



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 2 October 2012

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PUBLIC PETITIONS COMMITTEE

14th Meeting 2012, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)

*Richard Lyle (Central Scotland) (SNP)

*Angus MacDonald (Falkirk East) (SNP)

*Anne McTaggart (Glasgow) (Lab)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Professor David Crichton

Nigel Don (Angus North and Mearns) (SNP)

Adrian Webb (esure and Sheilas' Wheels)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 2 October 2012

[The Convener *opened the meeting at 10:00*]

Interests

The Convener (David Stewart): Good morning, ladies and gentlemen. I welcome you to this meeting of the Public Petitions Committee. As always, I ask everyone to switch off mobile phones and electronic devices, as they interfere with our sound system. I warmly welcome to the committee Chic Brodie and Richard Lyle, who was a member of the committee at the start of the session. They are replacing Sandra White and Mark McDonald.

Agenda item 1 is declarations of interests. In accordance with section 3 of the code of conduct, I invite Chic Brodie to declare any interests that are relevant to the committee's remit.

Chic Brodie (South Scotland) (SNP): I have no interests that are relevant to the committee.

The Convener: Does Richard Lyle wish to declare any interests that are relevant to the committee's remit?

Richard Lyle (Central Scotland) (SNP): I have no known interests that are relevant to the committee.

The Convener: I thank both of you.

Deputy Convener

10:01

The Convener: Under item 2, the committee will choose a deputy convener. I refer members to paper 1, which is a note by the clerk that explains the procedure for choosing a deputy convener.

The Parliament has agreed that only members of the Scottish National Party are eligible to be chosen as the committee's deputy convener. That being the case, I invite nominations for the position.

Richard Lyle: I nominate Chic Brodie.

Chic Brodie was chosen as deputy convener.

The Convener: I welcome Chic Brodie as the new deputy convener of the committee.

Chic Brodie: Thank you.

New Petitions

Flood Insurance (PE1441)

10:02

The Convener: Agenda item 3 is consideration of two new petitions. PE1441, by Professor David Crichton, is on flood insurance problems. Members have a copy of the petition, a note by the clerk, a Scottish Parliament information centre briefing and a supplementary evidence paper from Professor Crichton.

I welcome Professor Crichton and Adrian Webb, and thank them very much for coming to the meeting. I invite Professor Crichton to make a short presentation of around five minutes, after which I will ask a couple of questions. I will then throw the session open for my colleagues to ask further questions.

Professor David Crichton: Thank you for inviting me to the meeting. I have asked Adrian Webb to join me. He represents a major insurer of homes in Scotland and one of the growing number of insurance companies that recognise the excellent work that has been done in Scotland to manage flood risks.

I have more than 40 years of experience in the insurance industry and have written around 100 published textbooks and peer-reviewed papers, many of them on flood insurance. I have one of the most recent of those with me, which I will donate to the Parliament's library. It contains many trade secrets about flood insurance that members will not see anywhere else. They may find it of interest. I have advised staff in almost every Scottish local authority on flood insurance matters. Today, I am speaking in a personal capacity.

I want to talk about a Scottish success story. Since devolution, Scotland has worked hard to reduce its flood risks, and Scotland now has a lower flood risk than England in at least 42 different ways. In 2010, the Dutch Government, which knows a bit about flooding, held up Scotland as an example to the rest of Europe for its work on sustainable flood management. Another publication that I have brought with me talks about sustainable flood management. I will also donate a copy of it to the Parliament's library. I have a few spare copies of it if members would like to take a copy away with them.

The net total flood insurance subsidy from Scotland to England and Wales now runs at over £13 million a year because it has a much lower flood risk. The average flood insurance subsidy that is paid out is £3,660 per house per year for the highest-risk cases, almost all of which are in England or Wales.

I would like members to consider all the issues, including many major issues, such as consumer choice, cross-selling and cherry picking, that the big insurers would rather not talk about. I propose a three-point plan that could make flood insurance more affordable in Scotland. No primary legislation or taxpayers' money would be needed; only three ministerial signatures would be. The approach would be sensible, cheap, simple, quick and popular.

The Convener: Thank you, Professor Crichton. I encourage Adrian Webb to get involved whenever he wishes to do so.

You may have seen *The Sunday Times* money section on Sunday, which contained an interesting article about flood insurance. Obviously, most of what was said was from the English perspective, but I understand that one of the issues is that the current national agreement will come to an end at the end of 2013, I think. I also understand that the Scottish statement of principles on the provision of flood insurance is due to lapse. There are concerns about that.

The point about Scottish consumers subsidising England and Wales, in effect, is interesting. I have not heard that before. You may know the Whitesands area of Dumfries, which is an example of an area that has had tremendous flood damage. I lived in that area for a number of years. All the shops there are regularly flooded. There is a chronic flood problem. As a result, most of the shops cannot get flood insurance and they face huge risks as businesses. In what sense are they subsidising English and Welsh consumers? I am a bit confused about that. Perhaps you could talk about the Scottish statement and the subsidy issue.

