



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 5 August 2014

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000

Tuesday 5 August 2014

CONTENTS

	Col.
NEW PETITIONS	2425
Wi-Fi in Public Buildings (PE1524)	2425
Access to Justice (PE1525)	2433
CURRENT PETITIONS	2440
Renaming Glasgow Prestwick Airport (PE1506)	2440
School Bus Safety (PE1098 and PE1223)	2444
Aberdeen to Inverness Rail Improvement (PE1509)	2446
Unmarried Fathers (Equal Rights) (PE1513)	2447
Time for Reflection (PE1514)	2448
Referenda for Orkney, Shetland and the Western Isles (PE1516)	2449
Bulk Fuel Storage Safety (PE1522)	2450

PUBLIC PETITIONS COMMITTEE

13th Meeting 2014, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)

*Angus MacDonald (Falkirk East) (SNP)

*Anne McTaggart (Glasgow) (Lab)

*David Torrance (Kirkcaldy) (SNP)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Catherine Fraser

James Macfarlane

Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Public Petitions Committee

Tuesday 5 August 2014

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

New Petitions

Wi-Fi in Public Buildings (PE1524)

The Convener (David Stewart): Good morning, ladies and gentlemen. I welcome you all to today's meeting of the Public Petitions Committee. As always, I ask everyone to switch off their mobile phones or electronic devices because they interfere with our sound system.

Agenda item 1 is consideration of two new petitions. The committee previously agreed to invite both petitioners to speak to their petitions. The first new petition is PE1524, by James Macfarlane, on free Wi-Fi in Scottish public buildings. Members have a note by the clerk, the Scottish Parliament information centre briefing and the petition.

I welcome the petitioner, James Macfarlane. Thank you very much for coming along. I invite you to speak to your petition. If you could stick to around five minutes, that would be very helpful. Following that, I will kick off with a couple of questions, then my colleagues will ask further questions.

James Macfarlane: Thank you, convener. This petition seeks to allow members of the public to easily, and free of charge, use the internet on their mobile devices in public buildings across the country. The Scottish Government's digital strategy emphasises the importance of having an internet connection and states that public services will be increasingly delivered online. The Government's focus is primarily on delivering world-class broadband to all households by 2020 and ensuring that people of all ages from all backgrounds have the skills required to enjoy the benefits that digital connectivity brings.

Following on from those key priorities, there is also an enormous benefit for people to be able to connect to the internet using their own laptop, tablet or smartphone away from home—for example, while visiting their local library, attending a public meeting or court hearing, staying in a national health service hospital or studying at school. That benefit is recognised by a wide number of public bodies and private businesses that already provide wireless internet connections. This Parliament, for example, has an excellent guest Wi-Fi network; and these days a cafe that

does not offer its customers free Wi-Fi is the exception rather than the rule.

It is very encouraging to see that a number of local authorities have already taken steps towards providing public Wi-Fi, not just for their own buildings but for a wider area. In time for the Commonwealth games, Glasgow City Council launched wireless access points in areas of high footfall across its city centre and, as highlighted in the note from the committee clerk, Edinburgh and Aberdeen councils have plans for similar provision. The evidence that local authorities are increasingly eager to bring their areas into the digital age may lead the committee to question the necessity of this petition. However, I suggest that the contrary may be true.

One aim of this petition is to ensure that no areas are left behind—as may be the case if public Wi-Fi connections are introduced across the country on a piecemeal basis—and that the provision of public Wi-Fi is as near universal as possible. However, perhaps the key aim is to develop a national standard for Wi-Fi connections provided by public authorities to members of the public. That aim seeks to ensure that all connections follow recognised best practice and are high quality. Under my proposal, a standard would be developed, with expert input and in consultation with key stakeholders. The petition suggests that it would be a code of practice published by the Government, but it could equally be published by an independent body. I would envisage it covering issues such as speed, security and filtering, as detailed in the petition.

I have also touched on certification. It may be that the standard would be advisory only, or that a certification scheme would be set up whereby approved Wi-Fi connections were published on an online map to assure people that a fast, secure and easy-to-access internet connection was available at whichever building they planned to visit.

