

Public Petitions Committee Official Report 19 April 2006

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Scottish Parliament

Public Petitions Committee

Wednesday 19 April 2006[THE CONVENER *opened the meeting at 10:00*]

New Petitions

The Convener (Michael McMahon): Good morning and welcome to the Public Petitions Committee's seventh meeting in 2006. Unusually, we are in one of the smaller committee rooms, as people will have noticed. That is because committee room 2 is being used as the debating chamber. The unfortunate knock-on effect is that, also unusually, our time will be restricted—we must leave the room by 12 o'clock. We want to treat the petitions appropriately, but members must bear in mind the time restriction.

I have received apologies from John Scott.

School Closures (PE945 and PE955)

The Convener: The first new petitions to be considered are PE945 by Susan Green, which calls on the Scottish Parliament to consider and debate the inadequacy of the existing legislation on parental consultation over school closures, and PE955 by Catriona Lessani, on behalf of the parents action group for St Kevin's primary school, which calls on the Scottish Parliament to urge the Scottish Executive to review the implementation of its guidance on school closures to ensure that parents and pupils are properly consulted.

We will hear first from Susan Green and Pauline Gilgallon on petition PE945 and then from Catriona Lessani and Patrick Strickland on petition PE955. Members will have the opportunity to question all four people on both petitions.

Do members agree to link the two petitions, which are similar?

Members *indicated agreement.*

The Convener: I ask each group of petitioners to make initial remarks, after which the committee will discuss the issues that you have raised.

Susan Green (Glasgow Save Our Schools Campaign): As a parent who has recently been subjected to the legislation that governs school closures, I feel that it is important to examine the law as it stands, because I do not think that it strikes a fair balance between all interested parties.

Local councils are under an obligation to provide 28 days for a full consultation process. That period

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is totally unacceptable and should be increased to allow parents to gain all the information that is necessary to make a balanced decision about closures.

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The Convener: Our next petition is PE807, by James Mackie, which calls on the Scottish Parliament to urge the Scottish Executive to conduct an inquiry into the influence of supermarkets on the food chain and to examine in particular safety issues arising from the use of chemicals to extend the shelf-life of products and from central purchasing and distribution, and the impact of supermarket trading on local economies and small producers. At its meeting on 26 October 2005, the committee considered responses from the Office of Fair Trading, the Food Standards Agency, the Scottish Consumer Council, the National Farmers Union Scotland, the Scottish Retail Consortium, the Scottish Executive and the Institute of Grocery Distribution and agreed to write again to the OFT and the Scottish Executive. Those responses have been received and circulated.

The clerk has advised me that in February 2006, the Environment and Rural Development Committee took evidence from several organisations as part of a short inquiry to examine issues to do with the food supply chain. The Environment and Rural Development Committee has considered the evidence that it has received to date and written to the OFT and the United Kingdom Government minister who is responsible for competition on several issues that were raised during the inquiry. The committee agreed to consider how to proceed with the inquiry after receiving those replies.

Rather than both committees continuing to pursue the issue separately, it might be more

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appropriate for this committee to refer the petition to the Environment and Rural Development Committee as part of its scrutiny of the issues. Do members agree with that?

Members *indicated agreement.*

Common Good Assets (PE875)

Listed Buildings (Consultation on Disposal) (PE896)

The Convener: PE875, by Mary Mackenzie, 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.

At its meeting on 5 October 2005, the committee agreed to seek the views of the Minister for Finance and Public Service Reform, Audit Scotland, Historic Scotland, the Accounts Commission, the Registers of Scotland and the Convention of Scottish Local Authorities. The responses have been received and circulated. Members have also received letters in support of the petition from Peebles Civic Society and Dingwall community council, and the petitioner has sent us some relevant newspaper clippings.

Are members happy to link the petition with PE896?

Members *indicated agreement.*

The Convener: PE896 is from Ms Florence Boyle, on behalf of West Dunbartonshire Heritage Ltd, and it calls for local authorities to be required to conduct structured and meaningful public consultation before any disposal of listed buildings, common land or related endowments held in public ownership or trusteeship. At its meeting on 9 November 2005, the committee agreed to seek the views of Historic Scotland, COSLA, the Scottish Executive and the Scottish Civic Trust. Responses have been received and passed to members.

Do members have any ideas about how to deal with the two petitions?

Ms White: I do not quite know what to do with them but I was concerned to see that every response mentions best value. As far as I know, a common good fund is for the common good of the people and was never supposed to be linked to best value, which I think was brought out by the Executive in 2003. Is it within the committee's remit to write to COSLA and ask if legislation requires

that best value has to be taken into account when local authorities are disposing of common good land? The Executive's letter says:

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"The Best Value duty also has direct implications for asset management".

I did not think that common good land was supposed to be subject to best value, but it seems from that letter as if it is and I am concerned about that.

