not think that the SFA has any awareness of it either.

**Trish Godman:** Then I need to be certified, because I have it written in my notes. When I visited you initially to talk about the issue, I wrote down, “28-day opt out.” I remember thinking, “Jeez—I’ve never read that before.” We had better agree to differ on that, but you can clarify whether there is a 28-day opt out.

**Neil Doncaster:** There is not. At the moment, registration of any player is done at both the SFA and the SPL. There is a case for looking at whether that process can be streamlined, potentially with a single registration process. That is a fair point.

It would be naive of me to claim that every club explains in detail the ramifications of exactly what each young player is signing. It is realistic to say that some will do that and some might not be as good at it.

Plenty of young players have sat in front of me signing forms, so delighted to be signing a form with their club that anything that happened in the room on that day went right over their head. You make a valid point about trying to find a better mechanism for getting information across. That is one of the things that we are trying to address with the code of conduct that we are developing. We want to ensure that people have a real understanding of what it means to be a young player associated with a club in terms of any restrictions that may occur in practice and what the club expects of the young player regarding his conduct, diet and how he conducts himself around the training ground. All those things are important. Certainly, there are examples of best practice that a number of our clubs employ, but we must accept that not all clubs may be at that level. We can do further work to address that.

**The Convener:** I want to clarify a couple of things. We have talked about the freedom of youngsters to choose whether to participate in schools football or move to another club or whatever and about some of the constraints on them. Does that apply to Premiership clubs, and to Barcelona, Inter Milan or some of the other big clubs throughout Europe?

**Neil Doncaster:** Yes. A similar system applies across the world. FIFA, the world governing body, has in place regulations that affect the transfer of players at those ages. The big difference between the FIFA system and our system is that the FIFA system kicks in at the point at which a player transfers from one club to another, although a payment will not be triggered until that player signs his first professional contract. That said, the amounts that FIFA uses are much higher than those that are used in Scotland. There is therefore a trade-off between our system, where lower amounts are paid on transfer, and the system that FIFA uses for any cross-border transfer, where

higher amounts are paid at the point at which a player signs a professional contract.

We should not kid ourselves. All clubs, before they sign a player, must and do take account of the fact that payments are triggered when the player moves from one club to another. In effect, the restrictions that apply to players in relation to the acquiring club's duty to pay some training compensation apply worldwide and are certainly not in any way unique to Scotland—they apply to every single cross-border transfer.

**The Convener:** Do they also relate to constraints on youngsters taking part in schools football?

**Neil Doncaster:** I am not familiar with the rules and regulations in different associations as regards participation in schools football. However, as regards a compensation payment to a club for the training that it has provided, that system applies worldwide.

**The Convener:** We have been talking about boys' football, but what about girls' football?

**Shona Robison:** It is doing very well.

**The Convener:** I know—I am very much aware of that. However, in terms of incentives and clubs' involvement, no girls are involved in this scheme.

**Stewart Regan:** Girls' and women's football is very much in the development stage. Obviously, fewer girls play football than boys. In terms of professional status, girls' and women's football is not at that level, so they do not have the same sort of issues as those that we are talking about. However, to echo the minister's point, girls' and women's football in this country is doing very well, and has reached its highest ever UEFA and FIFA rankings within the past six months.

**The Convener:** Absolutely. I have been to many matches.

**Cathie Craigie:** Convener, I know that you are pushed for time, but I would like to ask the minister and the SPL and SFA witnesses some questions. From parliamentary responses, we know that £12.5 million was invested in the SFA between 2006-7 and 2008-9. Does the minister think that we—the taxpayers—get good value from that investment? What did we get for it?

The minister said that more money was going into football, so what are we investing in now? I ask the SFA and SPL witnesses what they invested that money in? How was it shared among the member clubs and your different priorities? Further—to follow up on the convener's question—how much of that £12.5 million went into women's football?

**Shona Robison:** I can make some general comments on that. As I said earlier, the first half of

the youth action plan was funded primarily through the Big Lottery Fund. We are now almost halfway through the plan, and the second half, starting from April, will be funded primarily through Scottish Government funds. A lot has been delivered; Stewart Regan will be able to give more detail on that.

We want the process—this is the detail that sportsScotland and the SFA are in discussion about—to be far more open and transparent so that people can see what has been delivered, where and by whom, with clear targets for the priorities. That is not to be critical in any way, because all of that information will be there in one shape or another.

However, the process needs to be much clearer. In the same way as we do with any other governing body in any other sport, we have tasked sportsScotland in its discussions with the SFA, which have been extremely positive, to achieve more transparency and to be very robust and clear about what the targets are for participation and for the delivery of the more elite end of the sport. I reiterate that those discussions have been extremely positive.

We are almost entering a new era, if you like, around the development of football, particularly with youth development, in which there are huge opportunities. On investment in girls' and women's football, the cashback for communities initiative has given particular attention to funding that. Having said that, I think that Henry McLeish made it clear in his report that more could be done around the development of girls' and women's football. Again, sportsScotland has been talking to the SFA about giving that priority within the resources that the SFA receives.

I am sure that Stewart Regan will be able to give the detail, but a significant resource goes into football. Some people would like it to be more, but—hey—every sport would like more. It is about ensuring that every pound that is invested delivers some of the changes. With the McLeish report and the review of the youth action plan, this is a good time to have a pretty open discussion about where the focus should be and, perhaps, where it should not be, and about what is and is not working. The atmosphere of openness around that is very much to be welcomed.

**Cathie Craigie:** Has there been an audit process to ensure that we are getting value for every pound that is spent?

**Shona Robison:** Yes—sportsScotland has with every governing body a very clear performance management framework for the public money that they receive. I think that the last audit of the SFA that was done as a fit-for-purpose audit, if you like, was back in 2008, and the SFA was approved, for

lack of a better word. However, that was not just a one-off, because such monitoring and performance management are parts of an on-going dialogue—essentially, it is a partnership. It is in everybody's interests to ensure that everything is clear so that everyone can see what has gone in and, importantly, what the outcomes are for the investment, whether for football or any other sport.

**Cathie Craigie:** Can you see from that whether the £12.5 million, and whatever has gone in since then, is going to clubs in the Scottish Premier League, or whether it is getting down to the level of clubs such as Raith Rovers and Clyde, in my constituency, and beyond that?

**Shona Robison:** Maybe Stewart Regan could respond to that.

15:45

**Stewart Regan:** It is important to understand what we mean by the £12.2 million, which is the figure that we are talking about. That was a 10-year commitment for the youth action plan. Of that £12.2 million, £2.2 million has gone to women's and girls' football, which has covered the appointment of key staff to coach and administer the game as well as the setting up various teams and initiatives to do with the running of the girls' and women's game across Scotland.

The £10 million over 10 years—or, in other words, £1 million a year—is paid to clubs primarily to operate under-11, under-12 and under-13 teams and to encourage the development of youth players at those levels.

As Mr Sinclair mentioned earlier, the SFA tops up that figure for clubs with under-14, under-15 and under-17 teams. The whole process is audited. Indeed, sportscotland has worked with us in managing that process because, as the minister said, the first tranche of money was delivered through the Big Lottery Fund and part of our commitment was that we put in place a transparent and auditable process. There is no reason why that process should change. Through it, we are developing a huge number of under-13s as well as investing 20 per cent of the funding in women's and girls' football.

**John Wilson:** I have a final brief question. Is the £5,000 per season for compensation or reimbursement of training fees subject to a multiplier? In other words, is the figure multiplied by the number of years that a young person stays at a club, which means that it could actually be up to £25,000?

**Chris McCart:** As soon as a young person reaches 11, £5,000 has to be paid in the season in which they play. The same happens at 12, 13 and 14. When they reach 15, 16 or 17, £10,000 has to

be paid. As a result, if the boy stays with the club from the under-11s through to the under-17s, the total figure will be £50,000.

**Neil Doncaster:** The FIFA figures are much higher, at €10,000 per season for each season from the ages of 12 to 16 and €60,000 per season after the age of 16.

**The Convener:** It would be interesting to find out what happens in other countries. Are the figures the same in England?

**Chris McCart:** No.

**The Convener:** Are they the same in France, Italy or wherever?

**Neil Doncaster:** Actually, the English system is far more restrictive, with players being bound to their clubs for longer periods. There is no set mechanism—no tariff, if you like—for the compensation that one club might pay to another; either the clubs agree training compensation or the situation is effectively arbitrated by a body that includes the league. The sums involved vary hugely, but can be considerably more than sums that are paid in Scotland.

**Jim Sinclair:** In our experience, the whole thing can turn into a transfer market or end up in a bartering situation if, despite the fact that the level of compensation is actually X, the club with the player demands X plus Y. I am sure that you will agree that that is reprehensible.