Professor Crichton: Certainly. I do not want to single out a particular newspaper, but my experience of *The Sunday Times* is that it generally gets its facts wrong, although you may have misquoted it. The statement of principles does not run out at the end of 2013; it runs out at the end of June 2013, which is less than a year away. There is no guarantee that flood insurance will be available after that. That is the gist of my petition. We should be preparing for that and for whatever replaces the statement of principles.

I know the Whitesands area of Dumfries well and have advised Dumfries and Galloway Council on flooding issues for a considerable time. I have a particularly fond regard for Dumfries because it is one place in which I do not have to spell my name. People there are very familiar with the name "Crichton".

The Convener: I think that a well-known hospital there was named after you.

Professor Crichton: I have toured the Whitesands area, which is very interesting. It could easily eliminate its flood problems by dredging the river, but that would disturb freshwater mussels, which are protected under European Union directives. Therefore, it has been decided not to dredge the river but to protect the mussels, as they are very important. Some people would say that they are more important than people.

As a result, the buildings in Whitesands, which have been adapted to being regularly flooded, are very interesting. I do not know whether members are familiar with the Royal Bank of Scotland building there. It is on two storeys and the ground floor is not used; it is left to the floods. All the business is transacted on the first floor, to which there is disabled access. Similarly, the ground floor of the tourist information office is not used; all the activities take place on the first floor.

Most of the other buildings there are blighted, with the owners probably unable to obtain flood insurance, but the buildings survive because they have been adapted to make them more resilient and resistant. That is a solution, which is why building standards are so important. Scotland probably leads Europe in its resilient building standards. My second action point suggests that insurers could make those building standards apply when they repair a building after a flood. We would then adapt our existing building stock to bring it up to current building standards, which would stand us in good stead for future flood events.

The Convener: That is interesting. I suppose that you are saying that Dumfries has adopted the Venice model for adapting to rising sea water.

Professor Crichton: Yes. It has taken a conscious decision to leave the mussels alone and to let people adapt their buildings so that they get used to floods. I believe that, since the war, Whitesands has flooded about 65 times, so people are used to it.

The Convener: I have two quick questions before I bring in my colleagues. I have experience of large-scale flooding on a fairly new estate in Inverness. I was involved with the council and the Forestry Commission to try to sort that. I was concerned that planning permission had been given for the estate. The Scottish Environment Protection Agency gives 100-year and 50-year flood risks for each area, but is enough done at the planning permission stage to take on board possible flood risks?

Professor Crichton: I am worried that perhaps not enough is done. When councils had active flood liaison advisory groups, which were compulsory under Scottish planning policy 7, that was not a problem. I was a founder member of

every FLAG, as they were called. When I went to a council meeting, I could ensure that it did not grant planning permission in flood risk areas, on the basis of two reasons. One was that I could say that, under Scots law, the planner can be legally liable for granting planning permission in a flood risk area. Secondly, I argued that, if the insurance industry pulled out, the properties would be blighted and would lose value. I found that mentioning the word “blight” to a planner concentrated the mind wonderfully and they stopped allowing building on a flood plain. Since SPP7 has been replaced and FLAGs are no longer compulsory, most local authorities no longer have them so, once again, planners are free to do what they want. I cannot be held responsible for what they are doing.

The Convener: At a previous evidence session with another committee, the Met Office gave an interesting presentation on flood prediction. In effect, it said that a radar system covers Scotland but there are two huge gaps, which are Moray, which as you know has a horrendous flood record, and Orkney and Shetland, which also have a problem. There is a debate between Westminster and the Scottish Parliament about provision to fill those gaps. Technically, it is possible to fill them, but that would involve a big cost. What is your view on that technical aspect? Would more flood prediction through the Met Office’s radar stations help?

Professor Crichton: The trouble is that, if a flood is predicted, not a lot can be done at short notice. We need more of what I call cathedral thinking, which is thinking in the very long term about restoring the flood plain and removing properties from it. Perhaps Adrian Webb would like to comment on that.

10:15

Adrian Webb (esure and Sheilas’ Wheels): In setting policy, people are often driven by the most recent flood or by short-term views, but flooding requires a long-term view. One of the reasons why I am here today is that my company not only insures but employs a lot of people in Scotland, and we feel that Scotland has to have its say in what is a crucial debate about the statement of principles—which, as David Crichton said, comes to an end next June—particularly because of the divide between Scotland, and England and Wales, in their approach to and management of flooding.

As far as flooding is concerned, we abandon the long-term view at our peril. We certainly support everything that has been said about resilience; at the moment, insurers simply reinstate properties to exactly how they were before because, if a company put a gilt edge on such reinstatement, it would become uncompetitive in the market.

Instead, all insurers should be required to put resilience back into the system. Of course, such an approach will benefit insurers in the long term but, in the short term, the problem is that if your prices rise and your competitors' prices do not, it is not a good thing for your business.

The Convener: Thank you. I will now bring in my colleagues, starting with Jackson Carlaw.

Jackson Carlaw (West Scotland) (Con): I think that you have submitted the petition because you are concerned that, when the statement of principles expires next year, the on-going situation could be prejudicial to people in Scotland. You said that there has been a process since 1961. When was the current statement of principles that is due to expire agreed to?

