



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 12 June 2012

Session 4

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PUBLIC PETITIONS COMMITTEE

10th Meeting 2012, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Angus MacDonald (Falkirk East) (SNP)
*Mark McDonald (North East Scotland) (SNP)
Anne McTaggart (Glasgow) (Lab)
*Nanette Milne (North East Scotland) (Con)
*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Alexander Bennett (National Trust for Scotland)
Joe FitzPatrick (Dundee City West) (SNP) (Committee Substitute)
Gil Paterson (Clydebank and Milngavie) (SNP)
Nick Riddiford (Fair Isle Community)
Stewart Thomson (Fair Isle Community)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 12 June 2012

[The Convener *opened the meeting at 14:02*]

New Petitions

Fair Isle Marine Protected Area (PE1431)

The Convener (David Stewart): Good afternoon, ladies and gentlemen, and welcome to today's meeting of the Public Petitions Committee. I remind everyone to switch off any mobile phones or electronic devices because they interfere with the sound system.

Apologies have been received from Sandra White; Joe FitzPatrick has come in her place—we are grateful to Mr FitzPatrick. Apologies have also been received from Anne McTaggart.

Item 1 is consideration of two new petitions. The first is PE1431, by Nick Riddiford, on behalf of the Fair Isle community, on a marine protected area for Fair Isle. Members have a note by the clerk, the Scottish Parliament information centre briefing and the petition. I welcome our witnesses, who are Nick Riddiford and Stewart Thomson from the Fair Isle community; and Alexander Bennett, who is the group manager for countryside north at the National Trust for Scotland.

I have received apologies from the local member, Tavish Scott. He is very supportive of the petition but, unfortunately, he is at a conference today and cannot be with us.

I invite Nick Riddiford to make a short presentation of around five minutes. I will start with a couple of questions and then ask my colleagues to follow up.

Nick Riddiford (Fair Isle Community): Thank you. First of all, we thank the committee for giving us this opportunity to speak to you. I refer to Stewart Thomson as my neighbour, but everybody on Fair Isle is a neighbour because it is such a small island. I invited Alexander Bennett to come along as well, not only because he has responsibility for the island, which is a National Trust for Scotland property, but to stress the fact that we have had 57 years of shared stewardship and that the National Trust is 100 per cent behind the initiative.

I will explain to the committee why we are here. We have identified the issue as essential for our community development and the socioeconomic stability of the island. We feel that the initiative will assist the Scottish Government in achieving its

objectives, which includes a European obligation to have a network of marine protected areas in place before the end of this year.

We are also here because we support the notions of community empowerment and the bottom-up approach, which we have heard from politicians and officials many times over the 24 years that we have been trying to achieve this initiative.

We have a proposal for a marine protected area that has been lodged with the Scottish Government body Marine Scotland. It is our blueprint. We consider it to be comprehensive, balanced and inclusive of all stakeholders. We feel that it has the potential to be a model of sustainable marine management for Scotland to follow. It is a positive proposal. We are saying yes—the whole community is saying yes—when a lot of other communities are currently opposing the development of marine protected areas.

Fair Isle is a traditional community. There has been a human presence on the island continuously for at least 2,000 years. There is archaeological evidence that indicates that the island has been occupied for at least 5,000 years. Despite that long history and tradition, the island community has always been innovative and forward looking—indeed, we have been at the forefront of sustainable management. We had the first commercial aerogenerator for electricity in the British Isles. It was put up in 1982 and it is still running, along with another one.

For the past 20 years, 70 per cent of the area has been entered in agri-environmental management schemes. The primary school is an eco-school and it has won all four of its eco flags. We have produced a lot of information for the general public and for tourists on various issues to do with the cultural and environmental values of the island. Those values are all very much linked to maritime concerns.

I do not know how much the committee members know about the geography of Fair Isle, but it is 42km—28 miles in old money—from the nearest other landmasses, which are other islands in Orkney and Shetland. Over the millennia, the community has survived by looking after its resources. It has never been in a position where it could use up its resources and then go and exploit—or overexploit—the resources of other people and other places. That remains true to this day. Our island community looks after its resources. We demonstrate good stewardship, at least for the terrestrial area. We feel that that demonstrates that we can also be trusted with involvement in—and a say in—the management of the marine area, which we do not currently have.

Our stewardship—and that of the National Trust—was recognised and was one of the major factors in the award, some 25 years ago, of the Council of Europe diploma for natural areas. It has been renewed every five years since. The island community is very proud of that diploma award, which is important to us. Only two sites in Scotland have the diploma. Only 70 sites have it in the whole Council of Europe area.

I received an e-mail from the Council of Europe technical specialist unit just before I left for this meeting. It indicated that the Council is getting tougher and that it will take the diploma away from sites where the authorities do not fulfil the conditions. The condition that has been laid down for us indicates quite clearly that a protected marine area should be established. The diploma is important to us, but I would like to think that it is important to Scotland, too, and that committee members would be as horrified as we would be to lose that prestigious award.

In summing up, I would like committee members to consider two things: first, the obligation to respect the Council of Europe diploma condition, which was signed by the Committee of Ministers of all 47 participating states; secondly, our petition, which was signed by the entire Fair Isle community. If those mandates do not lead to a favourable outcome, how does that square with the democratic process?