**The Convener:** Does that happen?

**Jim Sinclair:** I am not sure how commonplace it is. All I am saying is that it has happened to our club.

**The Convener:** What sort of money was involved?

**Jim Sinclair:** It got to £35,000 or thereabouts when it should have been, I think, £20,000.

**The Convener:** How old was the youngster in question?

**Jim Sinclair:** He was an under-14.

**The Convener:** So the figure got to £35,000 for an under-14.

**Jim Sinclair:** That is right.

**Neil Doncaster:** In England, a transfer could cost hundreds of thousands of pounds. We have to remember that although there are, in different parts of the world, different versions of the system that we use, systems like ours are used everywhere because it is recognised that unless some system of compensation is in place to protect smaller clubs they will simply not develop players. After all, there would be no point in spending all that time and huge amounts of money

to buy in coaches, resources and training facilities to undertake that work unless the club was going to get the benefit of the player playing for them at the end of the process, or compensation for the time and money that they had put in from a bigger club that might come along and take the player.

**Cathie Craigie:** I simply do not accept that. After all, all the clubs that we have been talking about have an interest in the situation. Football is a commercial business, and any commercial organisation will have to invest some of the return that it gets from its product back into the business. As I say, I cannot accept your statement that clubs will not make that investment. However, I realise that we do not have time to get into all that today so we might have to get back to you in writing, Mr Doncaster.

Mr Sinclair talked about clubs asking for higher sums of money, which are not supposed to be transfer fees. Is that reported to the governing body? Surely the club that tries to have a bartering scheme to obtain more money for a young person is breaking the spirit of the rules that the governing body has established.

**Jim Sinclair:** Our concern is that, as Mr Doncaster said, if we put in place a system to which we must all adhere, that is exactly what we should do—adhere to it. A case for elevated transfer fees should not exist just because a club plays off two others against one another. That is poor practice at that age and stage for a young player.

**Neil Doncaster:** I do not understand the circumstances in which that could apply, because the tariff is set out absolutely clearly in the rules. That is the compensation payment that a club is entitled to receive. A club is not entitled to a penny more, so why would a penny more be paid? I fail to see any circumstances in which that could apply.

It is vital to respond to Cathie Craigie's belief that, even if clubs could lose their best players for nothing, they would invest in developing players. I say with respect that I absolutely do not accept that. Smaller clubs spend time and money on players only because they might discover a gem. If those gems could disappear for nothing and if the clubs received no compensation payment, I can say with my hand on my heart that the smaller clubs would not bother. That is clear.

If the committee talks to any smaller club, it will say that it engages in all that valuable and expensive work only because it has protection under the rules. Many players who have played in the Scotland shirt—for example, Kris Boyd, Steven Naismith, James McFadden, Callum Davidson and Darren Barr—came through the ranks of smaller clubs. Those clubs would have no incentive to

develop such players if a training compensation scheme was not in place.

**Cathie Craigie:** For how long have you had a training compensation scheme?

**Chris McCart:** The scheme started in 2003. Before then, the FIFA model operated, whereby clubs had to pay when players turned professional.

**The Convener:** That was post-16.

**Chris McCart:** Yes—the scheme applied when players turned professional.

**The Convener:** So, only since 2003 have youngsters been affected. From what age are they affected?

**Chris McCart:** They are affected at whatever age—all the way up.

**The Convener:** Are they affected from the youngest age?

**Chris McCart:** Yes. Before the current scheme, the solidarity payment was in place.

**Neil Doncaster:** The FIFA model that preceded the existing model had the same effect—it protected clubs that invested time and money in developing young players. I am not sure whether there has ever been a time when the time and money that small clubs spend on developing players were not recognised through a system. That can be done in all sorts of ways—the FIFA, Scottish and English systems do that—but no system is perfect. However, if the system that protects smaller clubs were removed, those clubs would have no incentive to develop young players.

**The Convener:** You disagreed with Mr Sinclair, who said that much higher sums had been paid for some youngsters. Would Mr Sinclair like to come back on that?

**Jim Sinclair:** As Chris McCart said, we, Celtic and Hearts have the wherewithal to pursue young players. All I would say is that we have been on the receiving end of such a deal.

**Neil Doncaster:** Why would you ever pay more than you are obliged to pay under the rules?

**Jim Sinclair:** Do market forces not come into it?

**The Convener:** I ask the witnesses to speak through the chair.

Some issues are certainly worth further exploration.

**Tam Baillie:** I return to my earlier comment about talking about youngsters as commodities and leaving them open to potential economic exploitation. I will link that to Trish Godman's question about who is responsible. As the overarching body, the SFA has a clear

responsibility to set and monitor the standards on this difficult and sensitive issue. We are dealing with hopes and aspirations for children and young people at the same time as ensuring that they are not open to exploitation. I urge the SFA to make that duty of care a key point to which it attends in the review that has been set up, which I welcome.

We have heard about the current position of the Scottish game. We have an opportunity to look at how we can best treat our young people and strike a balance between maintaining their rights and nurturing the small number who have elite talent. We must take care of all of the children who will be part of the system.

**The Convener:** Thank you. We must curtail discussion there. How do members suggest we progress the petition?

**Bill Butler:** I hope that members agree that this has been a worthwhile evidence session that has cleared up some matters and raised other issues that will be considered as the review or national framework development—whatever you want to call it—progresses. People will agree on two points: first, that the rights of the child are paramount and that a duty of care is essential to ensuring that those rights are preserved and, secondly, that the status quo is not an option.

Mr McLeish said that the recommendations in part 1 of his report

“are based on the need to dramatically improve all aspects of the youth game.”

Mr Regan has agreed with that. In evidence today, he said that processes can be improved and that the SFA is willing to look at the concerns that the petitioners have raised. All of us welcome that. The minister said that the Government is keen to work with the footballing authorities, via or in conjunction with sportscotland, so that the youth strategy can be reformed or refined, where necessary, via the youth action plan. Other issues that have arisen today are worthy of closer examination.

As members know, we have time constraints, as we are approaching the end of the diet. Although I suggest to colleagues that we keep the petition open, members of the current committee may not hear what happens, because it will take time to develop the strategy and to have the review.

If we agree to continue the petition, we could do so on the basis of including in our legacy paper a suggestion to the next Public Petitions Committee that it requests that the football authorities, football clubs and the elected Government discuss with it the results of the review and the developed strategy, especially in relation to the code of conduct, monitoring of standards, what Mr Sinclair said about the greater clarity that is necessary in

the contracting/registration process—I hope that I am not misquoting him—and the overarching need, on which everyone is agreed and to which Tam Baillie has just referred, for it to be recognised that compensation, while necessary, should not involve, or be perceived to involve, prices being placed on children’s heads. The process should be separated out and closely monitored, so that the rights of children are paramount. Those are a few suggestions as to how we or, probably, a future committee could take forward the petition.

**The Convener:** We take heart from the fact that the witnesses have already agreed to consider in the review some of the issues that have been raised today. On behalf of the committee, I thank you for your attendance. We have had a constructive discussion. The last thing the committee wants to do is to run Scottish football; that is best done by you. [*Interruption.*] Cathie Craigie probably wants to do it. It is probably sensible for us to keep the petition on the table, so that we can return to it in the future. We look forward to hearing the results of your deliberations. I thank Trish Godman for her attendance.

We will have a break for a couple of minutes before moving to item 2 on the agenda.

15:59

*Meeting suspended.*

16:07

*On resuming—*

## New Petitions

### Incineration (Green Alternatives) (PE1379)

**The Convener:** Under agenda item 2, we have two new petitions to consider. We will take oral evidence on the first one, which is PE1379, from Michael Gallagher, on green alternatives to incineration in Scotland. I welcome Michael Gallagher to the meeting. He is accompanied by Professor Paul Connett, from St Lawrence University in the USA, and Ann Coleman from the UK Without Incineration Network, who is attending in place of Shlomo Downen. One of you may make an opening statement of no more than three minutes, after which I will invite members to ask questions.

**Michael Gallagher (Green Alternatives to Incineration in Scotland):** Burning 1 tonne of waste represents the emission of up to 5 tonnes of CO<sub>2</sub>—3 tonnes from making the products in our rubbish and up to 2 tonnes from burning it. Incineration recovers a tenth of the energy that is used to make the products in our rubbish.

In Invergordon, the Scottish Government—especially its appeals directorate—ruled that incineration undoubtedly pollutes and

“should not be seen as a long term solution in the move towards zero waste.”

Despite that, in its new so-called zero waste plan, the Scottish Government says that we should burn around a quarter of our waste, because we will be able to recycle only 70 per cent by 2025, which is 15 years away. Is that really the best that we can do?

It definitely is not. Over the past year, South Oxfordshire District Council has doubled recycling to 73 per cent. In 2008, commercial waste recycler Binn Skips was already recycling 75 per cent; I believe that since then it has upped the figure considerably. Lancashire County Council aims to recycle 88 per cent by 2020 and has rejected incineration outright, because of the long-term cost. San Francisco is recycling 77 per cent and aims for 100 per cent recycling by 2020.

Why does the Scottish Government say that the best for which we can hope is 70 per cent recycling by 2025? Basically, it is saying that Scots are too feckless to recycle properly. That is the triumph of despair over hope.

That despair is now being felt by communities all over Scotland who are desperately fighting against proposals for large incinerators on their

doorstep. Let us take Invergordon as an example. For two years, the community fought fiercely against proposals for a large waste incinerator. There was real fear among local people about emissions. One resident said:

“At times it has been hellish thinking about being half a mile downwind from an incinerator that would belch toxic fumes at us.”