Professor Crichton: I think that it was agreed in 2008.

Adrian Webb: Actually, I think that it goes back further than that, to 2002.

Professor Crichton: A statement of principles was agreed at that time, but it was changed in 2008 to allow insurers to charge higher premiums.

Jackson Carlaw: In the period between the establishment of the statement of principles—if that happened in 2002—and now, has the perceived subsidy that you think has been transferred from Scotland to England grown? In other words, has the position in Scotland improved and the position in England deteriorated during the course of the current statement of principles, or was the balance prejudicial to Scotland at the point at which the current statement was established?

Professor Crichton: The subsidy has certainly grown because flood claims are now much higher. Over the past 10 years, flood claims have on average amounted to £450 million per year. However, the average over the previous 10 years was only £150 million per year. The main difference is that, since devolution, the flood risk in Scotland has reduced enormously. My supplementary evidence contains tables showing the amount of properties in flood risk areas in Scotland compared with the amount in England; in England, the percentage is 23 per cent and in Scotland it is 4.5 per cent. The differential has grown enormously.

Jackson Carlaw: That is what I was trying to establish. I take it, then, that you do not think that a new statement of principles would necessarily be in Scotland's interests as it would encompass the United Kingdom as a whole.

Given that you have raised this concern with Scottish ministers, are you here today because you are uncertain of the response that you have received? If so, can you expand on what you think

is going on? After all, from the way you have laid out matters, it seems fairly obvious to me that the Scottish Government would want to get involved and should see a very clear Scottish interest that required to be represented. Could you think laterally and tell us why you think you have not received the response that you might have expected and what you think is going on that we need to find out about?

Professor Crichton: You have raised two issues, the first of which is the response that we have received. I have written to Richard Lochhead and Michael Russell, whom I have known for many years and have previously advised on flood insurance issues, and they have rightly forwarded the concerns to the minister responsible, Mr Stevenson. I know that Mr Stevenson has gone to London to talk to the Treasury on a couple of occasions, but he has never replied to me and, as far as I know, he has not lobbied the Treasury for Scotland's interests. I say that because I have been directly involved in discussions with the Treasury and the Department for Environment, Food and Rural Affairs, and there has been no mention of any special consideration being given to Scotland. I do not know what Mr Stevenson has told the Treasury, but I strongly suspect that he has not raised the issues that I am raising here.

Jackson Carlaw: Stewart Stevenson has now demitted office and has been replaced. If the statement of principles expires in June 2013, what do you realistically think is the timeframe for Scottish ministers to influence an outcome that might allow the solution that you perceive as appropriate for Scotland to be achieved?

Professor Crichton: Adrian Webb might like to comment on that.

Adrian Webb: You mentioned 1961. That was a very important year because it was the year in which it became compulsory, albeit on the basis of a gentlemen's agreement, that the home insurance industry throughout the UK would include flood cover automatically as a part of every home insurance policy. Except in some special circumstances, UK home insurance policies cannot be written without flood cover being a part of them. There is a fear that, if the market were to open up and home insurance policies started to be offered without flood cover, people would be guided by their pockets rather than the true risk. The worst cases that insurers see involve people who believe that they will never be flooded but who are suddenly hit by a catastrophic flash flood. Those people are the ones for whom the Government becomes the insurer of last resort.

The statement of principles requires insurers, in effect, to continue to offer insurance to people who have been flooded. I think that I speak for every insurer and the Association of British Insurers

when I say that nobody wants that to end in June 2013, as the consequences do not bear thinking about. Solutions are being sought to the problem of current flood risks being tied to certain insurers, and many things are being considered at Whitehall. The reason why David Crichton and I are here is that Scotland has a particularly interesting position because of the way in which floods are managed, prevented and assessed here. There may be problem areas in Scotland, and those will probably continue for some time, but overall the view is more enlightened in Scotland, which leads to fewer flooding claims. We think that that should not be just brushed over during all the considerations.

I think it unlikely that the statement of principles will fail. Some form of bridge will be found. There is still time for Scotland to have a say and for the work that David Crichton has referred to, which has continued since devolution and which involves managing the risks, to be considered. A risk-based solution at the end of the statement of principles might be the way to do it, but there are also affordability issues and everything else. There is a problem with flooding in the UK.

The Convener: Before I bring Chic Brodie in, I will put some information from the Scottish Parliament information centre into the public domain. We are told that Scottish Government officials have been engaged in monthly discussions with DEFRA about the forthcoming lapse of the Scottish statement of principles, which has been mentioned. In addition, the former Minister for Environment and Climate Change, Stewart Stevenson, met the ABI and the British Insurance Brokers Association to assess the way forward and wrote to the then Secretary of State for Environment, Food and Rural Affairs, Caroline Spelman, after her statement on flood insurance. Some action has been taken, and it is useful to put that on the record.

Chic Brodie: Good morning, gentlemen. There is no such thing as a coincidence. In a previous life, I was a councillor in Surrey Heath. One of the things that raised my Scottish ire was the level of grant that was made to the council to cover potential flood protection issues. In the review that you have conducted, have you taken into consideration not only the insurance impact but the level of subsidy that is granted by the UK Government to councils in the Thames valley?