The Convener: Thank you for your presentation and for the time and trouble that you have taken to come and speak to the committee today. It is an interesting petition. You anticipated my first question, which was about the fact that there are only two diploma-status areas. I think that the other one is Beinn Eighe, if I remember correctly.

Nick Riddiford: That is correct.

The Convener: You made the points very well that this is not just about Fair Isle but about the whole of Scotland, and that tourism follows the awarding of the diploma.

What is your understanding of the Scottish Government's position on the proposed marine protected area? I have read the answers to previous questions, and it does not look like there is any major objection. It is more of a time issue. What is your assessment of that?

Nick Riddiford: The criteria or parameters that are applied for marine protected areas are narrow. A series of 13 or 14 categories has been selected, which are either marine species or marine habitat types. We have about 70 per cent of those. Last year, Stewart Thomson attended the workshops on the various issues, and I attended them in March this year. The categories are tackled separately, parameter by parameter or item by item. They are all based on nature conservation.

As I said, we have about 70 per cent of them but, with each individual item that we have, there is always another site in Scotland that is a little bit better than us, and we are in second place. There is no joined-up thinking on this, even from the nature conservation point of view. We feel that the approach is narrow and we are concerned that we will always be overlooked because there is one place that is better than us for each individual category.

Also, the socioeconomic elements as seen by the general public are not taken into account. We have found it difficult to get over that. The approach is all to do with the consumptive elements, such as oil and fish. It does not take into account the fact that our island depends on tourism. A lot of artistic and craft work is done on the island. My wife told me that I had to wear the hat that I am putting on, because she might get a sale. She got a lot of sales after the "Coast" programme featured the work a few weeks ago. We rely on having a flow of visitors and all our resources need to be in a tip-top condition for us to get that. A high-quality environment—cultural as well as environmental—is what underwrites the socioeconomic stability of the island.

I think that Stewart Thomson will bear me out when I say that the island has always looked to the future and to future generations. We are an ageing community, like so many, and we need to get young folk back, but we need to be able to provide them with the resources that they need to make a living.

The Convener: Have you done any research on the island to determine whether the diploma status makes a big difference to tourism? Have you done exit surveys with tourists to ask them why they came to visit your island?

Nick Riddiford: No, but we know that it is part of the general picture. As soon as they arrive at the airstrip, there is a big notice indicating that the island is a diploma site so, when people arrive, they certainly know all about it, and we use it to promote the island. We do not have a lot of money, but we provide publicity through the websites that my wife and I have—the Fair Isle website and the Fair Isle marine website—and the diploma is highlighted there. It makes a difference, but we have never quantified it.

The Convener: It is used as a marketing and promotional tool.

Nick Riddiford: Yes. It is part of a range of things.

Stewart Thomson (Fair Isle Community): I agree with Nick Riddiford. The diploma has never been highlighted as the main reason for people coming to the island, but we always point it out to

visitors. The whole island is proud of it and we would like to continue to have it.

Nick Riddiford: I admit that we are talking about the socioeconomic side of things, because that is what drives the community forward. At the same time, however, Scotland should have diploma sites, irrespective of whether they draw in money or not, simply because of the prestige attached.

14:15

Nanette Milne (North East Scotland) (Con): First of all, I apologise for being a couple of minutes late. Sometimes one has to wait quite a while for lifts in this building.

I enjoyed what I heard of the petitioners' presentation and have to say that I am very impressed with the petition. What you are trying to do is extremely worth while not just for Fair Isle but, as you have pointed out, for Scotland's prestige. How do you stand vis-à-vis the European Community with regard to timescales? If your diploma status is under threat, does the Government need to act by a certain time if you are not to lose it altogether?

Nick Riddiford: The status is renewed every five years. We have since learned that that has been extended to 10 years, but the Council is getting tougher about these things. Just before I came away for this meeting, I received an e-mail from what I believe is called the committee of specialists that indicated quite strongly that the status could be reviewed at any time. We cannot give you a timescale, other than to say that it might not happen when the status is up for renewal in five or six years' time. It could happen earlier. We as a community keep the group informed of the process—indeed, I believe that the National Trust also submits a report every year—so it will know of the European Union's edict that all maritime states should have a network of marine protected areas in place by the end of this year. Quite honestly, having attended the Marine Scotland workshops, I think that it will struggle to meet that deadline; indeed, the best that it is hoping for is to have a list for consideration by the end of the year. It is meeting a lot of opposition.

We think that we should be pushing at an open door and cannot understand why we are not. Indeed, everyone on and off the island who knows about this is asking why this is not happening. I am sure that the Council of Europe will be monitoring the situation and that, if it discovers that there is a network of MPAs and we are not on it, it will want to know why.

Nanette Milne: I was wondering whether the timescale would have a direct impact, because I noticed from our papers that the deadline for

setting up the MPAs is the end of this year. It seems from what you are saying that you have slightly more time before your status is threatened, but I presume that you feel it important to keep pressure on the Government to try and achieve this particular status for you as soon as possible.

Nick Riddiford: You should all visit Fair Isle, because it is a fantastic place with strong wildlife and cultural elements. I am sure that the cultural element will not die, but we are concerned about the marine environment. Perhaps Stewart Thomson, who monitors the fish situation, can say something about that.

Stewart Thomson: We are noticing not only far fewer quality fish in the waters around Fair Isle but changes in various species' breeding cycles and we do not know whether that is a result of global warming, a rise in sea temperatures, changes in food such as phytoplankton and so on. That is one of the reasons why we are putting ourselves forward as a demonstration site for research programmes.