Local people were overjoyed when the council eventually refused planning consent, but their joy was short lived. The company managed to overturn the decision by appealing to the Scottish Government. The community was devastated and felt powerless to do anything. By chance, however, Mohamed Al Fayed owned the neighbouring land, and he challenged the Government in court. The Government quickly caved in.

Not all communities are so lucky. In 2006, almost a third of the population of Abernethy wrote individual letters of objection to a proposal for an incinerator. The council ignored them and gave planning consent. A local man told me yesterday:

“I moved to Abernethy from Manchester following ill health, never realising that I would have to share my retirement with a huge incinerator. Despite the usual ‘corporate’ assurances I am not confident that my future health and wellbeing will not be affected by this proposal.”

I have provided further quotations from residents—I do not know whether committee members have received a copy.

**The Convener:** Yes, we have.

**Michael Gallagher:** Right. I have provided further quotations from other residents of Abernethy to show you how such a proposal turns people’s lives upside down and how the worry makes people absolutely miserable. Few communities have billionaires like Mohamed Al Fayed to stand up for them. That is why we are asking you today for your help.

I would also like to tell you a little more about my colleagues who support the petition. On my right is Professor Paul Connett, who is regarded by many as the leading authority in the world on alternative methods of waste treatment to incineration and on some of the real health issues surrounding waste incineration. On my left is Ann Coleman, a long-standing community activist who for many years and as part of her local community has had to fight against problems with local landfill and latterly with proposals for a colossal waste incinerator—I think that it would deal with 350,000 tonnes a year, which is five or six times more than the current largest incinerator in Scotland deals with. Therefore, Ann has first-hand experience of how powerless ordinary people feel in the face of such proposals.

**The Convener:** Thank you. Do members have any questions?

**Bill Butler:** Good afternoon, colleagues. I state first that I am very sympathetic to the petition. In a former existence as a city councillor in Glasgow, I was part of a campaign to prevent an incinerator from being established on greenfield in Glasgow's east end. However, today I had better stick to questions, and I will try to be devil's advocate—although we are not creating any saints today.

Mr Gallagher talked about health dangers. Sometimes we hear from proponents of incinerators that health dangers can be minimised or even dealt with entirely. I ask Professor Connett: is there any evidence to suggest that there is such a thing as completely safe incineration?

16:15

**Professor Paul Connett (St Lawrence University):** No, there is no evidence of that. The problem is that you need three things to protect the public: strong regulations; adequate monitoring; and aggressive enforcement of the standards when they are violated. If either the second or the third thing is weak, the first—the strong regulations—does not protect you.

The monitoring of dioxins, for example, is totally inadequate. They are measured twice a year and the company knows when the inspector is coming to take the measurements. Usually, three six-hour tests are carried out in 24 hours. A probe is put in and a sample is collected for six hours. After that has been done twice in a year, there are 36 hours of ideal data. The machines have to be working properly when the measurement is taken; if they go off spec, the measurement is stopped. So 36 hours of ideal data is extrapolated to 8,000 hours of operation. To compound the problem of the inadequacy of such monitoring, they take an average of those numbers whereas they should take the measurement at a 95 per cent upper confidence interval, which, if there is any variation in the data, will be higher than the highest number measured.

I got into the field 26 years ago as a chemist. I taught environmental chemistry at St Lawrence University. I have now retired. My speciality was environmental chemistry and eventually shifted to environmental chemistry and toxicology. I remember being shocked by dioxins 25 years ago. I knew of dioxins from Agent Orange and had no idea at that time that you could make the same horrendously toxic substances simply by burning household trash. At the time, the main concern was about the cancer risks from inhalation. We argued 25 years ago that that would not be the greatest risk—the greatest risk would be the

impact on the food chains. We and others did the calculations. It is staggering that in one day a grazing cow collects in its body the equivalent of 14 years of breathing dioxin. The impact on the food chain is a massive issue.

For a long time, that has been the issue. I do not deny for a moment that modern incinerators in Germany and other countries are doing a much better job. They have probably lowered the dioxin emissions by at least a factor of 100, and maybe by a factor of 1,000. However, our understanding of the toxicology of dioxin has increased comparably. Now, we are probably 10 times more concerned about the fact that it interferes with foetal development. In a nutshell, the issue with that is this: you cannot convert dioxin into a water-soluble substance and then excrete it through the kidneys, so it accumulates in the fat. A man can never get rid of it, but a woman has a way to get rid of it—it is called having a baby. The dioxin that she has accumulated in her fat for 20 to 30 years moves to the foetus in the nine months of its life and then to the baby through breastfeeding. The result is that the foetus—the most fragile human being—is being impacted by a substance that is known to interfere with hormonal development. It screws up hormones, which are intrinsically important for foetal and infant development, particularly for brain, mental and sexual development, as well as the development of the immune system. As I said, I think that the industry is making progress in this area.

The other issue that has reared its ugly head in the past few years involves the new subject of nanotoxicology, which has developed because of the introduction of nanotechnology. Some bright person asked whether, if we are going to use nanoparticles in everything from shaving cream to tennis rackets, there are any health problems associated with them. The answer that came back was devastating—nanoparticles are so tiny that they go straight through the lung membrane and into every tissue in the body, including the brain. It is not that nanoparticles are new; they come from any high-temperature combustion—from coal-fired power stations, wood burning, coal burning and so on. The difference with the nanoparticles from incinerators is that inevitably they will contain the most toxic elements that we use in commerce. If we use toxic metals such as lead, cadmium, mercury and arsenic, they will end up in those nanoparticles and have the potential to enter our body.

I am sure that Michael Gallagher will make available to you—if he does not, I can certainly do so—the 33-page paper from Professor Vyvyan Howard, who I have known for many years and who is a foetal-infant pathologist who worked formerly at the University of Liverpool and is now in Northern Ireland. He gave testimony in an

incinerator hearing in Ringaskiddy on nanoparticles. The paper is the most brilliant, up-to-date summary of the issue from someone who I consider to be one of the brightest people I know. He wrote a book on ultrafine particles in 1999 and simply updated the review of the literature.

What we need from Governments, particularly regulatory agencies, who are telling the public, as the United Kingdom Government is doing, that incineration poses no health threat, is a scientific rebuttal that goes through all the evidence that Vyvyan Howard has produced, so that we can all be confident that his concerns, which are my concerns, are recognised, observed and, if possible, rejected. I have not seen that done. I did not see it done with the paper that appeared in the environmental health prospectus in June 2006—I forget the name of the person who wrote it, but I can get it to you. I said the same thing in 2006: somebody from the industry or Government has to respond to the issues that are being raised in the paper, because they are very serious.

At the end of the day, after all the dust has settled on the dangers of incineration, even if you made incineration safe, by collecting all the air emissions, finding a satisfactory way of dealing with and capturing the very toxic fly ash and the bottom ash that are produced—overall, one quarter of the waste that goes into an incinerator comes out as this ash, 10 per cent of it fly ash and 90 per cent of it bottom ash—and ensuring that the regulations were tight enough and that you had adequate scientific monitoring, which we do not have, and aggressive enforcement, it still would not be sensible. It simply does not make sense to spend so much money destroying resources that we should be sharing with the future.

With the transition from the 20<sup>th</sup> to the 21<sup>st</sup> century, the pendulum has swung from a concern—an obsession—with toxicity to a much larger, more subtle concern about sustainability. As Michael Gallagher rightly pointed out, when you burn trash, you are wasting energy. To call these plants waste-to-energy plants is completely Orwellian; they are a waste of energy. When you burn something, you have to go all the way back to the beginning and start the whole process of extraction, manufacture, shipment and so on all over again. Neither incinerators nor landfills are sustainable. I would love at some time to talk about what the alternatives are.

**Bill Butler:** That was very illuminating, professor. I have learned much from what you said, especially about nanotoxicology. I was involved to some extent in the campaign in Glasgow in the mid-1990s. Thank you very much.

**Nigel Don (North East Scotland) (SNP):** I thank the petitioners for waiting so long. I do not

think that it has ever taken us quite this long to get to the second petition on our agenda. I had better declare an interest, particularly for the professor's benefit: I am a chemical engineer by first profession, but that seems a little while back. I am very grateful for your comments.

I am reflecting on the laws of thermodynamics, not in relation to the power station effect, which is of no consequence in the current environment, but simply because comments were made earlier about how much could be recycled—the figure of 70-something per cent was used, but let us not fight about the something. How much of what is currently domestic waste could be recycled? I rather imagine that for one reason or another it is not 100 per cent, because you can never really reach 100 per cent. Will you address that issue?

**Professor Connett:** Absolutely; it is a very good question. I would say that, right now, 85 to 90 per cent of it could be reused, recycled or composted. The zero waste issue comes in when we get to the question of what to do with the residuals, which is always the show-stopper. There might be agreement on recycling, composting and reuse, but it is when we have to decide what to do with the residuals that the incinerator industry rushes in to fill the void.

