

Public Petitions Committee Official Report 5 October 2005

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Scottish Parliament

Public Petitions Committee

Wednesday 5 October 2005

[THE CONVENER *opened the meeting at 10:01*]

New Petitions

Dementia Treatment (PE886)

The Convener (Michael McMahon): Good morning, everyone, and welcome to the 15th meeting in 2005 of the Public Petitions Committee. As ever, we have a busy agenda. Having received no apologies, we can go straight to the first item.

The first new petition is PE886 by James McKillop on behalf of the Scottish dementia working group. It calls on the Scottish Parliament to urge the Scottish Executive and NHS Quality Improvement Scotland to ensure the continued availability on prescription of medications such as donepezil, rivastigmine, galantamine and memantine for use in the treatment of Alzheimer's disease and other forms of dementia.

David Turner is here to make a brief statement in support of the petition. He is accompanied by Philip Bryers. You are both welcome. You have a few minutes to make your opening remarks and then we will discuss the issue that you have raised.

Philip Bryers (Alzheimer Scotland): Thank you, convener. I start by giving apologies on behalf of James McKillop, who is the chairman of the Scottish dementia working group, and Andrew Banks. Both of them had hoped to be here, but for personal reasons they cannot attend.

I am the co-ordinator of the group, and I do not usually speak on behalf of its members. Therefore, I ask David Turner to make a statement on our behalf. After David has spoken, I would like, if I may, to return to our script to read any paragraphs that David has not covered in his remarks, because David would have some difficulty in reading from a script.

David Turner (Scottish Dementia Working Group): Good morning to you all. I was diagnosed as suffering from Alzheimer's disease just over five years ago. At present, I am on a medication that I know as Aricept, although it has various names. I heard the convener mention one of them earlier.

I call Aricept my wee golden ball. It costs about £2.50 to produce the tablet and to get it to me. The difference that it has made to my life and to the life

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of my children and family has been amazing. They had lost me: I did not know what day of the week it was, where I was or where I was going. I could not go out on my own; I had to be taken everywhere. Since I have been given Aricept, I have got my life back.

I have been to see my MSP, Andy Kerr, about it. He felt that it made quite a difference to me, as I

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Helen Eadie: Perhaps we could write to the Scottish Executive and ask for an update on the issues that have been raised in the petition.

The petitioners have not asked for this, convener, but I wonder whether you might be disposed towards approaching the institutions that have not responded to Alan Draper, to seek reconciliation? I know that that falls slightly outwith the terms of the petition, but would you be willing to do that, and to write to the Executive? Alan has told us that he has had a variety of responses, but some institutions have not been responsive at all.

The Convener: I recognise exactly why you have raised that point. However, we have not yet closed PE535, the original petition. Under our consideration of that petition, we are still having discussions with various organisations on the matter of apologies from the institutions concerned. That is still on the table.

Helen Eadie: Okay.

Alan Draper: I would like to add that we are working closely with representatives of the Executive, and we have been addressing those issues. We are very grateful for the co-operation from the Executive in that regard.

The Convener: Shall we write to the Executive on the matter?

Jackie Baillie: I suggest that we also write to the Scottish Law Commission and inquire about the timetable for its public consultation on limitation.

The Convener: Are members happy with that?

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Members *indicated agreement.*

The Convener: When we get responses from the Executive and the Scottish Law Commission, we will let the petitioner know and we will discuss the matter further then. We will keep him updated.

Chris Daly: Thank you for your time.

Common Good Assets (PE875)

The Convener: Our third new petition is PE875, from Mary E Mackenzie, which calls on the Scottish Parliament to urge the Scottish Executive to ensure that all moveable and heritable common good assets throughout Scotland are properly recorded, audited and insured, and to introduce legislation to ensure that such assets are properly safeguarded. Before being formally lodged, the petition was hosted on the e-petitions website where, from 29 August 2005 to 26 September 2005, it gathered 122 signatures. The usual e-petition briefing has been circulated to members.

The petitioner is concerned at an apparent laxness in maintaining records of common good assets, particularly in the case of moveable assets. Complaints that have been raised regarding the stewardship of common good funds include allegations that detailed or complete lists of common good assets do not exist; that common good assets are sold to private enterprise without sufficient justification; that profits and other moneys due to common good funds are not properly accounted for; and that common good assets are not utilised to their full extent. Christine Grahame has joined us, having indicated an interest in the matter.