Nick Riddiford: We are offering to work with the fishermen on this; we are not saying that we want to block off the area and not allow fishermen into it. There is a lot of distress on the island. The islanders have traditionally fished; indeed, in the old days, they used to salt and dry fish and send them off to market. Although they lost that market when refrigeration came in, they still fish and are still very much a maritime society. They say things that politicians such as yourselves might never say; for example, they would call it immoral for boats to come in and catch lots of the juvenile fish that would be the commercially caught fish of the future. Fair Isle is acknowledged as a big nursery area; we hardly ever see any fishing boats but, when they come through, we have observed them dumping small fish that should have been allowed to grow to a much bigger size. You might not call that sort of activity immoral but the islanders would and the issue needs to be considered.

We are saying to the fishermen that we want to work with them to designate areas around the island that we will not touch—the islanders will not fish there either—and other areas where we can experiment with types of catching that take only the large fish and not juvenile fish. That is the direction that we have recommended in our proposal. We have gone into it in detail.

We do not want to take over the process. We want to see it happen and to be part of it, but we are not looking to run the thing. We are looking to work with people on the sustainable management of the marine area, which is not happening at the moment.

The Convener: In the Western Isles, there was a lot of opposition from the fishing community to

the proposal for the same designation, but I know that the areas are very different. What has your fishing community's response to the proposals been?

Nick Riddiford: We have tried to work with the Shetland Fishermen's Association over many years, but there have always been stumbling blocks. Whenever we have brought the socioeconomic issues to a meeting and have invited all the stakeholders, after an hour or so we have got sidelined and it has become the RSPB against the SFA and fish against birds. We have not been able to get over that.

We have been members of the Shetland marine spatial plan advisory group. When the group saw the proposal that we have produced, we got overwhelming support. The group said to the fishermen, "Surely, you'll want to work with this, won't you?" but the chairman said they would have to study it. We want to work with the fishermen and are offering them this proposal. We feel that although, in the past, there might have been objections, the area is now of no value to commercial fishing. The fishermen come through every now and then just to test the waters—just to demonstrate that nothing has changed—but we know that they are not going to find fish bountiful around Fair Isle. The question, which has never been spoken openly, is whether they are frightened that, if we get the designation for Fair Isle, we will set a precedent and they will lose control over the marine area.

Alexander Bennett (National Trust for Scotland): You took the words out of my mouth, convener. I was going to make that comparison. Our proposal has the unanimous support of every adult on Fair Isle, which is not the case in some of the other island communities that have recently been in the press. The proposal also has the support of the National Trust for Scotland, which holds the island inalienably for Scotland for ever.

We are anxious about the sustainability of the whole thing and see this as an opportunity to demonstrate good practice. Fair Isle not only could be a breeding ground for the fish stocks but could support the natural heritage of the island. In the past couple of days, we have seen Scottish Natural Heritage's site condition monitoring, which shows that we are failing to achieve certain key performance indicators for all sorts of habitats, particularly those for seabirds, as a direct result of the loss of the seabirds' food supplies. It is the seabirds that the visitors come for—as well as the great social welcome that they get on Fair Isle. That is a key point for the National Trust. We have had 57 years of shared stewardship of the island and, as a model of working together in partnership, it is our best example. We are anxious to ensure that we do not end up in a

position whereby the Council of Europe cannot see that we are fulfilling the requirements of the diploma.

The point that Nick Riddiford is making is that, although the renewal of the diploma might move from a 5-year cycle to a 10-year cycle, it will get much tougher than it is for a shorter-term scenario. If it moves to a 10-year cycle, we will have had sufficient time to act so, if we do not comply, we will lose that accolade. That would be a loss to Scotland, which would be down to one diploma.

Nick Riddiford: I will make a quick comment about the fish stock situation—I am sure that you will get other feedback on it. We are not blaming the fishermen for taking all the fish. Huge climatic changes are going on in sea temperatures, with long-term as well as short-term fluctuations. We have a lot of data on that. Also, the salinity levels are dropping, which is affecting the zooplankton, so there is a piece missing in the food chain and that may be the straw that breaks the camel's back. There are still juvenile fish there and nature does not like a vacuum, but the stocks are at a very low level and we need marine protected areas so that the stocks can re-establish themselves and the ecology can reposition itself, so to speak.

The Convener: In essence, if the protected area goes ahead, it will be a form of ecological experiment to protect juvenile fish.

Nick Riddiford: That is why we are asking for it to be a marine protected area, but we are also putting it forward as one of the second types of area under the legislation, which is a demonstration and research area. We feel that it can be a model in that regard. There is already a bird observatory there that has just been rebuilt with £3 million of public money, so you ought to ensure that that is used effectively by the resources being kept at their best.

We envisage working with a fisheries laboratory. I have talked to them and they are very interested. We can also work with other research organisations, universities and so on. For example, the University of the Highlands and Islands could get involved. It could be a multi-purpose thing, and life on the island would continue.

I want to get my life back. I do not really want to be running this campaign at all. As I said, the bird observatory could be the hub as a research station, with various people from Government and the universities filling in. There is a lot of expertise on the island among people who could help out with, for example, general monitoring. Stewart Thomson has a small boat and could be taught to do simple monitoring to keep down the expense of scientists having to visit. There are lots of

possibilities. However, we are not trying to run things but are just trying to offer a situation that Scotland is obliged to have anyway.