The Convener: COSLA's response is:

"COSLA does not consider that there is any need for legislative change. Common good property of all kinds is already recorded and audited as part of the legislative audit regime and there is a requirement to keep a separate common good account."

Ms White: The requirement to keep a common good fund is fine and people can see it if it is open and accountable. However, it is the link with best value that the Executive has imposed on local government that concerns me. Best value means that a council will be looking for the best amount of money for the common good.

Campbell Martin: Is any committee considering common good property issues? The most relevant committee is probably the Local Government and Transport Committee, but if we send the petitions to that committee and they disappear we will not have served the petitioners well at all.

I am asking because many issues to do with common good property are disputed, including what is and is not common good property. Most local authorities seem to assume that anything that belonged to the previous local authority now belongs to them. That is disputed and legal judgments have determined in some cases that land that belonged to the former burgh councils should have been recorded as common good, but was not and went instead into the land file of the local authority.

I wrote to North Ayrshire Council's senior legal officer and asked him to prove unequivocally that the council owned a certain piece of land. He wrote back and said that he did not have to do that. An individual who wanted to challenge that would have to go to the Court of Session and employ a Queen's counsel at huge expense. That will not happen. Councils are getting away with operating on the presumption that the land belongs to them. Someone needs to challenge that presumption because a legal judgment is required to give clear guidance on what is and is not common good. If the Parliament has not done that, perhaps we should. The question is how to go about it.

The Convener: The suggestion is that we ask the Local Government and Transport Committee to look into the matter.

Jackie Baillie: The first point of contact should be the Local Government and Transport Committee, to establish whether it is willing to take

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on the work. If it is, that is the most appropriate place for the work to be done.

I will return to some of the issues that are raised in the petitions. Campbell Martin is right to say that there are not just one or two issues—there is a plethora. Are matters being properly recorded? Are councils acting in accordance with the best value duty in relation to the disposal of assets? How are they involving the community? Those questions have not been fully answered. The minister's letter points to things that local authorities should be doing; perhaps they are in some cases, but in other cases they might not be aware of the full requirements that are placed on them. It is sensible to send the petitions to the Local Government and Transport Committee.

I point out that—unlike the other petitioner—Florence Boyle, whose petition is on behalf of West Dunbartonshire Heritage Ltd, has not been sent a copy of the responses. I would be grateful if that could be done.

The Convener: Yes. That would be appropriate.

Christine Grahame has had an interest in the matter from the outset.

Christine Grahame (South of Scotland) (SNP): Yes. I commend Ms Mackenzie for her petition. I endorse Jackie Baillie's comments about the Local Government and Transport Committee conducting an inquiry—I am sorry that I missed the previous remarks.

The issue of how democratically accountable councillors are for the use of common good funds has been raised. In Peebles the common good revenues were used to support a bus service. One has to ask whether funding for such a service should come out of the local authority's grant-aided expenditure rather than out of common good funds. There is a lack of awareness among the public—until it is too late—of what the common good fund contains; it can contain artefacts as well as land and revenues. The common good funds have been inherited by local authorities. The matter must be examined to ensure that there is democratic accountability. Common good funds should not be used in place of local funding through council tax or GAE; they should represent the icing on the cake rather than the cake itself.

An audit of artefacts is required. I mentioned at a previous meeting that a chair from the City of Edinburgh Council chambers appeared in an antique shop. It was identified because someone recognised the coat of arms on it. We are losing historic artefacts. An inquiry by the Local Government and Transport Committee is a grand idea.

The Convener: Are members happy that we refer the petition on to the Local Government and Transport Committee?

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Ms White: I am not unhappy about the suggestion, but because of what has sometimes happened when petitions have gone to other committees I am concerned about what will happen. The concern is not that the petition will be put aside—I have great faith in the Local Government and Transport Committee not to do that. Is there nothing else that we can do in addition to sending the petition to the committee?

The Convener: When we write to the Local Government and Transport Committee we can specifically ask it to look into the matter. Paul Martin and I are both on that committee and we have heard the debate this morning.

Ms White: Thank you very much.

Christine Grahame: Convener, think of the interesting visits that you could make round the country.

The Convener: Are members happy to refer the petition to the Local Government and Transport Committee?

Members *indicated agreement.*

Dementia Treatment (PE886)

The Convener: Our next 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.

At its meeting on 5 October 2005, the committee agreed to seek the comments of the National Institute for Health and Clinical Excellence. A response has been received and circulated. Further correspondence has been received from the petitioner, which has been circulated to members. Having seen that information, do members have any comments to make?

Helen Eadie: Perhaps we could consider writing to NICE to ask it to provide the committee with details of the new guidance when it is published. We could also invite the views of NHS Quality Improvement Scotland on the guidance. I know that my colleague Irene Oldfather has led a short-life cross-party working group on the issue.

Ms White: I am glad that there was more to say after "short life".

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