Christine Grahame (South of Scotland) (SNP): First, I congratulate my constituent, Ms Mackenzie, who has been tenacious in relation to the issue. At first sight, it appears to be a strange matter to bring to the committee's attention, but I am a self-confessed anorak about it. I began to find it terribly interesting when it came to light in the Borders, in particular when—strangely enough—bus services were withdrawn in Peebles and the common good fund was used to subsidise the bus service. Suddenly, people began to get interested in what a common good fund is. There was a recent case in Edinburgh in which rather expensive chairs, which were found in an antique shop, had apparently come from City of Edinburgh Council offices. They had the logo and the designation of the council on them. It is interesting that there are historical and valuable artefacts out there in

common good funds throughout Scotland that are not auditable or are not listed in any way. It is a similar case with land, and with revenues.

My interest came about as a result of the business of the bus service being subsidised. Members will see in their papers that Scott-

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Moncrieff conducted an audit on the matter. I lodged parliamentary questions some time ago asking what we have in Scotland and what we know that we possess. What seems rather an historic interest turns out to be literally a little treasure trove of moveable and heritable assets. We have taken no account of where those assets are, who has them, whether they are insured and their value in monetary and historical terms. The issues that the petitioner has raised are of great importance.

I do not know whether the issue merits legislation, although I see in one of the papers—I feel a bill coming on—a recommendation by a researcher on the introduction of legislation on the abolition of feudal tenure with regard to common good. I am interested to hear what the committee will say, because PE875 is one of those strange little petitions that expose something. I am sure that everyone has got common good funds in their area of which they were unaware.

The Convener: I am interested to hear what members have to say as well.

Ms White: When I was a member of Renfrewshire Council, the issue of the common good fund was raised constantly, particularly by the good residents in the old burgh of Renfrew. Other councils up and down the country have common good funds; some of them are maintained well, while some are not maintained as well. As Christine Grahame said, the petition may be small and innocuous looking, but it has wider implications. It is good that the matter has been raised in the committee, because the common good fund exists for the common good of the people and unfortunately some councils—as residents will say—do not use it properly. I would like to get the views of the Convention of Scottish Local Authorities on the common good fund, because councils administrate it. Christine Grahame mentioned chairs; I had not heard about that before, but perhaps such things go on and Historic Scotland could comment. Perhaps it would even be worth asking the Accounts Commission for its view.

John Scott: The petition raises an interesting and valid point. I had assumed that each local authority would have its own register of the heritable and moveable assets in its common good fund, but if they do not it does not seem unreasonable that perhaps they might. It is the sort of thing that would have to be done on an authority-by-authority basis. Although the idea has been sprung on us, so to speak, the subject is worthy of a members' business debate; that would be one way in which to explore the views of members of the Parliament on the subject.

Helen Eadie: The issue is important to people in Inverkeithing, too, because Fife Council has

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disposed of property there. It emerges that any investigation into whether the disposal of a common good asset is legal or communally approved requires to be done through the courts. At the heart of PE875 is the point that good, accurate and up-to-date council records should be made publicly available for scrutiny. I support any approach that would result in our making representations in the way that is outlined in the paper.

Jackie Baillie: I do not want to be in danger of widening the discussion—

The Convener: But you will do so anyway.

Jackie Baillie: Yes.

The national health service in Scotland has a considerable amount of heritable assets. Although they cannot directly be described as assets that are held in the common good, they fit the principle nevertheless. The issue applies not only to local authorities. Land that has been gifted down the years for hospital provision fits the category of a common good asset, albeit that it is administered by a body other than a local authority. I would be in favour of a register, but not one that is

restricted to local authorities—the issue is much wider.

John Scott: Under the Freedom of Information (Scotland) Act 2002, a local authority or health board could be questioned about their assets and they would be under a statutory obligation to supply the information. At any rate, it would be good practice for them to put in place such a register.

Christine Grahame: Miss Mackenzie was one step ahead of you; she used FOI to get the information about common good assets. What John Scott said about FOI is right; all the information should be amalgamated.

I was interested in Jackie Baillie's point about the NHS. Cottage hospitals, in particular, were donated by the community but are now under threat.

The Convener: I am happy to widen out the subject in the way that Jackie Baillie suggested. The subject of PE875 does not restrict the debate solely to local authority assets; the petition concerns all common good assets, heritable and moveable, the definition of which can be as wide as someone wants to make it.