The Convener: I am interested in what you said about the University of the Highlands and Islands, in which I have a long-standing interest. In fact, last week I attended the installation of its new chancellor, Princess Anne. I know how interested the UHI is interested in the scientific aspect of what you described. I certainly think that that is something that we will pursue with the UHI.

Angus MacDonald (Falkirk East) (SNP): Good afternoon, panel. You put forward a very good and convincing case, and highlighted the socioeconomic benefits that must be taken into account. I note from the timeline that you provided for your petition that you have been working on the issue for some time. You seem to have engaged with the process and ticked most of the boxes.

As Nick Riddiford said, Fair Isle has held European diploma protected area status for 27 years, which is pretty impressive. The diploma clearly does not discourage or ban commercial fishing in the area. I want to explore that element as well. Stewart Thomson referred to the decline in fish stocks in the area, but there are clearly mitigating factors for that. What discussions have you had with the local fishing industry? You said that you have presented them with the document, but what discussions have you had with them? Have you had support from the local authority? I did not see any reference to that in the report.

Nick Riddiford: From the late 1990s until about 2001, we used to go at our own expense to Shetland for meetings twice a year with all the stakeholders. We came with new ideas all the time and had the support of a lot of people. However, we just went through a charade: we would have an hour when everybody was very supportive about the idea that we came with, then the Shetland Fishermen's Association representative would say "Yeah, this is all very interesting, but I can't see my members signing up to it."

Things have moved on since then, and we have always tried to engage. Either myself or the chairman of the island community association attended meetings of what was called initially the Scottish sustainable marine environment initiative Shetland pilot study, which is now called the Shetland marine spatial plan advisory group. We sit on that and have the support of everybody on it, including the council.

At the last meeting, which was in February or March, everyone was enthusiastically in favour of the petition, except the chairman of the Shetland Fishermen's Association. We said to him that he must want to go along with the proposal, but he just replied that it sounded interesting and he

would have to study it. We went directly to the fishermen two years ago and asked if we could work with them, and they told us to come up with ideas that they would then discuss.

We have come up with the ideas. We have bent over backwards. We are not against fishing. People on the island have family members in the fishing industry in Shetland. We do not want to see Shetland fishing die. We support it. We are not anti-fishing. We are not a conservation group.

14:30

Stewart Thomson: I have been to places where action has been taken, such as New Zealand and the south-western archipelago of Finland, where there is a big geo-park. I spoke to local fishermen after an event when waters were closed, and the answer that I got was that they benefited from the closures. They give the bottom a chance to recover from trawling and the young fish a chance to reach maturity. In New Zealand in particular, the quality of the catch went up, the number of fish went up, and of course, the price went up, all of which was beneficial to them. That is one thing for which we could be a model. We could put ourselves forward as a pilot.

Angus MacDonald: As a matter of interest, how many fishing boats work out of Fair Isle? Are the boats that you mentioned larger commercial boats?

Stewart Thomson: The Fair Isle whitefish stock dropped between the first and second world wars because of the trawling activities of boats from elsewhere. The only fishing that survived was lobster creels, and one small local boat is still doing that in conjunction with us. Everything is recorded so that we know what the catch rate is. The only other fishing that is done is for food for the table.

Angus MacDonald: So any major fishing is being done by boats from—

Stewart Thomson: By boats from elsewhere.

Angus MacDonald: Perhaps you could let the committee know whether the chairman of the Shetland Fishermen's Association gets back to you.

Nick Riddiford: I was supposed to be at the next meeting of the Shetland marine spatial planning advisory group tomorrow, but I will not make it now. I have put in a report about the latest developments, which will be discussed, and I will no doubt get feedback on that.

Mark McDonald (North East Scotland) (SNP): I am familiar with the New Zealand example that Stewart Thomson cited; I remember watching a BBC documentary about it a couple of years ago.

The key thing that was mentioned—you seem to be aware of it—is the fact that there needs to be a collaborative approach to these issues with the fishing industry. We had some discussion about that during a debate in Parliament the other week.

If I have picked this up correctly, in answers to parliamentary questions, the Scottish Government has indicated that the 12-week public consultation on MPAs is likely to take place in early 2013. That does not put you in a hugely difficult position with diploma status, does it? You have a bit of time before that.

Nick Riddiford: If we are on the list for consideration, I am sure that that will be taken into account. I cannot speak for the Council of Europe, but I would think that that would happen.

Mark McDonald: Have you had any indication of the Government's thinking about Fair Isle in relation to MPAs?

Nick Riddiford: When I attended the MPA workshop in Edinburgh in March, I looked at the list of places that were being considered and saw that, although I was an invited attendee, Fair Isle was not on the list. When they asked if there were any questions at the start, I put my hand up. I said that I did not see Fair Isle on the list and asked whether we were being considered. I was told no, so I wondered why I was there for two days. We had little group workshops, but during all the unofficial chatting behind the scenes, such as when we were having coffee, there was quite a lot of support for Fair Isle—not from myself, but from others who whispered in the ears of those running the conference. By the end of the conference I was invited to speak to Marine Scotland's chairman about the issue, who told me that Fair Isle was now on the list. So, yes, things have changed.