Professor Crichton: The question of flood defence subsidies is quite complicated. It is governed very much by Treasury rules. The position is that the whole of the UK has a comparable level of subsidy per head of population. However, when you compare the numbers at risk of flood, the subsidy per head is much lower in England and Wales, because there

are more people at risk of flood. In Scotland, because fewer people are at risk of flood, the subsidy works out much higher per head. However, overall, the Scottish subsidy is less than it is in England and Wales.

Surrey and the whole of the south-east of England manage to control flood-plain development despite the fact that there is a shortage of land and big pressures on new development. Only around 5 or 6 per cent of properties in the south-east are built on flood plains. That is quite good going, really, even though it should be zero.

Chic Brodie: Have you had any conversations with Government officials on the University of Dundee's report, "Flood Insurance Provision and Affordability—Beyond the Statement of Principles: Implications for Scotland", which was published in July 2012?

Professor Crichton: I have talked to the university about it, but I have not felt it appropriate to discuss it with the Government, and the Government has not asked me to comment on it.

John Wilson (Central Scotland) (SNP): Your written submission is useful, particularly the Crichton three-point plan on the last page, which says:

"Scotland could easily apply current building standards retrospectively to the repairs of any properties damaged by flood or storm"

to bring properties up to current levels for flood prevention.

Would not that cause insurance premiums to rise for individual property owners? In the past couple of weeks, we have heard of insurance premiums down south rising to four times what they were before the damage occurred. If the Scottish Government did what you suggest, who would ultimately bear the cost? Would it be the insured individual or would you expect the Scottish Government to step in and cover the cost?

Professor Crichton: That is an excellent question.

I would not expect the Scottish Government to step in to cover the cost. I would expect the Scottish Government to participate in negotiations with the insurance industry and to say that most insurance companies—Mr Webb's being an exception—do not take into account the 42 ways in which Scotland manages its flood risk better than England, that they are saving a lot of money in relation to their business in Scotland and that they should use some of that saving to pay for resilient reinstatement.

I am sure that insurers are reasonable people and that, when the facts are pointed out to them, it

is possible to make some sort of deal in which they recognise that Scotland is doing things better and they throw in the resilience reinstatement at no extra charge because they know that they will end up benefiting in the long run.

10:30

Adrian Webb: I made the point earlier that I do not think that resilience would cost much more than current reinstatement. That would be the case particularly if resilience had to be provided, because the suppliers who were capable of providing it would come forward and would benefit as a result. Prices would go down and economics would come into play.

The important thing is that that should happen across the board. If that was the standard, we would have to comply with it. On 21 December this year, every insurer in the land will have to have gender-neutral pricing. We do not all agree with that rule but we will have to do it; that is how it is. Eventually a new level will be found.

When we are talking about resilience, we could be talking about something as simple as electric wires coming down from the ceiling rather than coming up through the floor. Those things are not massively more expensive to do than the current ways of doing things; it is just that they are not the current ways of doing things. An approach would probably be welcomed by all insurers. Ultimately, if we take the long-term view, resilient houses will cost less to repair and reinstate by a huge factor the next time. Flood risk is not going to go away in this country.

Professor Crichton: There is also the climate change adaptation aspect. When there is a flood, people end up throwing a lot of stuff into landfill, and new bricks, cement and plasterboard have all to be generated. They have very high levels of embodied energy, which is also bad for climate change.

John Wilson: Professor Crichton, earlier you referred to the planners in Scotland and how they are more diligent in relation to the release of land for building. You did not refer to developers who, on some occasions, put pressure on local authorities and planners to release land for building, where local experience shows that there could be a minor risk of flood. How do we get the message over to developers as well as planners that we have to be watchful of the sites that are being released in areas where floods have historically taken place?

I am also concerned about displacement because some displacement takes place in certain developments when developers infill sites to make them more suitable for construction.

Professor Crichton: That is another excellent question.

When I first started running FLAGs, I brought planners, developers and SEPA together around a table. Afterwards, the planners told me that they were so relieved that they had someone on their side in their fight against developers. If developers and elected officers want to build on the flood plain, the planner is on his own and isolated, trying to stop it. The planner found that having the insurance industry's backing against the developer made all the difference in the world.

Eventually, from our talking to them informally, developers also began to see things our way and they gradually disposed of their land banks in flood risk areas. That is the civilised way to do things.

If developers do not do that, Scotland has the great advantage of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, which allows insurers to sue the developer for recovery of the flood claims costs. That legislation does not apply in England and Wales, where the developer is above the law. He is legally immune from being sued. That is one of the big differences between Scotland and England. The problem, perhaps, is that many insurers are not even aware of the 1985 act and they do not proceed against the developer. If they were aware of it, that would make more developers think twice about trying to build on flood plains.