As I stated in the petition, I consider it preferable that, to use a public Wi-Fi connection, people do not have to register and input a username and password. However, if doing that is unavoidable for security reasons, it may be possible for a unified network to be formed that would allow members of the public and public sector staff to get online at all public buildings using a single sign-on. One example of that in practice is eduroam, a secure network used by universities and colleges across 54 countries. Every student and member of staff is given a username and password by their home institution that allows them to connect to the internet automatically at over 5,000 sites.

An aspect of my proposal that I anticipate the committee will be interested in is cost, but

unfortunately that is an area on which I cannot offer any specific detail. However, I am proposing only that public connections are implemented in premises where internet connections are already present for the organisation's own use.

Finally, I do not wish to criticise the existing provision of public Wi-Fi. The petition is intended to stimulate debate and allow best practice to be shared by organisations so that they can implement the best possible solution at the best possible price. Thank you very much, and I look forward to your questions.

The Convener: Thank you very much, Mr Macfarlane. Your petition is innovative, and I congratulate you on your work in this area.

As far as the wider issue is concerned, some cities in Europe are, as you will know, considering putting in place public Wi-Fi provision for the whole inner city; Rimini's old town, for example, already has such provision. The idea is to aid business and tourism and is a form of economic development. That is perhaps a step beyond the proposal in your petition, but such a move would aid public buildings, the private sector and the third sector. What is your view on that?

James Macfarlane: City-wide networks are a very good idea. As I said, Glasgow has already made a start in a small area of the city centre. As time goes on, free Wi-Fi provision might become common in all cities, towns or wherever and, indeed, might eventually replace domestic connections.

The Convener: I am sure that the committee will want to write to a number of public bodies on this issue, but for our own information, do you have any evidence of or figures for current coverage in the 32 local authorities?

James Macfarlane: I do not have those figures with me, but I am happy to provide something to the committee later. I know that the majority of local authorities, if not all of them, provide public Wi-Fi in their libraries, but I do not know whether by my rather high standard that connection is excellent or just something that will do.

The Convener: Finally, you will know that funding for your proposals is available through the United Kingdom's superconnected cities programme; indeed, I think that some cities, including Edinburgh, have already applied to that. Would you welcome a boost to that programme throughout the UK?

James Macfarlane: I would. In its letter replying to my initial inquiry, the Scottish Government said that it had no plans to fund Wi-Fi for specific public bodies and that it was up to those bodies to develop a business case and fund the provision themselves if they thought that it was worth it.

The Convener: I will now bring in my colleagues.

Chic Brodie (South Scotland) (SNP): Good morning, Mr Macfarlane. Your petition is very interesting and was, if I may say so, very well presented.

Public buildings and the services within them are required to meet public service obligations. Although I might agree with your comments about speed, one concern that I have and which you have already mentioned relates to security and filtering and the obligation in that respect on the services in public buildings. Can you elaborate on how, if your proposals were to proceed, we would ensure that people who enter these buildings and use the Wi-Fi do not abuse the provision?

James Macfarlane: I have suggested the introduction of a national standard, which would go out to consultation for input from experts in security and, perhaps, civil liberties. As I have pointed out, the network would have to be secure. After all, it is fair to say that if the network were being provided in a public building there would be content that we would not want people to access.

On the other hand, I have given thought to provision for preventing excessive filtering. When some local authorities have proposed blocking access to payday lenders on their library computers, some critics—opposition councillors, perhaps—have said that if it is not illegal it cannot be blocked. I am not saying that this would happen, but there is potential for a public authority to filter out things that are critical of it, which would put someone who had attended a public meeting and wanted to find that information at a disadvantage.

Chic Brodie: I understand what you say, but does that not present us with a problem as regards who would decide what would be filtered out? You used the example of payday lenders. The general view is that filtering out material from payday lenders would be okay, although one might argue that that impinges on civil liberties. As far as your petition is concerned, I am not clear about who you perceive would make the decisions to ensure that traffic could not be intercepted by those whom we might wish did not have the capability to intercept traffic that they should not be intercepting.