What we are saying about zero waste is that once we reach the point at which the community has maximised recycling, composting, reuse and so on, instead of making the residuals disappear, we should make them highly visible, because that forces the emphasis to shift. Then, the message to industry from the community is that if people cannot reuse, recycle or compost products, industry should not be making them. We need better industrial design for the 21<sup>st</sup> century. Zero waste is about understanding the issue as a design problem, not just a disposal problem.

In practical terms, how do we achieve that miracle? The answer is that after we have done our recycling, reuse and composting and put in place waste reduction initiatives and economic incentives and so on, we build in front of the landfill not an incinerator to take the ash, but a residual separation and research facility, and use some of the huge amount of money that is being frittered away on incineration to integrate the issue with higher education. That would involve getting our professors, engineers and students who are interested in sustainability to study our mistakes. They would use the facility as a laboratory. A zero waste research institute is already operating in Capannori in Italy, which is coming up with designs to eliminate some of the things that are in there. There are many other steps that can be taken.

This goes a little beyond your question, but I hope that you will forgive me if I talk about the



tragedy of what is happening in the UK, compared with what is happening in the United States. I started in 1985. In the United States, between 1985 and 1995, more than 300 incinerators were stopped. Since 1995, virtually no new incinerators have been permitted. A few old ones have been expanded and there are always a lot of people on the edges trying to build gasifying pyrolysis plants and so on, but the industry is virtually dead as far as movement forward is concerned. If we contrast that with the position here, we find that the UK is a pincushion of incinerator proposals—they are everywhere. I think that *The Independent* said that there are 80 such proposals, 16 of which are in Scotland. Those plants could cost anything from £0.25 billion to £1 billion over their lifetime, so we are talking about a vast amount of money.

Why is that? Why the tragedy? It relates to the landfill tax. There might have been a good intention behind it, but the tax, which is escalating by £8 a tonne, is a surcharge. As well as paying whatever the waste company wants for the landfill, it is necessary to pay the Government £48 a tonne—that is this year's rate. The reason why that is a tragedy is that that £48 a tonne is not being used to do anything to do with waste management. It is going straight into the central Exchequer; there is no come-back. We need to drive the process in the right direction, because the end result is that the waste hierarchy is being driven tortuously from the bottom up, from the very worst option, which is landfill, to the next worst option—use of incinerators—at enormous cost. You are moving up the hierarchy, instead of moving downwards from waste reduction, reuse, recycling and composting. We could do that, and I hope that you will pass that message on to your colleagues in Westminster. You could do it. That is what I said to the Department for Environment, Food and Rural Affairs and it is what I said in a meeting at the House of Commons. You need to have a surcharge and rebate system so that the money from the bad options—the landfill tax surcharge and surcharges on bottom ash and fly ash—go to central Government, which should give rebates.

Let me give some figures off the top of my head—although you would need an economist to work this out. The system should be fiscally neutral. The money that comes into central Government should go back to communities so that they can do the right thing. There could be a £48-a-tonne surcharge, as there is right now, for landfilling, with a £12-a-tonne rebate for every tonne that is recycled, a £24-a-tonne rebate for every tonne that is composted, a £36-a-tonne rebate for every tonne that is reused and a £48-a-tonne rebate for every tonne that it can be demonstrated has been reduced. That would drive the system from the top downwards.

The system could be tweaked even further by having economic incentives at the local level. The simplest system, which is the one that is working in San Francisco, has one container for compostables, one container for recyclables and one container for residuals. People pay. There could be a rebate per pound of compostables and recyclables and a system for the residuals. Every individual would have an economic incentive to do the right thing and the Government would be working together with citizens on the matter, just by tweaking the system. We have seen what a disaster the wrong tweaking has been, but the right tweaking could get our system in place.

16:30

**Nigel Don:** I am grateful to you for putting that on the record and I am sure that your comments will be listened to or at least read by people who should be thinking about the issue.

I will address a serious technical issue, which is what we as a society do with really difficult chemicals. You mentioned dioxins, which are produced by burning stuff—let us not worry about what that stuff is—and you go on to nanoparticles, which is useful because nanoparticles were not known and were not created until during our lifetime or possibly our adulthood, but suddenly they are there and people are using them. First, if they are being developed and used in commercial chemistry—if I may create that phrase—and are, in fact, creating a waste problem, which I think they are, how will we stop people using them?

Secondly, given that those kinds of horrid chemicals are out there now, how will the waste business deal with them, because they are there, they are not going to go away and we have to do something with them? If we cannot incinerate them and cannot put them in concrete blocks and bury them—forgive me for trivialising the other end of the physical solution—how are we to deal with difficult chemicals? Might not the best thing that we can do with them be to incinerate them in the very best plants that we have, scrub the tail as best we possibly can and live with the fact that although a little bit gets out, at least we are dealing with them?

**Professor Connett:** That is another excellent question. Is incineration the way to go? Absolutely not, because you will produce nanoparticles from the burning process itself—plastics and paper do not have any nanoparticles in them, but the tennis rackets and what have you do, and will also release nanoparticles. Therefore, in terms of releasing these things, the last thing that you want to do is incineration. That is why the research component is crucial and it is necessary to get our professors at universities who are interested in sustainability, chemistry and chemical engineering

involved in this early, because these are the kind of questions that should have been raised—it is always easy to be wise after the event—before we spewed these things all over the planet.

We will have the same problem with genetically engineered foods. Once they are all over the place, we will wake up, just as we woke up when polychlorinated biphenyls—PCBs—were everywhere and in the fat of every human being. Perfluorinated organic compounds are now ending up in the fat of every human being. We need to get up front with these things.

I am not suggesting for one moment that it will be easy to deal with the problem, which has been created. The legacy is always a problem. There may be a rational programme to deal with today's problems going forward, but we are hampered by the problem of what the hell we do with the legacy of things that we should never have made in the first place. That is much more difficult.

For the bulky items that contain these nanoparticles, we have to ask: what happens when we recycle these materials—plastics, solids, ceramics or whatever? Will the recycling process release the nanoparticles? If that is the case, we have a problem; if not, maybe we can recycle them. But that question must be answered. If we cannot recycle them, we will have to go back to storage—landfill, though a different kind of landfill.

I have always maintained that the problem with landfills is not what engineers have always assumed it to be—controlling what comes out. That is because all landfills leak, irrespective of how toxic the material is. The important thing is to control what goes into the landfill, which is why even before we get to research, a residual separation facility is important.

The key issue is whether we are secure in the knowledge that the solids—for some reason, I have fixed in my mind a tennis racket that nobody will use again because it is cracked or something—can be put in a hole in the ground. For example, could it be put in a quarry? If we know that it is really inert material that will not leach out with rainwater or melting snow, we just have to find a receptacle for the material in the same way as if it were brick, ceramics or something like that. What we do with materials depends very much on what kind of materials they are, but I very much doubt that burning them is the best option.

**The Convener:** Are there any further questions?

**Anne McLaughlin:** Yes. Sorry, I have a bit of a cold. You mentioned a tennis racket, Professor Connett. I have a tennis racket that has been broken for about 12 years and I do not know what

to do with it, so I am just keeping it—for absolutely no reason.

My question arises from a response that you gave to Bill Butler. He asked whether there was any safe way of incinerating and you said no. You said that that was because of the way in which we monitor and enforce regulations—or do not do so, as the case may be, which I think is what you were arguing. I was going to ask whether we should therefore tackle the monitoring and enforcement of regulations, but I think that you answered that when you said that, even if we monitor and enforce regulations properly, there is no sense in spending so much money on incineration. You said that incineration plants cost between £0.25 billion and £1 billion. Does that mean that it is actually cheaper to tackle recycling and that the financial costs to our country will be less if we do not incinerate?

**Professor Connett:** Absolutely. Study after study has shown that a combination of recycling, composting and source separation is far cheaper. You just have to look at the technology to know that, at least from the capital cost point of view, that has got to be cheaper. Half the money that is spent on a modern incinerator is spent on the air pollution control devices, and the better they are, the more toxic the ashes are, which must then be got rid of. It therefore stands to reason that the capital costs of composting, recycling, reuse and anaerobic digestion facilities will be cheaper.

The difference is in where the money goes. The alternative solutions are labour intensive, so they create far more jobs. If we build an incinerator, most of the money goes into capital equipment and much of it will leave the country because many of the technologies come from Germany, Switzerland, Sweden, France and so on. That creates very few jobs. The alternative solutions mean that most of the money works twice: it not only gets us the waste solution, but creates local jobs and stimulates local business, particularly with reuse and repair, which is tremendous—there are many examples of that. On my web page, [americanhealthstudies.org](http://americanhealthstudies.org), you will find a series of videos on zero waste around the world. I have not had time to make any recently, but those that are there feature very exciting reuse and repair facilities from Australia, California, Canada and Vermont in the United States.

Our task in the 21<sup>st</sup> century is not to get better and better at destroying things but to stop making things that have to be destroyed—that is the real issue. Again, it comes back to the design issue. Incineration is a sophisticated answer to the wrong question. We are just trying to get more and more sophisticated at doing something that is totally inappropriate for the 21<sup>st</sup> century. As I said at the beginning, it should be all about sustainability.