Mark McDonald: It is good that you have made some progress.

Nick Riddiford: That is only a list for consideration. It is not a list that is going to be presented to the Government.

Mark McDonald: I understand that, but it is a form of progress, nonetheless. We will consider the issue when we decide whether to take the petition further.

The Convener: As no other members wish to ask questions, the committee and I thank the witnesses for giving evidence.

The petition is really interesting. I recommend to the committee that we continue it and write to a variety of groups, including the Scottish Government. Members may disagree, but there is an argument for inviting Richard Lochhead to give evidence to the committee, because he is clearly a major player. We should also write to Scottish

National Heritage; Marine Scotland; perhaps the Scottish Fishermen's Federation, as it is obviously also a key player; perhaps VisitScotland; Shetland Islands Council; and Highlands and Islands Enterprise, as it has a role, too. I would also be interested in the perspective of the University of the Highlands and Islands, which Nick Riddiford mentioned. How do members feel about those suggested next steps?

Nanette Milne: I agree with absolutely everything that you said and cannot think of anything to add. The idea of having the minister here is a good one, because we might then get a straight answer.

Mark McDonald: Convener, are you talking about the Scottish Fishermen's Federation or the Shetland Fishermen's Association?

The Convener: There is probably an argument for both, but I will take your advice on whether the issue is specific or general.

Mark McDonald: I think the issue is more specific than general. Given that there have been discussions with the chairman of the Shetland Fishermen's Association, it might be worth inviting him to the committee.

The Convener: Yes, although I clarify that I was looking for written evidence from all the groups, except for Richard Lochhead. I suggest that we have him here in person.

Joe FitzPatrick (Dundee City West) (SNP): Regarding timescales, I wonder whether it would be worth getting written evidence from everybody first, and then having the minister attend.

The Convener: That is a good point. We will have a more informed meeting with Richard Lochhead once we receive all the evidence.

John Wilson (Central Scotland) (SNP): I thank the witnesses, and their advertising of the Fair Isle bunnet and jumpers that they are wearing. Your wife will be proud of you, Mr Riddiford.

Alexander Bennett: Sadly, my jumper is too small.

John Wilson: I would like to expand the issue, slightly. Much is made in the petition about seabird life and the impact on seabirds in Fair Isle. Could we also ask the RSPB to give written evidence on what it assesses as the impact and the benefits of an MPA around Fair Isle? Also, when we write to the Scottish Government, could we specifically ask it whether there has been any evaluation of the criteria that are used to grant MPA status? In his oral evidence, Mr Riddiford clearly indicated that although Fair Isle met 70 per cent of the criteria that are currently set, it was always pipped at the post as the criteria are being siloed into different areas. It would be useful to find out whether the

issues that Mr Riddiford raised have been taken up by the Scottish Government and when it will make the final assessment. That would pre-empt the cabinet secretary's oral evidence, and I hope that it would forearm the cabinet secretary's response on that issue.

The Convener: Are members happy with that course of action? Do we agree to call for written evidence from all the groups I mentioned and speak to Richard Lochhead in person once we have received those submissions?

Members indicated agreement.

The Convener: I thank our witnesses for coming along today and for the quality of their evidence. As they have heard, we are enthusiastic about the petition and will take it forward.

Nick Riddiford: If you want to come along and see Fair Isle for yourselves, you will enjoy it.

The Convener: I will bear that in mind for our next series of visits.

I suspend the meeting for one minute to allow the witnesses to leave.

14:40

Meeting suspended.

14:41

On resuming—

Use of Productive Land (PE1433)

The Convener: Our second new petition is PE1433, by John Hancox, on productive land for landless Scots to grow their own food on.

I welcome Mr Hancox to the public gallery and thank him for coming along. I understand that he has launched an online petition, which has gained around 350 signatures. There has been excellent publicity in the press and media on the petition, which I welcome.

Do members have any views on the petition?

John Wilson: I welcome the petition. I know Mr Hancox from his previous involvement in the Commonwealth orchard campaign and a couple of events that have been held in the Parliament to promote apple day. It is good to see Mr Hancox taking the issue forward in a petition. It is a concern that there are people who are keen to grow their own food but who do not have access to land on which to do so. There have been United Kingdom-wide campaigns to free up derelict land and other pieces of land that are not being used and to bring them into some form of fruit and vegetable production.

I do not have specific questions, as the petition deals adequately with a number of issues. The petition has been highlighted by the BBC, with pieces about it being broadcast on television this morning and published on the BBC's website.

We should progress the petition. We must ask a few organisations that own and oversee land to give us their views on the petition. Among those organisations are the Forestry Commission Scotland and Greenspace Scotland. We should also write to the Convention of Scottish Local Authorities because local authorities own and oversee a lot of derelict land. I know that there have been campaigns, particularly in Glasgow, in which people have asked the council to let them grow things on abandoned back courts and other derelict land. RSPB Scotland and Historic Scotland are also major landowners, and it would be useful to find out their views on allocating certain pieces of land on their estates for the purpose that is proposed in the petition.

Nanette Milne: I agree that this is an excellent petition. It is an issue that has been rumbling away and gradually gaining momentum as we have more talk of food security, and it links in with health issues and all sorts of things. I welcome the petition—we should certainly take it forward.