I am conscious that, especially in Glasgow, there is an issue related to urban regeneration where there is building on flood plains to fill in gaps where old buildings have had to be demolished. Insurers are prepared to live with that if the area already has good flood defences and the buildings are designed for flood plains—for example, if the ground floor is to be used only for car parking. That is already the situation in places such as Dundee and the Thames gateway. There is no reason why we cannot have new buildings on flood plains as long as they are designed to be flooded and the people who buy them know that.

Adrian Webb: That absolutely hits the nail on the head. The crucial thing about flood liaison advisory groups and the reason why we are sad that they are no longer compulsory is that they brought local knowledge to bear on the issue. However we view developers, they are in business to develop properties, such as houses. The beauty of the FLAGs was that they brought together local knowledge and expertise, and also local interests.

As David Crichton said, the planners are sometimes the last line of defence against elected officials and developers who are keen to do something and to put their views on why a development should happen. Often, there are good social reasons why it should happen and, if

flood-resilient properties can be built, such things are viable. The problem arises when ordinary properties are built on flood plains with fingers crossed.

Professor Crichton: One of the big issues in England is that the developers have learned that, if they build for owner-occupiers, they cannot sell the houses because people cannot afford the insurance. For that reason, they build social housing, schools and hospitals. In England, we find thousands of schools and hundreds of hospitals built on flood plains and the rest of the space is filled in with social housing. The most vulnerable people in our society end up living in the most hazardous areas.

John Wilson: Thank you for reminding us of the 1985 act. I hope that developers and others will take note of it and be reminded that it is in place.

SEPA, which you mentioned, is supposed to be the body that oversees potential developments for flood risk. Has it carried out its duties effectively and efficiently, particularly when it comes to new developments on flood plains? I have often heard people say that, when a planning department asks SEPA for a view, it usually signs off the form and says, "No issues identified." Where does SEPA sit in the process?

Professor Crichton: That is another fantastic question; it really goes to the heart of the issue.

SEPA cannot be faulted. It is excellent in every way. It is the leading expert on hydrology and flood risk, and I would not knock it at all. However, it is sometimes constrained by its masters in how dogmatic it can be about its advice. That is understandable when it is giving official, formal advice as it has to be careful about what it says and how it expresses its views.

One of the beauties of FLAGs was that SEPA attended the groups informally and it could talk informally about its concerns in front of me as an insurer, the planner and the property developer. It could say, "Look, we might not be able to object to this, but it's not wise to build here." Another loss from the disappearance of FLAGs is that we are losing out on that informal advice, which was so valuable.

The Convener: I thank John Wilson for those points. Going back to that interesting point about the 1985 act, I just want to ask Adrian Webb whether, in his experience, his company has ever sued a developer in Scotland to reclaim insurance costs.

Adrian Webb: No, not to my knowledge.

The Convener: I know that you could not possibly comment on your competitors, but are you aware of any action by other companies under that act?

Adrian Webb: No.

Professor Crichton: I am.

The Convener: Perhaps Professor Crichton could comment.

Professor Crichton: The main case that I am aware of was pursued by a property developer—the Barratt construction company—which pursued a planning officer for allowing it to build in an area that was subsequently flooded. The company acted as poacher turned gamekeeper, if you like.

The Convener: Assuming that the matter is not sub judice, can I ask whether the action was successful?

Professor Crichton: The case did not go to that extent, as it was settled out of court.

It amazes me that insurers have not used the provision. On the other hand, just the threat that it could be used has prevented many developments from taking place.

The Convener: The committee may well wish to pursue that point with insurance companies in Scotland. That is a very interesting point, which I was not aware of.

Adrian Webb: That is a key difference, as David Crichton mentioned earlier, between what happens here and what happens as soon as you go across Hadrian's wall. That is also why it is important that Scotland has a clear voice at this crucial time, when we are facing a very interesting nine months up to the end of June 2013. I know that all parties, including the Association of British Insurers, are ultimately after a constructive solution, but I think that the problem down in the south-east is that people tend to be a little Whitehall-centric in their considerations, if I may say so.

Professor Crichton: Yes, there is no interest in anything north of Islington.

Other legislation that is relevant is the 1999 highways legislation and, in particular, the Flood Risk Management (Scotland) Act 2009, which imposes a statutory duty on local authorities to prevent flooding. There is nothing like that in England and Wales.

The Convener: From my personal experience of bad flooding in Inverness, the lack of maintenance of culverts caused huge problems, particularly for the hillside development.

The next question is from Angus MacDonald.

Angus MacDonald (Falkirk East) (SNP): Thank you, convener. I hope that you can bear with me, as I have a bit of a cold today.

I am interested in Professor Crichton's comments about cherry picking by insurance

companies, of which I am sure we all have local examples. Clearly, I have a great deal of sympathy with Professor Crichton's petition, given that residents in an area in my constituency have found it extremely difficult to source insurance due to flooding. Another issue in my constituency is that we require flood defences to protect major national industries in Grangemouth at an estimated cost of up to £100 million, which SEPA is currently working on.

From the evidence that we are hearing today, it is clear that you would like to see a return of the flood liaison advisory groups. If there is any way of incorporating that into new legislation, perhaps through the better regulation bill that is due to go through Parliament, presumably you would be keen to see that.