Every human being in Scotland makes waste, but as long as we are making waste we are part of a non-sustainable way of living on this planet. The beauty of a zero waste programme is that if we start to do all the things that are included in the 10 steps to zero waste—source separation, door-to-door collection, composting, recycling, reuse and repair, waste reduction initiatives, economic incentives such as the pay-as-you-throw system, residual screening and provision of research facilities, biological stabilisation of the dirty organic fraction and interim landfill—we will not only involve our people in solving the waste problem, but open up consciousness of what we need to do to move towards sustainability.

For many people, sustainability is a big word that is far removed from their lives. It is for professors and politicians who are running for President; the average person does not really understand it. However, they understand their children. If we say that their children's future is being limited by the number of toxics that we are leaving in different parts of the planet and because we are using up their resources, they understand that. Everyone understands waste. If we add in the economic incentives, it could be really exciting. If we did not have a waste crisis, we would need to invent one to have the tool to move our civilisation forward.

We are sleepwalking; we are living on this planet as if we had another one to go to. If everyone consumed like an American, we would need four planets. If everyone consumed like a European, we would need two planets. That is the status quo. Meanwhile, India and China are copying our consumption patterns. We have not seen anything yet. We must wait for all of that Chinese and Indian production and consumption to hit our planet. We must do something different and set a better example. This is the place to start.

For me, it is a tragedy to waste £8 billion—on whatever it is—on incineration. That is a huge waste that takes us no closer to sustainability and does not create much energy. There is also the problem of worrying about the toxics. Incineration is politically unacceptable. I have been to England, so I know that wherever it is proposed there people are up in arms and furious, as they do not want it—it is the most unpopular technology since nuclear power. We are creating political problems, are not moving towards sustainability and are leaving a legacy of ash; incineration also costs a fortune. There are many other options that create jobs and local businesses and move us towards sustainability.

**The Convener:** I am conscious that Ann Coleman has not yet had much of a say. Given that she has had direct experience of the issue, it might be useful for us to hear her views. I am

conscious of the time—we can probably spend another five or 10 minutes on the petition.

**Robin Harper:** I will try to keep my question brief. I thank Michael Gallagher for keeping me in the loop on green alternatives to incineration and Professor Connett for his contribution so far. I apologise to Ann Coleman for the fact that my question is directed to Professor Connett.

**Ann Coleman (United Kingdom Without Incineration Network):** That is fine.

**Robin Harper:** We have an election in just over four months' time. If you were given the chance to address the new Government, what would be the principal win-wins that you would use to entice it towards a zero waste policy or, at least, adopting a non-incineration policy?

**The Convener:** Professor Connett's interventions have been fascinating, but I ask him to be brief. I am conscious that there are many more petitions for us to consider and that we had a long session at the start.

**Professor Connett:** I will be very quick. First, the new Government will be impressed when MSPs with constituents who are fighting incinerators tell it that supporting incineration is unpopular politically and will not get it any political miles. Secondly, incineration is expensive and is not healthy for the Scottish economy. Thirdly, there is an elegant solution. I cannot see a flaw in my suggestion to you that the landfill tax surcharge be replaced by tax and rebates, to drive the hierarchy from the top downwards. The proposal is simple, is economically sound and can be fiscally neutral. People will jump at that.

16:45

**Ann Coleman:** I would like to make the point that under the landfill tax, there is an environmental fund that the communities that live closest to a landfill site can access, but no such fund was put in for incineration, which is 10 times worse. Ironically, communities benefit more from landfill than they do from incineration.

**The Convener:** Yes, that seems perverse.

**John Wilson:** I welcome the panel to the meeting. I live not far from Ann Coleman as the crow flies and I know the problems that have been faced at Greengairs and the new problems that the current proposals would give rise to.

My question is for Michael Gallagher and Ann Coleman. In the petition, you indicated that there are 16 proposals for large-scale burners.

**Michael Gallagher:** The figure is now 17.

**John Wilson:** How many of those proposals are for local authority incinerators, how many are for

joint partnership incinerators and how many are for private incinerators?

**Michael Gallagher:** All incinerators end up being built by private operators, but there are differences in the degree to which a partnership with local authorities is involved. Up until now, with most of the incinerators that have been built, the emphasis has been on partnerships with local authorities, but more recently there has been a different emphasis in one or two cases. For example, the big new incinerator at Newton Mearns is to be a purely private affair—it has been stated publicly that there is no intention to target municipal waste.

As far as cost is concerned, as I said earlier, Lancashire County Council has rejected incineration altogether because it is extremely worried about the long-term costs of being tied into long contracts that, typically, last for 20 years. It has taken a long-term view and realised that if it started to do very well at recycling, it would not have enough waste to meet its contractual commitments to the incineration company and would end up facing penalty clauses. That is one reason why Lancashire County Council has rejected incineration and gone for the high recycling rate option instead, which it has estimated will probably cost about half as much as the incineration option.

**Professor Connett:** I have a point to add on the costs. Whether an incinerator is built by a private company or by a municipality, the economics are that it is paid for by the tipping fee, which is the amount that municipalities and citizens have to pay to get rid of a tonne of waste. As Michael Gallagher said, a contract is involved. It is usually a put-or-pay contract that involves a municipality signing a line that says that it will produce, say, 200,000 tonnes of waste a year at such-and-such a cost. If it does not deliver those 200,000 tonnes, it will have to pay for that anyway.

I think that when a lot of people hear about these gigantic waste-to-energy machines, they are misled into thinking that we are talking about a power station, and that the relevant corporation has a trick of taking people's waste, making electricity and selling it for a profit. That is not the case. The profit from incineration comes from the tipping fee. The electricity and heat that are produced offset the costs—they reduce the tipping fee, if you like—but the profit comes from the tipping fee, not from the sale of electricity. All incinerators depend on municipalities signing contracts that tie their hands for 20 years, at least.

**The Convener:** As there are no further questions, I invite suggestions on what we should do with the petition.

**Bill Butler:** Having heard the witnesses, I think that we should continue the petition. Serious issues have been raised. We should write to the Scottish Government to ask it whether its zero waste plan and the progressive landfill ban mean that more waste incinerators will be required. We could also ask for its response to the health concerns that arise from the incineration of waste. We could write to Friends of the Earth, Greenpeace and the Scottish Environment Protection Agency to ask them for their views on the issues that the petition raises.

**John Wilson:** There are other issues; that is why I asked my earlier question about how the plants will be built and maintained. We should ask the Scottish Government to indicate the current level of monitoring of airborne contaminants at incinerators and to describe the process for building monitoring into any future incinerators. Other members of the committee have indicated their involvement in incinerator campaigns. My first involvement in such a campaign was in central Scotland more than 31 years ago.

**The Convener:** You must have been very young.

**John Wilson:** I was a very young councillor at the time. It was very difficult to get the local authority to shut down the plant once it was operating, despite all the evidence of emissions from the plant that was becoming available. It is about how we monitor plants and who monitors them. Planning authorities are mainly responsible for monitoring emissions from municipal waste; at the same time, local authorities are contracting with contractors to deliver a service. It is important that monitoring procedures are laid out clearly, to indicate who carries out monitoring.

It is also relevant for us to ask a range of local authorities for their opinion on the petition and the issues that it raises, which concern local authorities such as Glasgow City Council, Scottish Borders Council and Aberdeenshire Council. Because Ann Coleman is here today, I am tempted to throw in North Lanarkshire Council, which is considering three or four planning applications for incinerators at the moment.

**Anne McLaughlin:** I have two suggestions. First, Ann Coleman spoke about the community fund that is accessible to people who have a landfill nearby but not to those who live near an incinerator. It is worth our asking the Scottish Government why that is the case and whether it will consider doing something about the issue.

Secondly, Professor Connett spoke about a report—I will get this wrong—on the effect of dioxins and nanoparticles on foetal development. He said that there has been no scientific rebuttal of the report. I am not sure whether we should

write to the Scottish Government or the British Government about that. I suggest that we find out who we should write to and ask why they do not feel the need to rebut the report scientifically, as I would be interested to know their reasons. The point relates to a question that Bill Butler has already asked. We should write to whoever ought to respond to the report to ask them to do so.

**Nigel Don:** I return to the suggestion that we write to SEPA and anyone else who is relevant about monitoring. There are two completely different issues, so we must ensure that they understand them when we put our questions. The first, to which Professor Connett referred, is the impurity levels when a plant is running properly. That is a genuine question that needs to be checked; if it is not, we will not know how a plant operates. The second issue is the level of monitoring at 2 o'clock at night, when no one knows what is going on, and at 2 o'clock in the afternoon—in other words, the on-going checking of how well a plant is being run. That is a very different question, to which the answer will probably be very different.

**The Convener:** A range of questions have been suggested. Some can be put at the Scottish level and some should probably be directed to the UK Government. Of course, the regulations that relate to emissions emanate largely from the European level.

**Robin Harper:** It is suggested that we seek an update on the progress and success of initiatives for reuse, recycling and waste reduction. We get recycling figures fairly regularly, but we hear little about programmes for the reuse and reduction of waste. Can we ask whether the Government can point to any specific figures on progress on reuse and waste reduction?