James Macfarlane: I agree with you. I admit that I am not entirely clear about that. It may be that a national standard could make it a basic requirement that content must not be excessively filtered. There could be criteria that related to, for example, political content. It would be a rough guideline, which would be open to interpretation and possible challenge.

Chic Brodie: That is my fear. Although I think that, in principle, the petition is a good one, it raises some questions about who would make decisions about who could see what and who could intercept what. There are some deep underlying issues that need to be resolved.

James Macfarlane: There are, and I do not profess to have all the answers. If the petition is taken further, there is room for consideration of those issues by the Parliament and the Government.

Anne McTaggart (Glasgow) (Lab): Good morning, Mr Macfarlane. Well done on your presentation.

My first question, which was about filtering, has been answered. My second is about cost, which you mentioned in your presentation. Why do you see the expansion of free Wi-Fi connections as being a priority in a time of unfortunate public spending cuts?

James Macfarlane: That is a very difficult question.

Anne McTaggart: In that case, perhaps I could rephrase it. You said that it was a case of selling your proposal to us, so why do you think that it is important that we go ahead with it?

James Macfarlane: I think that it would have the benefit of enabling people to engage with the public services that they use by going to a public building and giving them the ability to look up things while they were there. It would allow people in hospitals who were in bed or infirm to keep up with the internet, as they would do at home, which I think is valuable.

John Wilson (Central Scotland) (SNP): Good morning, Mr Macfarlane. In your petition, you asked for the Scottish Government to set out a minimum standard. What would you consider the minimum standard to be, given the current technology?

James Macfarlane: I think that I gave a figure of 10 Mbps as a rough indicator of speed. In rural areas, it might have to be lower, but in cities it could be 100 Mbps. That is a technical question that would need to be addressed at a later stage.

John Wilson: I asked that question because you are talking about public access to all public buildings, which include not just the large hospitals and the large council chambers, but the one-stop shops that exist throughout Scotland and the small rural council offices that people come into to make inquiries about their rent payments or their council tax. We need to ensure that what we deliver is consistent throughout Scotland. My view is that, if we say that services should be established in one area, similar services should be available in other parts of Scotland. You have talked about a

minimum standard of 10 Mbps, with users in public buildings in Edinburgh, Aberdeen and Glasgow potentially getting up to 100 Mbps. In some rural areas, that speed is not in existence. How do we establish that minimum standard without getting private internet providers and Wi-Fi providers to install the capacity to deliver those speeds throughout Scotland?

10:15

James Macfarlane: I am from the Scottish Borders, and I certainly understand the situation of not having a sufficient internet speed. The Scottish Government's world-class 2020 programme, which involves bringing next-generation broadband to virtually every premises by 2020 will go a long way towards resolving that problem. In the meantime, there might need to be some sort of provision with regard to situations in which, for example, it is seen as being unrealistic to bring a public connection to a small office with one or two staff. Something would have to be there, or there would have to be a public connection, but one that was kept to a bare minimum, because the priority has to be for the public authority itself.

John Wilson: That goes back to the part of your petition in which you talk about the Scottish Government developing a minimum standard. Do you accept that the standard that should be delivered may be a location-based standard rather than a Scotland-wide standard that should be applied to every local authority and public body?

James Macfarlane: It could be either a mandatory standard or an advisory standard, with authorities being urged to implement it where possible—clearly, if it is not possible for them, it is not possible for them.

John Wilson: You have said that there is public access to Wi-Fi in public buildings. Libraries have been mentioned, and librarian bodies have been quite forceful in pushing to get funding for internet access in libraries throughout Scotland. However, I mentioned one-stop shops and offices in which there might be only a couple of members of staff. How would you envisage the policing of the usage of Wi-Fi within that sort of public building? I can understand the issue with regard to hospitals and other places in which people might have to stay for a long time. However, even though someone is supposed to be in a certain public building for only a couple of minutes, they might sit there using the Wi-Fi for a couple of hours. What would you suggest should be the minimum standard with regard to how those individuals should be treated?