Professor Crichton: Yes, that is an excellent point. I am glad that you raised the issue of Grangemouth. In fact, Falkirk Council is one of the last councils still to have FLAG meetings, which are very useful because there is a particular concern about Grangemouth.

As you will know, the Bo'ness flood defence scheme is well advanced, but Grangemouth is a problem because there are 6,000 houses at risk as well as the oil refinery. The big issue about Grangemouth is that the local authority is expected to manage that flood risk but, as I pointed out to the Rural Affairs and Environment Committee in the previous session, this is not a local issue. If Grangemouth was flooded, it would have implications for the whole of Scotland and the north of England. That is a strategic issue that should be considered nationally.

10:45

The answer for Grangemouth is not easy. Building a flood defence there is a problem, because all the tributaries and pipelines would make it extremely expensive. As members may know, I have suggested a radical alternative, which is a flood barrage across the River Forth—I suggested that when the replacement Forth crossing was being considered. Such a structure would have been cheaper to build than the replacement crossing that is going ahead, and it could have doubled as a flood defence to protect Grangemouth and Longannet.

If a storm surge occurred in the River Forth, Grangemouth and Longannet could be wiped out, so we could be without oil and electricity for the whole of Scotland for many months. Not only that, but the Asda distribution centre would be knocked out, too, so we would be short of food and other groceries for perhaps a year. That strategic threat should be given a little more consideration.

Angus MacDonald: The Government has set up the regulatory review group, which is looking at a number of the issues, so the Government is well aware of the situation. However, a one-in-200-years storm could come along next year, which is a concern. If we can get the FLAGs up and running in other local authorities, that will benefit those areas.

Richard Lyle: I note that Professor Crichton expresses concerns in a paper about the National Flood Forum of England and Wales and about the Scottish Flood Forum. What have they said to you? What discussions have you had with them?

Professor Crichton: The word "national" should be in quote marks, because the National Flood Forum is concerned only about England and Wales—it is not a UK national forum. I deal with that forum because I deal with the UK as a whole. Obviously, it is not particularly interested in what happens in Scotland.

The Scottish Flood Forum is a very good organisation, but its remit does not extend to things such as the statement of principles and flood insurance. It is concerned with support for flood survivors, and it does a first-class job on that.

We are comparing apples and oranges. Neither forum includes flood insurance problems in Scotland in its remit.

Richard Lyle: You have just said that the National Flood Forum of England does not care about Scotland. I found interesting your suggestion that DEFRA and Her Majesty's Treasury discussions are very much against Scotland's interests.

Professor Crichton: I would not say that the discussions are deliberately against Scotland's interests, but the departments just assume that Scotland is a northern province of England—members might have found that in other cases, too.

The Convener: I thank both our witnesses for an excellent discussion. All committee members have been impressed by our witnesses.

It is really important to continue the petition, as there is a lot of meat in the suggestions. I want us to write to the Scottish Government. The new Minister for Environment and Climate Change is Paul Wheelhouse, and the committee might wish to ask him to speak to us about the issues. We should at least ask him what steps the Scottish Government has taken to ensure that Scottish interests are represented in discussions with DEFRA and the UK insurance industry, how it plans to respond to the work by the centre of expertise for waters, and what its view is on the petition.

I suggest that we also write to the insurance industry more widely in Scotland. John Wilson might have some more technical aspects on this, but we can ask in particular how they respond to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985. I would like to know what actions have been taken—whether or not a case has gone to court—against developers and planners when the insurance industry has had to pay money out because there has been building on flood plains. Professor Crichton made a good point on that.

John Wilson: Professor Crichton has made a number of good points in this debate. I suggest that, as well as writing to the Scottish Government and the organisations that you highlighted, including ABI Scotland, we should write to the UK Government to ask for its views on the issue, and to SEPA and the Convention of Scottish Local Authorities for theirs. I suggest that we also write to the Scottish House Builders Association to ask for its views and perhaps remind it of the 1985 act. We could also write to Homes for Scotland.

Chic Brodie: In addition, we should say in the letter to DEFRA and HMT that it is regrettable, if not dangerous, that the Scottish Government is not represented in the discussions. We should make the point that there should be such representation, notwithstanding Professor Crichton's attendance.

The Convener: The SPICe briefing points out that there are monthly meetings between Scottish Government officials and DEFRA, but nevertheless we can certainly make Chic Brodie's point to the minister if we have him here. Do committee members want to wait until we have had a response from the Scottish Government before inviting the minister?

Members indicated agreement.

The Convener: We will consider that at a future meeting. Are members happy with the range of options that we are considering? Do members think that we have missed out any points?

Angus MacDonald: This may not be normal practice, but would it be in order to send a courtesy letter to the Rural Affairs, Climate Change and Environment Committee to advise it of the situation regarding the petition, rather than refer the petition?

The Convener: I think that the clerks talk informally to each other. The petition is currently before us, and if we want to, we can decide to refer it at a later stage. However, it is perfectly within our powers to pursue that particular point.

Are members happy with the course of action that has been identified?

Members indicated agreement.