**The Convener:** Obviously, we have been given information about systems of subsidies and incentives, but it would be useful to ask the United Kingdom Government whether there are any plans to consider such things. So, we will continue the petition. I thank the petitioners very much for attending today and for waiting patiently.

**Michael Gallagher:** In our petition, we ask the Scottish Parliament to support three specific proposals. At what point will the Public Petitions Committee decide whether it will encourage the Parliament to support our three proposals, to which many people have signed up?

**The Convener:** The committee will ask the Government a series of questions, including questions on your specific suggestions. When we get a response from the Government, the committee will decide how to take the petition forward. I encourage you to keep in touch at all

stages with the clerk to the committee, who will be happy to answer any questions that you have.

**Professor Connett:** I have a question that goes beyond this particular discussion. I notice that you have on the agenda PE1358, on the use of sodium fluoride and calcium fluoride. I could be a resource there. I have spent nearly 26 years on waste management and for the past 15 years I have been opposed to fluoridated drinking water—water fluoridation. I have written a book called “The Case Against Fluoride: How Hazardous Waste Ended Up in Our Drinking Water and the Bad Science and Powerful Politics That Keep It There”. I mention this because I am staying in the house of one of the co-authors, Professor Spedding Micklem, an emeritus professor from the University of Edinburgh, who would—

**The Convener:** That is potentially very helpful. I encourage you to get in touch with Fergus Cochrane regarding that very helpful suggestion.

**Professor Connett:** I would be happy to. I will try to get a book to you guys.

**The Convener:** Thank you very much indeed for attending today and for your patience.

### **Football Tickets (Prohibition of Resale) (PE1380)**

**The Convener:** The next new petition is PE1380 by Andrew Page, on prohibiting the resale of football tickets. What are members' views on how to take the petition forward?

**Bill Butler:** This is a serious issue and we should continue the petition. We could write to the Scottish Government to ask for its views on the issues that are raised in the petition, why it has not taken the steps that the petitioner advocated previously and whether it would be willing to take the action requested by the petitioner. We could also write to the SFA and the SPL to ask for their views on the issue and whether they have any measures in place that prevent the resale of tickets for more than their original face value.

**The Convener:** Does the committee agree to continue the petition and take the suggested steps?

**Members** *indicated agreement.*

## Current Petitions

### Deep Vein Thrombosis (PE1056)

17:00

**The Convener:** We have 17 current petitions to consider. The first is PE1056 by Gordon, Jane and Steven McPherson on deep vein thrombosis. There is some additional information on the petition. The committee previously agreed to suspend consideration of the petition until revised guidelines were available. Those are now available and members should have that information. Can I have members' views on how to deal with the petition in the light of the additional information?

**Bill Butler:** Can we have a minute or two to read it, convener?

**John Wilson:** I respectfully suggest that we suspend consideration of the petition until a later date to give us a chance to read the paperwork that has been submitted.

**The Convener:** I am happy to bring the petition back to our next meeting, if the committee agrees.

*Members indicated agreement.*

**John Wilson:** Perhaps we should apologise to Trish Godman.

**The Convener:** Yes. Thank you for waiting, Trish.

### Transport Strategies (PE1115)

**The Convener:** PE1115, by Caroline Moore on behalf of the Campaign to Open Blackford Railway-station Again, is on national and regional transport strategies. Again, additional information has been provided to the committee. I seek members' views on how we might deal with the petition.

**Bill Butler:** If I have read it correctly, the petitioner has stated that they would like the petition to be continued and, in particular,

"would like the opportunity to influence the work on detailed travel planning for The Ryder Cup, to further lobby Transport Scotland ... and to scrutinise the funding and commissioning timescales associated with Gleneagles".

Convener, if you rule that those issues fall within the petition's scope, I suggest that we accede to the petitioner's request. However, I hope that we could come back to the matter fairly quickly.

**The Convener:** What views do other members have? The issues are related to the petition but do not directly fall within its scope.

**Anne McLaughlin:** Instead of keeping the petition open to allow the petitioners to be involved

in the plans for the Ryder cup, could we not close it and simply write to the Scottish Government, suggesting that Transport Scotland consult and involve the petitioners? Do we have to keep the petition open to do that?

**The Convener:** I seek guidance from the clerk on what would be the most appropriate course of action under the rules.

**Fergus Cochrane (Clerk):** The committee has certainly, in closing other petitions, decided to write to the Government or whatever organisation to indicate that it would like the petitioner to be kept fully involved in subsequent discussions. That is an acceptable course of action.

**The Convener:** It is a sensible suggestion, given that, strictly speaking, the issues raised do not fall within the scope of the petition.

**Bill Butler:** Given that Dr Richard Simpson has an interest in this petition and, indeed, has previously spoken to it in committee, I wonder whether—with your indulgence, convener—it would be possible to hear from him. I am not sure whether he has turned up to talk about this petition.

**The Convener:** I have just noticed Dr Simpson's arrival. Are you here to discuss PE1115?

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** Yes.

**The Convener:** I invite you to make a few brief comments.

**Dr Simpson:** I must apologise, convener—I did not have much warning of this. The main point is that the Ryder cup is coming up and I have been trying to elicit from the Government its position on what, in the current financial circumstances, seem to me to be the two rational alternatives. The first is the significant refurbishment of Gleneagles station, which, at the moment, has a number of serious road access problems. Moreover, disabled access to the station is utterly appalling. You have to phone Perth station in advance to ensure that the ramp is brought down. Admittedly, there might not be all that many disabled people among the X thousand who will come to the Ryder cup, but there will be some, and in effect excluding them would not be a sensible move. A lot of money will have to be spent on the station and road access and as yet the Government has no costings for that work.

The alternative for the Ryder cup is to reopen Blackford station, where there are no problems with disabled access, parking or bus turnaround, but the Government will have to think about the matter fairly soon. I cannot get a timetable out of it and if the committee felt able to support and assist

me by asking the Government to produce one, that would be most helpful.

**The Convener:** The committee has decided to close the petition, but in doing so to ask the Government whether the petitioner could be involved in future discussions. Given your interest in the subject, it might be helpful to ask the Government whether you can be involved in those discussions as well. I am aware that there has been movement in terms of improving Gleneagles station and we are conscious that we have a limited timeline within which to take forward petitions.

**Bill Butler:** Convener, I am sorry, but I was not aware that we had agreed that. There was the beginning of a discussion about another approach but, as far as I am aware, we had not agreed to close the petition. Having heard what Dr Simpson has said, I think that we should leave it open, at least for a brief period. Given the further information that is sought by Dr Simpson and others on the costing and timetable for the refurbishment of Gleneagles station and the situation with regard to Blackford, I am minded to suggest to colleagues that we leave the petition open. The timescale being what it is, we should set a specific time limit of, maybe, one or two meetings. Given the time constraints, we might have to close the petition if we do not get responses that are detailed enough from the Government, but I think that we should have one more shy, convener, if I may say so.

**The Convener:** I am in the hands of the committee. Are there other views or are members happy to do that, given the time constraints?

**Anne McLaughlin:** I do not feel as strongly about the matter as Bill Butler does. When do we reach the position where that is it? We cannot keep every petition open, because we are heading towards dissolution quickly. I do not see what the problem would be with closing the petition and writing to the Government to ask whether it will involve the petitioner in the plans for the Ryder cup and send the timetabling information to Dr Richard Simpson. I do not see why we cannot do both.

**The Convener:** We would have to give a specific time limit were we to do what Bill Butler has suggested. What was your suggestion? What time limit would be realistic for getting information back?

**Bill Butler:** I have not suggested one, convener, but as you ask, I will suggest to you and other colleagues that we set a time limit of perhaps one month. That is about all we can do. If the information does not come back, we can take up our colleague Anne McLaughlin's suggestion. We will have no option, then, but to close the

petition, although we can say that the points are still there and they still need to be responded to. It will not be in a formal committee setting, but the Government can still respond to the petitioners and to Dr Simpson informally. I suggest a period of one month.

**The Convener:** Are there any other views? There is silence. I am conscious that we had decided to close the petition—well, I thought we had decided that—in advance of your coming, Richard, but I am in a lenient mood. Given your continuing concerns, let us write to the Government in the terms that were mentioned and come back to the matter. However, I note that we have a serious time constraint.

**Dr Simpson:** Thank you.

### Tail Docking (PE1196 and PE1230)

**The Convener:** The next two petitions will be taken together as they are both on tail docking. They are PE1196, by Michael Brander, and 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.

Do members have views on how we should deal with the petitions? Some additional information has been provided to members.

**Nanette Milne:** I have a lot of sympathy with the petitioners, as you probably know. We now know from the Government that it is seeking further research on the issue before it decides whether to look at or change the current policy. We do not know when that will happen.

Given the current situation in which dissolution is approaching fast, perhaps we should close the petitions right now but ask the Government if the petitioners can be involved in commissioning the research so that the right questions are asked.

There is a genuine case, and the petitioners are very worried about not being able to dock the tails of working dogs. The petitions could be brought back again in the next session of Parliament, following on from the research taking place.