I will be speaking at the annual conference of the Scottish Allotments and Gardens Society on Saturday. Mr Hancox can be sure that I will mention the petition in my speech. We should get a more formal viewpoint from SAGS as part of the committee's investigation.

14:45

Joe FitzPatrick: I declare a slight interest as the convener of the committee that will be considering the community empowerment and renewal bill. It would be particularly interesting to hear from the Government how much of what is proposed in the petition it expects to be encompassed by the bill, to ensure that we are not duplicating work. The bill is out for consultation, so it is a live process.

The Convener: That is a fair point.

Angus MacDonald: I, too, welcome the petition. It is appropriate that the petition is before us this week, given that the Scottish Government launched the consultation on its proposed community empowerment and renewal bill last week.

There is clearly a high demand for allotments out there. As the petitioner highlights, at a time of economic downturn, demand will probably increase. The petition is very welcome at this time.

Mark McDonald: Having dealt with allotment issues a lot during my time as a councillor, I

welcome the petition. It was noticeable that demand for allotments greatly exceeded supply.

It might be worth writing to Scottish Land & Estates, given that it is the organisation that represents landowners. It might also be worth contacting the NFU Scotland for its opinion on the petition.

It would be interesting to find out how the proposals sit within current legislation in relation to allotments, particularly if we are talking about organisations other than local authorities having allotments on their land. There are issues such as fees for allotments and how easily regulated those would be. Although perhaps those issues are for further down the line, they are worth bearing in mind as part of the wider focus of the petition as we take it forward.

Nanette Milne: I noticed a reference in the papers to a network called sow and grow everywhere, with which I am not familiar, although the clerks may be aware of it. Perhaps we could also contact that organisation.

The Convener: The Parliament has done a very good job in relation to land reform issues and, at some level, the petition deals with an element of land reform. It is a very interesting petition to take forward. Do we agree to continue the petition in light of members' comments, and to pursue the various groups that have been mentioned?

Members *indicated agreement.*

The Convener: It might also be worth seeking advice from Community Land Scotland, which may well have an interest in the petition. I thank the petitioner for a very interesting petition. We will certainly pursue it and bring it back to a future meeting.

Current Petitions

School Bus Safety (PE1098 and PE1223)

The Convener: Item 2 is consideration of six current petitions. We will take the first two petitions together; they are on school bus safety. PE1098 is by Lynn Merrifield, on behalf of Kingseat community council, and PE1223 is by Ron Beaty. I welcome Mr Beaty, who I understand is in the gallery.

Members have a note by the clerk—paper 3 refers—and the submissions. I invite contributions from members.

Mark McDonald: The saga continues. I note the letter from the Department for Transport and what leaps out at me is that this

“is unlikely to be a short process, perhaps taking up to 12 months to complete.”

This does not strike me as the most complicated matter for Governments to resolve between them. It worries me that we may be looking at another 12 months of protracted wrangling between legal teams from Transport Scotland and the Department for Transport. Beyond the suggestion in the clerk's note, I want to find out exactly what is so complicated that resolving the process will require another 12 months of to-ing and fro-ing. We should write to Transport Scotland and the Department for Transport to ask that question, because frankly this is getting beyond a joke.

The Convener: I agree with Mark McDonald; he makes a good point.

The letter that I got from Mike Penning MP, who is the Parliamentary Under-Secretary of State for Transport, stated:

“Of course, if the powers are devolved, you will be able to take the matter further than I intend to do—regarding the size of the signage, anyway”.

Mike Penning has been positive and he understands that the issue would sit better as a responsibility of the Scottish Government, rather than at Westminster.

Mark McDonald: I do not think that anyone doubts that the political will is there, but it seems that there are issues behind the scenes that are holding this up. Essentially, it seems that the legal teams are dragging their heels. I do not question the politicians' desire to get the matter resolved; the problem appears to be the process.

Nanette Milne: I am not sure where the stumbling block is, but I am concerned that although Transport Scotland's response indicates that signage is reserved to the UK Government—we know that—there are no plans to devolve it to the Scottish Government. After all that has

happened in the past couple of years, I am intrigued as to why, as far as Transport Scotland is concerned, there are no plans to do that. Like Mark McDonald, I want to find out what is behind that.

It has been suggested that a meeting could be held with local authority representatives and other stakeholders to discuss what could be done on school safety ahead of the matter being devolved. If we are to have such a meeting—I think that it is a good idea—I would want the petitioners to be included as attendees. Mr Beaty, who has been a regular attendee at the committee's meetings, would have a significant input to make.

Joe FitzPatrick: I echo Nanette Milne's point: the area should be devolved and it would be good if we could clearly send that message. However, I do not think that we should wait for that to happen for the issue to be resolved. Mark McDonald is correct in saying that, if the political will is there, the legal heads should be forced to ensure that that happens as quickly as possible.

John Wilson: I express my disappointment, too. The committee heard evidence on 26 October 2010 from the UK and Scottish Government ministers during the previous parliamentary session. At that time, the clear indication was that the issue could be resolved in a matter of months and that it was just a case of the two teams from the Department for Transport and Transport Scotland getting together to work out what powers would need to be devolved to the Scottish Government. However, the issue has been dragging on.

Mike Penning's letter is worrying in a number of respects, not least in the suggestion that, as Mark McDonald indicated, it could take up to 12 months for the matter to be resolved. We are 18 months down the road from the meeting at which we were told that that could be done in a matter of months.