James Macfarlane: I can see that an issue might arise if the reception areas of authorities became cafes. That is certainly not something that we would want. If there were the capacity for the

connection, which would be provided as a genuine public service, to be used by people who were not genuinely visiting the authority but were just in the vicinity, we might have to use technology to limit where the connection can be used.

John Wilson: Various private companies, restaurants and shops offer free Wi-Fi to customers. It is also available in certain public areas—you mentioned Glasgow's strategy to make Wi-Fi available in a particular area of the city centre. Do you think that the minimum standard could be presented also to some of the major internet and Wi-Fi providers, to encourage them to consider the value of providing free Wi-Fi to everyone in public places, irrespective of whether they are in public buildings?

James Macfarlane: I think that it could be eventually—*[Interruption.]*

10:20

Meeting suspended.

10:23

On resuming—

The Convener: Obviously, Mr Macfarlane felt a bit unwell. Sometimes, we forget how stressful it is to give evidence before a committee, particularly with the lights and everything else. I have ensured that he can get some air. On behalf of all of us, I thank him for his contribution. He made some excellent points.

Do members have any general points to raise with regard to this very useful petition? It makes sense to ask the Scottish Government for its views. As we are talking about local authorities in particular, it makes sense to ask a cross-section of local authorities and health boards for their views. I suggest that, as usual, we ask five of each—a cross-section of urban, rural and, perhaps, island authorities—for their views, which we can consider at a later meeting. Are there any other groups that members would like to write to?

Chic Brodie: I agree with that. I had just written down "local authorities" but we should at least embrace Aberdeen City Council, Glasgow City Council and the City of Edinburgh Council in that to find out exactly what they are doing, given the scope and the size of the matter.

The petition is good and was well presented.

John Wilson: I understand why we need to write to the four large city authorities but, if we are writing to local authorities, it would be useful to include Highland Council and Scottish Borders Council to find out their views on the petition. As I said in my questioning, the issue might be slightly

different for remote and rural authorities than it is for other authorities.

I also suggest that we write to the Scottish Court Service to find out its views on the suggestion that we should include free Wi-Fi in the courts.

David Torrance (Kirkcaldy) (SNP): It might also be interesting to find out about partnership working, especially with business improvement districts. In Kirkcaldy, Fife Council and the BID areas supply free Wi-Fi in all their buildings the length of the High Street, so it might be worth writing to some of the BIDs.

The Convener: That is a good point.

Jackson Carlaw (West Scotland) (Con): I would have said to Mr Macfarlane that his petition is timely. He made one point that I would like to be drawn out in the letter that we might send to the Scottish Government. What has happened in Glasgow, Edinburgh and Aberdeen has happened in spite of and not because of any initiative from the centre. Therefore, the tide of events might mean that it becomes impossible for any authority or organisation not to offer that level of service, because it will clearly be behind the eight ball.

I would be interested to know what the Scottish Government's perception is of the potential for areas of Scotland to be left behind—that is a recurring theme of general internet and information technology provision over the years—in the provision of free Wi-Fi and whether it feels that, in the light of developments that are taking place in some of the major cities, there is the need for a light-touch co-ordinating role from the centre. That might appeal to me more than the slightly more regulatory suggestion that emerges from the petition but, nonetheless, it might get to the heart of what could become an on-going issue for many people living in parts of Scotland where they might feel that they are not getting the same level of service.

The Convener: I was going to ask Mr Macfarlane about the other side of the coin, which is the infrastructure providers. Presumably, if we are providing free Wi-Fi on a larger scale, there are economies of scale, so is it worth writing to BT and a number of the other providers to see what their view on the petition would be? In my patch—the Highlands and Islands—there is a major roll-out of broadband following the broadband development UK money, but that was hundreds of millions of pounds that came from a United Kingdom grant award. I would be interested to find out what not only BT but other providers would say.

Chic Brodie: I do not know whether you are looking at my notes—

The Convener: Perish the thought.

Chic Brodie: I had written that down, but I have some suspicion about what might follow if we go to a provider at this stage. That might be something that we do later. I would like to understand the demand side first before we start talking about companies, which shall remain nameless, rushing to every local authority to secure provision to every public building.