The recommendation is that we seek the views of COSLA and the Accounts Commission for Scotland.

Ms White: And the Registers of Scotland.

The Convener: And the Scottish Executive. Whom should we write to at the Executive? Do we need to write to each department?

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Jackie Baillie: Two ministers have an interest in the subject: Tom McCabe, given the local authority involvement, and Andy Kerr, the Minister for Health and Community Care.

Helen Eadie: Perhaps we should also write to the Minister for Communities.

Jackie Baillie: I suggest that we write to at least one minister and ask them to take comments across the Executive.

The Convener: It is probably best that we write to Tom McCabe. Are members agreed?

Members *indicated agreement.*

John Scott: At some point, the issue will become subject to a point of law. Is Tom McCabe the correct minister? Should we not write to Cathy Jamieson?

The Convener: Given that finance matters are involved, Tom McCabe would seem to be a good starting point. If we were to take a scattergun approach, we might not get anywhere.

John Scott: I am not suggesting that we write to all three.

Helen Eadie: Jackie Baillie suggested that we ask the minister to approach all other ministers. We would therefore get their feedback in the response from the lead minister.

The Convener: We will make that suggestion and say that that is the way in which we hope the Executive will progress the matter. Are members agreed?

Members *indicated agreement.*

Christine Grahame: You mentioned a number of bodies, convener. To whom will the committee write?

The Convener: We are writing to Audit Scotland, Historic Scotland, COSLA, the Accounts Commission, the Registers of Scotland and Tom McCabe at the Scottish Executive.

Christine Grahame: Thank you.

The Convener: Is that agreed?

Members *indicated agreement.*

Criminal Law (Sexual Offences) (PE885)

The Convener: Petition PE885, which was submitted by Mark McCabe, calls on the Scottish Parliament to amend Scots criminal law relating to sexual offences to create a statutory offence of male rape in line with the rest of the United Kingdom and Ireland and to ensure that no offences may be committed exclusively by gay men and that all sexual offences apply equally to everyone, whether man or woman, gay or straight. Before being formally lodged, the petition was

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hosted on the e-petitions website where, from 2 August 2005 to 30 September 2005, it gathered 68 signatures. The usual e-petition briefing has been circulated. Do members have views?

11:00

Jackie Baillie: I understand that the Scottish Executive has asked the Scottish Law Commission to consider a comprehensive review of the law in relation to rape and other sexual offences. I think that a discussion paper will emerge towards the end of this year, with a view to publication of a report in 2007. Given that the scope of that review is likely to cover the subject that the petitioner talks about, it would be useful if we were to write to the Scottish Law Commission and the Scottish Executive for an update.

The Convener: I am happy with that.

Ms White: Jackie Baillie is right. The petition is interesting. I had not realised that inequalities existed in sex crimes, not just here but in England and Wales. I am glad that the Scottish Law Commission is considering the issue and I hope that section 61 of the proposed draft criminal code will change the law. I agree with Jackie Baillie's suggestion. We should ask for feedback and keep the petition alive.

The Convener: Are we happy to do that?

Members *indicated agreement.*

New Towns (PE887)

The Convener: Petition PE887, which was submitted by the Rev Neil MacKinnon, calls on the Scottish Parliament to urge the Scottish Executive to review the long-term planning, social, economic and transportation issues that relate to the creation of new towns, such as Cumbernauld. Before being formally lodged, the petition was hosted on the e-petitions website where, from 4 July 2005 to 23 September 2005, it gathered 424 signatures. The usual e-petition briefing has been circulated.

The petitioner's concern is that although Cumbernauld is a town of strategic importance in the central belt, it is widely regarded as having one of the worst town centres in Britain. The petitioner is particularly concerned about inappropriate planning decisions, such as the routing of the A80 and A8011 through the heart of the town, and about the poor design and upkeep of the town centre. Do members have any ideas about how to deal with the petition?

Ms White: I will not say whether I agree or disagree with the petition. Unfortunately, Cumbernauld has won not very good awards. We need to have the views of North Lanarkshire Council, Architecture and Design Scotland, the

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Royal Incorporation of Architects in Scotland, the Royal Town Planning Institute and the Scottish Executive.

The Convener: We will ask for general views on such issues. The petition is about Cumbernauld town centre, but we must couch our request in terms of seeking information about town centres in

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