I seek the committee's leave to request clarification from Transport Scotland and the Scottish Government minister on the comment that is made about Transport Scotland in Mike Penning's letter. The second paragraph states:

"I also indicated that I understood Transport Scotland was discussing options with Scottish ministers before providing further clarity on this point."

It would be useful to find out why there has been such a delay in Transport Scotland advising the minister.

We took evidence in a follow-up session with the Minister for Housing and Transport on 28 June 2011—almost a year ago—and were assured that matters were moving apace. Clearly, that is not the case, which is disappointing. Therefore—as well as writing to the Department for Transport—we should write to Transport Scotland and to the

Scottish Government minister to ask what is happening, what powers should be transferred to the Scottish Government and why there has been such a delay.

The petitioners, Lynn Merrifield and Ron Beaty, have explained exactly what they are looking for and what powers to change legislation they want to be transferred to the Scottish Government. If the Department for Transport and Transport Scotland do not by now understand the petitioners' message or what powers they want the Scottish Government to have, we might be at a bit of a loss to convince those bodies in future.

Mark McDonald: The letter from the UK Government suggests that the delay is at the Transport Scotland end. We need some form of satisfaction, through a response from Transport Scotland. I am minded to suggest that, if we do not get a satisfactory response, the committee should have Transport Scotland back in front of us on the petition. Mr Beaty gives up a huge amount of his time to come to committee meetings, only to find that there has been pretty much zero progress. That is not acceptable, given the amount of time that he is devoting to the issue and the amount of time that the committee is taking to try to get some form of resolution to the issue.

The Convener: On one level, there is almost a disrespect to the committee, because it is not as though Transport Scotland is in any doubt about the strength of our view. Therefore, Mark McDonald makes a reasonable point.

I want to return to Nanette Milne's suggestion that, notwithstanding the delay, we should have an event that involves local authorities. The clerk has suggested that it might be sensible to seek to have an event in the chamber so that we can invite several local authorities. I am sure that the Conveners Group would be interested in a bid for such an event. Do members agree that we should pursue that?

Members indicated agreement.

The Convener: It is clear that we want to continue the petition and indicate our strength of feeling to Transport Scotland on the issue. Obviously, we will also refer the issue to the other agencies that members have mentioned. Do members have any other suggestions for action?

Nanette Milne: If we are inviting stakeholders to an event in the chamber, will that include Transport Scotland?

The Convener: We should perhaps discuss that later, but it is certainly a possibility.

Nanette Milne: We should bear it in mind.

The Convener: Do members agree to continue the petition in the ways that I have set out?

Members indicated agreement.

The Convener: I thank Ron Beaty for coming along again today and for his patience.

St Margaret of Scotland Hospice (PE1105)

The Convener: The third current petition is PE1105, by Marjorie McCance, on the St Margaret of Scotland Hospice. I welcome Gil Paterson MSP, who has been a regular attender on this subject. Members have a note by the clerk, which is paper 4, and the submissions. I invite Gil Paterson to make a short submission to the committee.

Gil Paterson (Clydebank and Milngavie) (SNP): Thanks very much, convener. I sometimes feel as though I am an honorary member of the committee. You have been patient, although I would say that your patience has paid off. You have been extremely helpful in assisting with some of the issues for St Margaret's.

I should cut to the chase. Members probably know that discussions have been taking place, but the issue of baseline funding has still not been dealt with. In effect, St Margaret's does not receive its fair share, compared with other hospices, for specialist palliative care. For instance, funding per bed at St Margaret's is the lowest for any hospice, at £38,000, with the nearest to that being £54,000 per bed and the highest or furthest away figure being £130,000 per bed. That significant disparity is the crux of the argument. It is about fairness in the way in which St Margaret's is treated.

I do not simply ask the committee to continue the petition; I ask you to take positive action by writing to the Government and Greater Glasgow and Clyde NHS Board to ascertain why the funding stream for St Margaret's is so low. Yet again, I seek assistance from the committee in finding answers to the problem.

I know that the committee might be of the opinion that this is a local matter, but although it concerns a local hospice, it is a national issue because it relates to the way in which the funding is divvied up. If nothing else, the committee could be productive by ensuring that we are provided with the answer to the fundamental question, which, despite everything that has happened, we still do not have the answer to: why is there such an enormous disparity in the funding, which impacts on St Margaret's?

15:00

The Convener: Thank you again for coming along and for making those remarks. I invite members to raise any issues that they would like to raise.

Joe FitzPatrick: The fact that St Margaret's receives £38,000 per bed whereas another

hospice receives £130,000 per bed certainly raises questions that it is reasonable for the committee to seek answers to. In the long term, the petition might be one that needs to be referred to the Health and Sport Committee, but I do not think that it would be unreasonable to ask the questions that the local member has suggested.

The Convener: Do other members have comments? On the generality, we need to take account of the fact that we have considered the petition on 15 occasions. I am sympathetic towards Gil Paterson's comments, but we must eventually decide whether we have resolved the issues or whether we feel that further action is necessary. Gil Paterson has made a recommendation. What are members' views on his suggested course of action?