The Convener: I thank both our witnesses for their excellent contributions. Clearly, the committee is interested in the petition and we will keep you informed about developments.

Professor Crichton: Thank you for your attention. If you need me again, I am happy to come.

The Convener: Thank you.

I suspend the meeting for a minute to allow our witnesses to leave.

10:52

Meeting suspended.

10:54

On resuming—

Nathro Wind Farm (PE1445)

The Convener: The second new petition is PE1445, by Ashton Radcliffe on behalf of the SWAN Action Group (Angus Glens), on stopping the wind farm at Nathro. The committee is invited to make a decision on the admissibility of the petition. I draw members' attention to paper 3, by the clerk.

I will highlight a couple of points. The petition is calling on the Scottish Parliament to urge the Scottish Government to refuse a specific wind farm planning application that has been submitted to the Scottish Government for determination. The petition effectively seeks parliamentary intervention on, or interference with, the Scottish Government's decision-making process as it applies to a particular application. The Parliament clearly has no power to do that. My recommendation to the committee is that we rule that the petition is not admissible. Before moving on, I ask members for their views on that.

John Wilson: You are correct to say that the petition deals with a live planning application that is to be considered by Scottish Government ministers. As such, I do not think that it is appropriate for the committee to deal with the petition at the present time. However, I suggest that we contact the petitioners and remind them that, pending the outcome of the decision by Scottish Government ministers on the planning application, they are free to lodge a petition of a more general nature on the planning process or wind farm development processes. At present, the committee's hands are tied because the planning process is live, so we do not have the authority to intervene.

The Convener: Do members agree to the suggested approach?

Members indicated agreement.

The Convener: We have ruled that the petition is inadmissible in so far as it relates to an individual application. John Wilson made the interesting point that the petitioner can come back to us with a petition on a Scotland-wide issue.

I think that the local member, Nigel Don, wishes to make a point.

Nigel Don (Angus North and Mearns) (SNP): Thank you, convener. I am not surprised by the committee's ruling. It would be helpful if my constituent were to consider lodging a more general and more strategic petition that would allow them to make some of the important points that the application in question raises. It is entirely clear that the present petition is probably, as the committee has ruled, misconceived.

The Convener: Yes. Thank you for coming along, Mr Don.

Current Petitions

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

10:57

The Convener: Agenda item 4 is consideration of current petitions. There are five current petitions for consideration today. The first is PE1285, by Caroline Mockford, on free calls to NHS 24 from mobile phones. Members have a note by the clerk—it is paper 4. I invite contributions from members.

John Wilson: I note from the paper before us that we are still waiting for the University of Sheffield's evaluation report for the Department of Health, which was expected to be available by the end of June 2012. I suggest that we write to the Scottish Government to ask when the evaluation report will be submitted for consideration by the UK Government—if that has not already happened—and when the Scottish Government will consider it. I would like us to keep the petition open until we have heard the Scottish Government's views on the Sheffield report, so that we can decide whether we need to pursue the issue when the full facts are available to us and we know what actions the Scottish Government proposes to take on the basis of the report.

The Convener: Just for information, I understand that the Department of Health in England has received the report and that it will decide on its publication, so it sounds as if it is imminent.

Anne McTaggart (Glasgow) (Lab): To carry on from what John Wilson has just said, I think that it is important that we consider the petition once we have all the facts and that we hold off making a judgment until we get the report.

Chic Brodie: On a general point—as someone who is attending their first meeting of the committee—I agree with the points that have been made, but I get concerned when I read reports saying that there has been no response or a delayed response, or the petitioner has received no indication of what is happening. At some stage, we need to consider how we can accelerate the response procedure. We had a similar problem with inaccuracies and what have you in another committee. As a general point, we need to ensure that everything is being done by this committee and others to ensure that we respond to the people who lodge petitions not with any degree of flippancy. I get concerned when I feel that we are not being responsive.

The Convener: Chic Brodie makes a good point—it is certainly one that the committee is

familiar with—but it is fair to say that the committee has not been slow at coming forward when we have had “deviant” organisations that have not returned information to us. Lots of organisations are busy and it is important that we represent Parliament. It affects Parliament’s dignity if local authorities, health boards or other agencies do not respond. I have no problem at all with publicly naming organisations that consistently fail to respond to us. In fairness, it is sometimes the same one or two organisations that make it difficult for us to do our job correctly.

Do members agree with John Wilson’s points about the next step?

Members *indicated agreement.*

Lesser-taught Languages and Cultures (University Teaching Funding) (PE1395)

11:00

The Convener: The next petition is PE1395, by Jan Čulik, on target funding for lesser-taught languages and cultures at universities. Members have a note from the clerk and submissions. The petition has been an excellent one. We had a very good oral evidence session and a number of students from the University of Glasgow turned up to listen to the debate. I ask members for their views on the next steps.