**The Convener:** Is that suggestion acceptable to the rest of the committee?

**Members** *indicated agreement.*

**The Convener:** The petitions are closed, but we will write to the Government about involving the petitioners in the research that it proposes to carry out.

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

**The Convener:** PE1295, by Flora Dickson, is on the planning system and the protection of national scenic areas. Members have some additional information about the Scottish Natural Heritage survey of all the national scenic areas in Scotland. Guidance was due to be published in the autumn, but it is now likely that it will be published in January. I seek members' views on how we should deal with the petition.

**Anne McLaughlin:** The petitioner—with whom I do not agree, as I think that crematoria are places of natural beauty—has asked a number of questions in her most recent response. It would be worth our while to write to the Government to ask for its response, because by the time the Government gets back to us the guidance should have been published and we can look at it properly.

**The Convener:** Is that accepted by the committee?

**Members indicated agreement.**

**The Convener:** We will continue with the petition.

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

**The Convener:** PE1310, by Jean Gerrard, is on amending the Mental Health (Care and Treatment) (Scotland) Act 2003. I seek members' views on how we should deal with the petition.

**Nanette Milne:** I am not sure that we can take the petition any further. The Government has given a very detailed response to the large number of questions that the petitioner put to the committee, which sets out the procedures under the 2003 act in relation to compulsory treatment orders. I think that we have taken the matter as far as we can, and I propose that we close the petition.

**The Convener:** Does the committee agree with that?

**Members indicated agreement.**

**The Convener:** It is agreed that we will close the petition in light of the actions that have been taken.

### **Medal Awards (PE1312)**

**The Convener:** PE1312, by William Leitch, is on an investigation into the 1949 Yangtze campaign medal awards system. I seek members' views on how to deal with the petition.

**Robin Harper:** I think that we are coming close to the end of the road on this petition, but it is important that we take the issue as far as we can, despite the lack of information that we have received from the Ministry of Defence and the Government in general.

I invite the committee to write to the Scottish Government Minister for Housing and Communities to ask whether, in light of his letter of 18 March 2010 to the then Secretary of State for Defence and the reply of 15 June 2010 from the Minister for Defence Personnel, Welfare and Veterans, he has any plans to take the matter further. We can consider the reply that we will get—one hopes—whenever it is appropriate, which I hope will be soon.

**The Convener:** Is it agreed that we will continue with the petition?

**Members indicated agreement.**

### **Fluoride (PE1358)**

**The Convener:** PE1358, by Lilian Gunn, is on the use of sodium fluoride and calcium fluoride. I seek members' views on how we should deal with the petition.

**Bill Butler:** It seems from the information that has been provided that the petitioner is satisfied with what has been said and has stated that she is content not to proceed further with the petition, therefore we should close it on that basis.

**The Convener:** Is that agreed?

**Members indicated agreement.**

### **Initial Teacher Education (Guidelines) (PE1360)**

17:15

**The Convener:** PE1360, by Jonathan Robertson, is on the lack of modern language training in initial teacher training programmes for primary school teachers. I seek members' views on how to deal with the petition.

**Bill Butler:** There is no way in which we can proceed with the petition. We have done all that we can. The Education, Lifelong Learning and Culture Committee has told us that it has no plans to examine the issues that are raised in the petition as part of its work programme for the remainder of this diet. Therefore, we have no option but to close the petition.

**The Convener:** Is that the view of the committee?

**Members indicated agreement.**



**Robin Harper:** Indeed, convener, but the petitioner could be advised that there is nothing to prevent him from raising the issue in the next session of Parliament.

### **Legislative Process (Judicial Involvement) (PE1361)**

**The Convener:** PE1361, by Tom Muirhead, is on the involvement of the Scottish judiciary in the legislative process. I seek members' views on how we should deal with the petition.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** We should accept the recommendation to close the petition.

**Nigel Don:** We do not have much option but to close it. We have asked the appropriate authorities and they have given us answers. Clearly, the petitioner does not agree with that, but he is mistaken—that is not my opinion, but the opinion of the highest in the land. The position of a judge who is dealing with an individual whom he has met on a golf course is plainly different from the general perception of what he is doing in advising us at our request on how we should develop the law. It is entirely clear that if somebody wants to progress the issue through the courts, that is where they should go.

**The Convener:** Do members agree that we should close the petition?

*Members indicated agreement.*

### **Family Law (Scotland) Act 2006 (Post-legislative Scrutiny) (PE1362)**

**The Convener:** PE1362, by Brian McKerrow Jnr, is on post-legislative scrutiny of the Family Law (Scotland) Act 2006. I suggest that we continue the petition, as there are some more questions that need to be asked on it. Do members agree?

**Nigel Don:** I want to go a little beyond that, because the issue is important. I want to suggest a few things that we might do. At the outset, I say that I have slight difficulties with the petition. We have addressed the issue of whether the 2006 act is compliant with the European convention on human rights and we have probably gone about as far as we can on that. However, it would be good to get an academic view on what further work we could do on family law, in particular on paternal rights and responsibilities. We could say that we have answered the question that is before us and leave it at that, or we could say that there is a real underlying issue and ask for more advice on what we might encourage future Governments to do. That is the line that I would like to take.

I have no idea whom we should consult. Periodically, I say that there must be academics

and people out there who understand the issues. Can we find a way of getting advice on how we could nudge what will inevitably be the next Government into considering where we should take the issue? It would be helpful to have advice from the clerk as to how we can do that.

**The Convener:** It is a helpful suggestion that we get an academic opinion on the issue. The clerks can give us advice on that.

**Fergus Cochrane:** I recall that the petitioner previously suggested Professor Norrie at the University of Strathclyde and Professor Sutherland at the University of Stirling, who is also a professor in Oregon. Those are a couple of suggestions that I can offer.

**Nigel Don:** I would be happy if we took the opportunity to get advice on the record as to how we might develop the law, because I am not convinced that we have taken it as far as it will go. If the petition is a vehicle for that investigation, that would be helpful.

**The Convener:** Are those suggestions agreed by the committee?

*Members indicated agreement.*

### **Gypsy/Traveller Encampments (Guidance) (PE1364)**

**The Convener:** PE1364, by Phyllis McBain, is on clarifying guidelines on Gypsy Traveller encampments. I seek members' views on how we should deal with the petition.

**Nigel Don:** This is very close to home. The petitioner is still with us; she is waiting patiently, as many have today. The petition and the process have been very useful so far.

I will pick out two things in particular. First, I read in Grampian Police's submission an acknowledgement that perhaps they did not respond quite as fast as they should have done to the situation that developed on the petitioner's land. That is a welcome admission and is helpful in taking things forward.

Beyond that, I draw to the committee's attention the petitioner's own contribution. Among the many sensible things that she says, the crucial point is that although there is a lot of discussion about how it would be nice if there were more sites, which would make the whole system a great deal easier for everybody concerned, the reality is that there are not more sites and nobody possesses a magic wand to produce more sites.

We need to go back to the public authorities on how they will address the situation, which will develop shortly, when Travellers come to Scotland and there are not enough sites, so they put themselves somewhere that is not an authorised

site—some might describe it as an illegal encampment. That has to be addressed.

**John Wilson:** I suggest that we also ask the Government and the Convention of Scottish Local Authorities how many sites there were 20 years ago, how many sites there were 10 years ago and how many sites there are at present. I know that a number of sites have been closed down by local authorities, which receive substantial grants for creating sites for travelling people, and the land has been returned to the local authority for disposal. It would be interesting to find out what has been the policy in practice of both the Scottish Government and local authorities in relation to enabling sites for travelling people in Scotland to be created or removed.

**The Convener:** Do we agree to continue the petition? I invite Mike Rumbles to make a point. I am sorry, Mike—I forgot about you.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I think that I can be helpful by addressing some of the points that have been raised. I have been the constituency MSP for the area since we started back in 1999, so I can tell you that for almost the past 12 years there have been no sites in Kincardineshire. Aberdeenshire Council is working to produce sites. The key to finding a long-term solution is to produce sites that are authorised, because, at the moment, the problem is that people come in and use unauthorised sites as there are no authorised sites for them. When the police are called, they cannot move people on to an authorised site, because there is not one.

I support the petition and I hope that the committee will keep it going. The short-term solution is to have another look at the guidelines, until the authorised sites come into operation. The Government feels that the guidelines are correct, but when people want to solve a problem, the police say that they cannot take action because the guidelines do not allow them to. There is a problem with the guidelines in the short term.

**The Convener:** Thank you. That is helpful. The committee will take that into consideration. Thanks very much for coming, Mike. I am sorry that I forgot about you.

Are we satisfied that we have made enough decisions about who we are going to contact in relation to continuing the petition?

**Nigel Don:** Can you tell us what you think we have agreed? My instinct is to suggest that we go back to all the folk who have already contributed, because they all have an interest. We should not ask them to rewrite what they have given us but ask them about how we handle the situation where we do not have enough sites.

**The Convener:** There are also specific questions to ask local authorities about what is happening to the number of sites—the questions that John Wilson suggested.