John Wilson: There would be some merit in asking the questions that the local member has recommended that we ask. It would be useful to continue the petition to get answers to those questions. As Joe FitzPatrick indicated, there is a clear disparity in the funding arrangements that seem to be in place for different hospices. As Nanette Milne will be aware, the committee has discussed St Margaret's many times. We should make one more attempt to get the answer to the underlying question: why is there such a disparity between the payment per bed for St Margaret's and the payment per bed not only for other hospices throughout Scotland, but for other hospices that come under the jurisdiction of Greater Glasgow and Clyde NHS Board? We could certainly ask the Scottish Government and Greater Glasgow and Clyde NHS Board that question.

The Convener: Before we conclude our consideration, I ask Gil Paterson whether he has been in touch with the Scottish Government or Greater Glasgow and Clyde NHS Board about these particular issues.

Gil Paterson: No, I have not.

The Convener: I just wanted to check that there was no duplication.

Gil Paterson: I should let the committee know that there have been on-going negotiations. I must be fair and say that some elements of the negotiations between the hospice and the health board have been positive. I would not like the committee to think that there has been a head-to-head between the health board and the hospice. From my perspective, this is a fundamental issue. We need to know the answers, as does the hospice.

I did not want to intervene in the negotiations. The Public Petitions Committee is my forum—it is the place to which I think that I should come to seek assistance. I do not say this lightly: from the

early days, the committee has definitely moved the issues relating to the hospice on in a very positive way, and I hope that it will again assist with the matter.

The Convener: Thank you for that. I just wanted to get some clarity on the next steps.

Does the committee agree that we will continue the petition and that we will write to Greater Glasgow and Clyde NHS Board and the Scottish Government?

Members *indicated agreement.*

The Convener: I thank Gil Paterson very much.

NHS 24 (Free Calls from Mobile Phones) (PE1285)

The Convener: The fourth current petition for consideration is PE1285, by Caroline Mockford, on free calls to NHS 24 from mobile phones. Members have a note by the clerk, which is paper 5, and the submissions. I invite contributions from members.

John Wilson: It is clear from the Scottish Government's response on the issue that it is still awaiting a report, which is expected to be published over the summer, on what is happening in England and Wales. I suggest that we continue the petition until after the recess. I hope that we can bring the petition back to the committee soon after the recess and deal with it, based on the outcome of the report from the Department of Health in England and Wales, and seek guidance from the Scottish Government on its views on the outcomes that are identified in the report.

The Convener: Do members agree with that?

Members *indicated agreement.*

Speech and Language Therapy (PE1384)

The Convener: The fifth current petition is PE1384, by Kim Hartley, on behalf of the Royal College of Speech and Language Therapists, on speech and language therapy. Members have a note by the clerk, which is paper 6, and the submissions. I invite contributions from members.

Nanette Milne: From the committee papers and the petitioner's letter of 9 May, it is clear that the Royal College of Speech and Language Therapists is quite concerned about certain aspects of the Government's proposals, which were consulted on recently, for an allied health professionals national delivery plan. It lists particular points of concern.

I suggest that we keep the petition open and ask the Scottish Government to take the four points into account when it formulates its plan. I imagine that the speech and language therapists will be

very interested in the Scottish Government's response and will want to see the finalised plan. I suggest that we keep the petition open until we know what the finalised plan is and have seen a response to it from the Royal College of Speech and Language Therapists.

Mark McDonald: Do we know what the Health and Sport Committee's current work programme is? Does the plan feature in it?

Nanette Milne: It does not.

Mark McDonald: We would not want work to be duplicated but, if that is not an issue, we can leave it aside.

Nanette Milne: The Health and Sport Committee's work programme is not yet finalised.

The Convener: Are members happy with that proposed course of action?

Members *indicated agreement.*

Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)

The Convener: The sixth and final current petition for consideration is PE1408, by Andrea MacArthur, on the updating of the understanding and treatment of pernicious anaemia/vitamin B12 deficiency. Members have a note by the clerk, which is paper 7, and the submissions. I invite contributions from members.

John Wilson: I have already declared an interest in the petition, which is that my wife has been diagnosed as having pernicious anaemia. I used the frequency of her vitamin B12 injections as an example in the debate that the committee held in the chamber on the issue.

The Minister for Public Health corrected me in the debate. The difficulty was that medical staff at local general practitioners' surgeries had indicated that there was guidance on how often someone could receive an injection of vitamin B12 but, from the evidence that is now before us, it is clear that there is no guidance on the matter.

The petitioner has raised a number of issues in her response to the letter that we have received from the Scottish Government. I suggest that we forward the correspondence that we have received from the petitioner to the Scottish Government and ask it to ask the Scottish intercollegiate guidelines network to consider further the points that have been made.

The petitioner's submission makes points about how often someone should receive an injection of vitamin B12 because, as she indicates, not everyone reacts in the same way and not everyone with pernicious anaemia is affected in

the same way. If there is progress towards developing guidelines, it would be useful to ensure that they are flexible enough to deal with the individual patient. That would be preferable to setting out guidelines that may be good in general terms but do not impact on the health and wellbeing of individuals who may need more frequent injections of vitamin B12.

The Convener: Thank you. My understanding is that the SIGN guidelines are driven through NHS Scotland rather than by ministers. That does not necessarily cut across John Wilson's arguments, but I point that out for clarity.

Do members agree with the next steps proposed by John Wilson?

Members indicated agreement.

The Convener: That brings to an end the formal part of the meeting. I ask members to stay behind to sort out a couple of housekeeping issues.

Meeting closed at 15:10.

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