John Wilson: I am rather concerned by the response that we received from the petitioner in relation to the Scottish Higher and Further Education Funding Council’s reply to the committee. The petitioner raises what I consider to be serious concerns about the information that the Scottish funding council has provided. I recommend that the committee writes to the Scottish Government and the Scottish funding council with the petitioner’s response to the correspondence and asks them for their views on the petitioner’s comments. The petitioner says that although certain courses continue at the University of Glasgow, they can be taken up only to year 2 and cannot be carried on to a full degree. That raises concerns and it goes against what is said in the Scottish funding council’s submissions, as I understand them. I therefore seek the committee’s approval that we write to the Scottish Government and the Scottish funding council to ask for a response to the issues that the petitioner has raised.

The Convener: Do members agree?

Members *indicated agreement.*

Ferry Fares (PE1421)

11:02

The Convener: The third current petition is PE1421, by Gail Robertson, on behalf of the Outer Hebrides Transport Group, on fair ferry fares. Members have a note from the clerk and submissions.

I am personally interested in this issue and my colleague Rhoda Grant raised the issue at the previous meeting. It makes sense to continue the petition until the work of the impact study has been reported, although I did not think that the request for information about concessionary fares was answered properly. Angus MacDonald has particular knowledge from the Stornoway area and he might want to comment.

It makes sense to continue the petition until we get a little bit more information from the impact study. The changes are clearly having a particularly big impact on industry. Gail Robertson has done an excellent job on behalf of the Outer Hebrides Transport Group, which has not been slow at coming forward, as I am sure members of all political persuasions will be aware.

Angus MacDonald: I concur that it would only be fair to wait until we have the results of the impact study. I am happy to agree to keep the petition open for the time being.

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

Members *indicated agreement.*

Remote and Rural Areas Transport Provision (Access to Care) (Older People) (PE1424)

11:03

The Convener: The fourth current petition for consideration today is PE1424, by Joyce Harkness on behalf of the “Road to Health” community partnerships project 3 team, on improving transport provision for older people in remote and rural areas. Members have a note from the clerk and submissions.

John Wilson: Convener, you did not mention the additional paper that was submitted to the committee this morning from the petitioner. The petitioner has some concerns about the decisions that have been made so far and the lack of response from the British Pakistani Youth Council—

The Convener: We are not on that petition yet, John. We are on the “Road to Health” petition.

John Wilson: My apologies convener. I was skipping ahead.

Jackson Carlaw: It would appear that we still await the working group timetable for finishing the report. We need to see the report. At the members' business debate that preceded the previous meeting of the committee, it was clear that members felt that that was appropriate. It seems quite a long time for us to be waiting for publication of the report. We should write to ask what the timetable for the report is and do all that we can to expedite its publication, which will allow us to proceed.

The Convener: That is sensible. Members may be picking up a theme, what with all these petitions that are waiting for information to come back. However, it is important that we are properly sighted. We need the correct information to appear before we can make final decisions. That said, Jackson Carlaw's suggestion is a useful next step. Do members agree that we will wait for the working group?

Members indicated agreement.

Chic Brodie: As Jackson Carlaw just pointed out, it is all very well the working group saying that it is going to produce a report, but it would have been helpful if it had said when it was going to produce it.

The Convener: That is a good point.

Scotland-Pakistan Youth Council (PE1435)

The Convener: The fifth and final current petition is PE1435, by Wajahat Nassar, on a Scotland-Pakistan youth council. Members have a note by the clerk, which is paper 8. As John Wilson said, there is an additional paper on the petition, which members may want to have a quick look at before making a decision. I invite comments from members.

John Wilson: I apologise for skipping some pages in the committee papers.

As I mentioned earlier, the petitioner has raised concerns about the response that we have received so far. There have been developments in the Scottish Government. As well as the Cabinet Secretary for Culture and External Affairs, Fiona Hyslop, we now have a Minister for External Affairs and International Development. It might be worth while for the committee to write to the Scottish Government again about the petitioner's concerns and ask whether it would reconsider the petitioner's request. With the appointment of an additional minister to cover the portfolio, the Scottish Government seems to think that there is a bigger role for international development now.

Richard Lyle: The petitioner's letter comments that there has been no response from the British Pakistani Youth Council. I am interested in the second paragraph, where it asks the committee to "write to another more appropriate working body which has similar interests."

Do we know which body that would be?

The Convener: No, we do not.

Richard Lyle: In addition to John Wilson's suggestion, can we find out who the petitioner means?

The Convener: We can certainly ask the petitioner for clarification. That is a good point.

Jackson Carlaw: Not having been here when the petition was previously discussed, I am slightly unclear about whether there are any Scottish representatives on the British Pakistani Youth Council. Complete indifference to the proposal seems to be emanating from there, and yet if it is a British organisation, I would expect there to be Scottish representatives to whom young people of Pakistani origin might wish to represent their concerns in the first instance, in order that the matter be raised there. It is not entirely incumbent on us to be doing this—a bit of self-help is required to promote the matter.

The Convener: If I understand the Scottish Government's point correctly, it is that setting up a Scotland-Pakistan youth council is really a matter for the petitioner rather than the Scottish Government. Notwithstanding that, there have been some changes in the Scottish Government, and we might get a slightly different view. The self-help issue is important. We need to ensure that the petitioner is aware of that. Are members happy with that approach?

Members indicated agreement.

Meeting closed at 11:09.

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