**John Wilson:** On the back of Mike Rumbles's specific question to the Scottish Government, I think that that is the right approach, but the Government and others need to address issues relating to Gypsy Travellers that the Equality and Human Rights Commission has raised. Nigel Don is right: we need to go back to all or most of the respondents to ask them what they think about the responses that we have received from the Equality and Human Rights Commission on the treatment of Gypsy Travellers and how we can address concerns that it has identified.

**Nigel Don:** Can we ensure that all the contributors respond to the petitioner's points in her comprehensive and well-thought-through response to them? I am sure that they will have received them. The conversation between the participants could usefully carry on.

**The Convener:** Thanks for that.

#### **Kinship Care (Children's Needs) (PE1365)**

**The Convener:** PE1365, by Martin Johnstone, on behalf of the Poverty Truth Commission, is on the needs of kinship care children. We have additional information on the petition. How do members want to proceed?

**Nanette Milne:** We should keep the petition going, as a meeting involving the Minister for Children and Early Years and the petitioner is due to take place this month. It will be interesting for us to find out the outcome of that meeting.

**The Convener:** Is that agreed?

**Members** *indicated agreement.*

#### **General Teaching Council for Scotland (Church Appointments) (PE1366)**

**The Convener:** PE1366, by James Forbes, is on the abolition of church appointments to the General Teaching Council for Scotland. I seek members' views on how we should deal with the petition.

**Bill Butler:** I think that we have taken the matter as far as we can. The Scottish Government has told us that it does not have any plans to remove the seats that are reserved for the Church of Scotland and the Roman Catholic Church on the General Teaching Council for Scotland and that it believes that both should retain their seats. In addition, it recently consulted on the GTCS's future functions and constitution. A specific question on faith group representation was not asked, but nothing emerged from the consultation

that indicated that the position would change. I do not think that there is any other body with which the committee can usefully pursue the petition further.

**The Convener:** Is that agreed?

**John Wilson:** I am sorry, but I must disagree with Bill Butler. I think that the petition should be continued. It is clear that the Government indicated in its response that there was consultation, but it did not ask a specific question about the representation of faith groups. It would be pertinent for the committee to go back to the Government and ask why it felt that it was unnecessary to ask during the consultation for opinions on faith groups being represented on the GTCS. There is an issue, which I raised at the previous meeting, about the representation of faith groups on that body and who decides what faith groups should be represented on it, given that the Scottish Inter Faith Council is operating, and it covers more than two faith groups—it covers a range of them. Would it be appropriate for the Scottish Inter Faith Council to make representations on who should be represented on the body rather than continue with the practice, which has gone on for a number of years, of having two faith groups represented on it? There is a wider debate about what we should do and about how faith groups are represented in Scotland. Falling back on the historical position would undermine the progressive move that is taking place in relation to faith groups in Scotland.

**Cathie Craigie:** The points that John Wilson has made go further than what the petitioner has called for. The petition calls for the Government to remove the Church of Scotland and Roman Catholic Church representatives from the GTCS. The response was that the Government is not going to do that and that it has no intention of doing that, as Bill Butler has said. As I have said, the points that John Wilson has raised go much further than what the petitioner has called for, and it would not be appropriate for the committee to open up the matter and consider a wider area. It is for a member of the public to submit a petition on another issue if they want to do so.

17:30

**Robin Harper:** I do not think that anything precludes the committee from being constructive in its response. John Wilson's suggestion is very constructive. I am persuaded that we could at least ask the Government whether it has given any thought to asking the Scottish Inter Faith Council to respond to the issue.

**Bill Butler:** All colleagues have made pertinent points. To tell you the truth, I had not thought of the two points that John Wilson made. It may be

that we can interpret the petition in the way in which Cathie Craigie has, although we do not know whether the petitioner wants more faiths or no faiths on the GTCS. However, as Robin Harper says, that does not preclude us from asking the two questions that John Wilson posed. It may be that once we get a response from the Government, there will be nothing else that we can do.

I am not willing to die in a ditch for it, so I withdraw the suggestion that we should close the petition at this juncture.

**The Convener:** We can also get a response from the petitioner.

Do we agree to continue the petition?

**Members** *indicated agreement.*

### Mosquito Devices (PE1367)

**The Convener:** PE1367, by Andrew Deans MSYP, on behalf of the Scottish Youth Parliament, is on banning Mosquito devices. I seek members' views on how we should proceed with the petition.

**Anne McLaughlin:** I agree with the petitioner when he says that the Co-operative should serve as an example. I laughed out loud when I heard that when it piloted playing classical music outside the shops where young people congregated, it got rid of them no problem. That is a great way to deal with the issue. I cannot remember the figures, but it reduced antisocial behaviour substantially inside and outside the shops.

I have said previously that I am utterly opposed to the use of the Mosquito, because it targets everyone under 25, including babies and toddlers, who cannot tell their parents what is wrong with them.

We should write to the Scottish Government again. I note the response that we have had, which makes it sound as if the Government might be going in the direction of a ban without actually saying it. We should write to tell it about the responses that we have had from the two local authorities, and about the opposition of the Scottish Police Federation, the majority of police forces and Scotland's Commissioner for Children and Young People, and ask the Government whether it would be willing to ban the Mosquito outright in Scotland in light of all of that opposition. I note the responses from the Scottish Grocers Federation and others, but they can just do what the Co-op is doing and play classical music. If it works, they should do it.

The petitioner said that if there is any doubt about the human rights element of the Mosquito, we should not use it, particularly if there are other proven methods of dealing with the problems.

**Bill Butler:** As a Labour and Co-operative Party MSP—I register that interest—I know that the Co-op is always very innovative and was right to carry out the pilot. I agree with the serious points in the petition and those that Anne McLaughlin has made. This is not the way to go about dealing with a section of society. It is completely reactionary. We should write to the Scottish Government in the terms that Anne McLaughlin has correctly outlined.

**Nigel Don:** I will go beyond what has been suggested. I am seriously concerned—perhaps I should say “appalled”, because that is how I feel. Perhaps I am just showing my ignorance. I will paraphrase the response from Health Protection Scotland. It says, “We don’t know much about this,” and does not sound worried.

If I as a parent wheeled my one-year-old child to somewhere that such a device was installed—I would not hear it, which would be nothing to do with the fact that the hearing in one of my ears is not as good as it might be—my child might respond to that influence, which I could not monitor. That one-year-old would have no sensible way of telling me that they had a problem, other than by screaming and bawling, which they might do for all sorts of other reasons. I would go nowhere near that situation.

It is appalling that we think that such devices are acceptable. The fact that we do not know how much damage they do or how much children respond to them is a good reason for saying, “Precautionary principle, please.” We should not use the devices. We do not expose young children to chemicals whose consequences are unknown—we have debated that—so why on earth are we prepared to expose them to a sound whose dangers we do not understand?

I am appalled by Health Protection Scotland’s response, which does not seem to pick up the issue or want to follow the precautionary principle. I ask for that to be played back to the Government and for it to be asked why we are prepared even to consider living with the devices. I would like an answer.

**The Convener:** So we agree to write to the Government to say in the strongest possible terms that we have major concerns and are keen for action to be taken.

*Members indicated agreement.*

**The Convener:** John, do you have a comment?

**John Farquhar Munro:** No—I agree.

**The Convener:** I thought that you wanted to say something, but you concur—thank you.

## Political Education (PE1368)

**The Convener:** PE1368, by Rowena Carlton MSYP, on behalf of the Scottish Youth Parliament, is on political education for all.

**Robin Harper:** I declare an interest as a former modern studies teacher, although I am old enough not to have to return to teaching when I retire from Parliament.

**The Convener:** I should have declared such an interest, too.

**Robin Harper:** The petition should be continued. We should ask the Government to meet the petitioner, and perhaps the Modern Studies Association and Scotland’s Commissioner for Children and Young People, to discuss the issues that the petitioner has raised. It should then report to the committee the outcome of those discussions.

**The Convener:** Does the committee agree to that?

*Members indicated agreement.*

## Leisure and Cultural Facilities (Young People) (PE1369)

**The Convener:** PE1369, by Jodie McCoy, on behalf of South Ayrshire youth forum, is on young people’s views on the provision of leisure and cultural facilities. I seek members’ views on how to deal with the petition.

**Bill Butler:** We should continue the petition. It would be useful to write to ask the Scottish Government to respond to the questions at the first and third bullet points in the petitioner’s letter of 17 December. We could also write to ask COSLA to respond to the question at the second bullet point in the petitioner’s letter and to ask Tam Baillie, Scotland’s Commissioner for Children and Young People, to respond to the question at the fourth bullet point. We need the answers to those questions.

**Robin Harper:** It is particularly important to pursue the petition in the light of reduced support for cultural co-ordinators throughout the country.

**The Convener:** So we agree to continue with the petition.

I thank the young people in the public gallery for waiting patiently for their petitions to be considered this afternoon and for their continuing interest. I assure them that the committee will continue to be interested in their three petitions.

I thank all committee members for their attendance at our first meeting this year and for their efforts to tackle a large number of petitions. Our next meeting will be at 2 pm on Tuesday 25

January—I do not know whether haggis will be provided.

*Meeting closed at 17:39.*

I ask members to stay behind briefly after the meeting ends to consider an issue.



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