The Convener: Why do we not just leave it that we chase up the various bodies that we talked about and not touch the providers at this stage, then? We can consider the providers at a later stage.

Have we missed anyone? Is there anyone else to whom we should write?

Chic Brodie: I suggest that we write to Mr Macfarlane and commend him on his petition. I am sure he will feel better.

The Convener: We will certainly do that. It is a good point.

We will continue the petition and write to all the bodies that we have identified. Again, I put on record our thanks to Mr Macfarlane for coming before us. I am sure that all the committee wishes him well. I am sure that it was just a minor blip that he had, but we hope that he gets home safely—we have made provision for that.

We will suspend for two minutes to allow our new witness to join us.

10:29

Meeting suspended.

10:30

On resuming—

Access to Justice (PE1525)

The Convener: Our second new petition is PE1525 by Catherine Fraser on access to justice. Members have a note by the clerk, a briefing from SPICe and a copy of the petition. We have received apologies from Mary Scanlon, who spoke to me earlier to say that she has met Mrs Fraser and is very supportive of the petition.

I welcome the petitioner, Catherine Fraser, to the meeting. For the record, I make it clear that I have met Mrs Fraser before: she came to see me in my capacity as one of the regional MSPs for the Highlands and Islands.

Before Mrs Fraser speaks, it is worth stating that the committee cannot become involved in individual cases—that is not the committee's role. Members are aware that the petitioner was involved in a court action; under our current standing orders the committee must consider the

general policy issue and not the specifics of any court case.

Mrs Fraser will give us a five-minute presentation. I will kick off with a few questions and then ask my colleagues to come in.

Catherine Fraser: Good morning. I would like to thank the convener and the committee for inviting me here today to talk about my petition on access to justice for all. I felt compelled to raise the petition primarily due to my personal experience of trying to access justice and, through that, the realisation that there is a major failing in how the justice system operates, specifically in defamation cases.

Under current legislation, defamation cases are excluded from legal aid other than in very exceptional circumstances. Justice is about fairness and impartiality: regardless of the nature of the case, justice should be accessible to all. If a case is deemed to be of public interest when it goes through the court process, there must be provision in place for people like me who try to challenge a decision, but are prevented from doing so because legal aid is refused purely on the ground of the nature of the case. The right of appeal serves very little purpose if it is not accessible to everyone who goes through the court system.

No innocent person should ever be left in a position of being found guilty and wrongfully punished with no means of challenging the decision, whether it be a criminal or a civil matter. The validity of every decision should be of equal merit to the justice system and there should be no discrimination. A person's inability to fund an appeal should never be a barrier to accessing justice, because that can be described only as prejudiced and unethical. The knowledge that a court decision is wrong is devastating in its own right, but for a person to be unable to challenge the decision because they cannot afford to do so is immoral and makes a total mockery of what the justice system stands for. All cases go through the same justice system; therefore, equal rights should apply in trying to take up the right of appeal.

What is the purpose of legal aid? Surely it is to enable people who do not otherwise have the financial means to do so to pursue their right to justice. Why should defamation cases be different to other cases? History proves that human error occurs in all aspects of the justice system, and it is immoral that innocent people are left to stand alone in their fight, very often for many years, before the truth is eventually heard. It is even worse for people who are not afforded the opportunity to have the judgment of the court scrutinised. Surely a court decision should be reached on logic, not luck, and on evidence, not

opinion. To reach a court decision that is based on the balance of probabilities and from the perspective of one sheriff does not guarantee justice.

How many members of the public are actually aware of the failings and inadequacies within the system, which leaves people open to the very real risk of suffering an injustice? In my meetings and conversations with professionals within the legal, justice and law enforcement professions, those failings are acknowledged and, it would seem, widely accepted as being just the way the system operates.

Although those people are part of the system, they seem to be powerless to take any action to make changes to improve the modus operandi. On a personal note, while trying to access justice, I felt that the many words of sympathy I received, along with the standard response of “seek legal advice”, were of no benefit whatever. To be advised by people from within the system that the truth is not always heard in court, and that a different sheriff may take a different view of the evidence and reach a different decision, is of no consolation to anyone who has suffered an injustice. Words are easy to speak, but unless provision is in place to allow everyone—with no exception—to have access to justice, the words are meaningless.

Every taxpayer has their own views on how their taxes should be spent, what is worth while and what is a waste. While my petition was open for signatures, I received some very negative responses. I would challenge any of those people, and anyone else who is of the same opinion, to continue to hold their current views if they had injustice inflicted upon them. I am confident that they would reconsider and that their opinions would change. I, too, am a taxpayer and I—along with others who have suffered injustice—should be afforded the same protection as every citizen of this country.

For a justice system to be healthy, all of its aspects must be transparent, open to scrutiny and accessible to the people who depend on its integrity. Only then will the public have faith and confidence in the justice system and believe that it is more than just a lottery. For the reasons that I have outlined, I urge the committee to support my petition to have the law changed to guarantee access to justice for all.

The Convener: Thank you for your submission.

Do you agree that—to sum up your petition—ordinary citizens without substantial means are disadvantaged in defending defamation actions—in particular, if they are facing large organisations or wealthy individuals?

Catherine Fraser: Yes, I do.

The Convener: You will be aware that there was a UK test case on the issue—Steel and Morris v the United Kingdom; the so-called McLibel case—which I understand was successful under the European convention on human rights. I understand that that led to some changes in legislation. Was that a move in the right direction?

Catherine Fraser: Yes, but it has not gone far enough. I am not a legal person and I do not know all the ins and outs of the law, so I can talk only about my experience. The bottom line is that I could go nowhere; nowhere was open to me because I could neither get legal aid nor fund an appeal myself.

The Convener: I can understand that not getting legal aid means that people cannot get access to justice, but I picked up another point during our earlier conversations. You feel that there is a lack of expertise in respect of defamation and that one needs to go to one of our larger cities to access lawyers who specialise in that area. Is that a fair comment?

Catherine Fraser: Yes. Again, speaking from my own experience, I found that there was absolutely nobody in Inverness who was willing even to touch my case. The people who agreed to consider the case could see where I was coming from, but there was nothing that they could do, because that is just the way the system is.

The Convener: Given my earlier comments on the committee’s role, let us talk about the wider situation in Scotland. Are there issues around provision of justice in rural areas that the committee should consider?

Catherine Fraser: As I said in my petition, every person should have equal rights, regardless of where they live or what the case is about. I believe that everybody should have the same right to challenge a court decision and that finance should never be a barrier to doing that.

The Convener: Thank you for that. I now bring in my colleagues.

Chic Brodie: I will make a couple of brief points from our briefing. It is not the case that legal aid is not available on a limited basis in defamation cases or, indeed, for counterclaims of defamation. I know that you spoke about making legal aid available in a broad sweep of cases, but as well as opening the door to bona fide cases, that would open the door to some not so bona fide claims of defamation. How would you differentiate between the different elements?

Catherine Fraser: Everyone has the right to go to court. If a person knows that they have been judged wrongly and there is nothing that they can do about it, how can anyone justify that? How can the justice system say that that is right and that it

is okay for the odd one or two people to slip through the net?

Chic Brodie: I understand what you are saying, but a determination has to be made, because we know that when it comes to defamation we are talking about a broad sweep in terms of costs, relevance and so on. Do you agree that, under the Legal Aid (Scotland) Act 2007, a determination has to be made about what is a bona fide claim or counterclaim?

Catherine Fraser: I am not a legal person, so I cannot follow some of the things that you are saying. I believe that I have been defamed, because the judgment against me is on public record and is available on the internet for anyone to read. If there was any way in which I could make a counterclaim against that, I would.

Chic Brodie: We cannot go into your specific case. We all have different frames of reference when it comes to deciding what is a defamatory statement. Something that is defamatory in my eyes might be true in someone else's eyes. Do you agree that that is part of the issue and that we should not have an approach that tries to sweep up all such cases, because there are cases that involve statements that border on not being defamatory?

Catherine Fraser: That is where the court comes in. It is part of the process of going through the court to get to the truth of the matter and to establish what is and what is not defamation. If the wrong decision is reached, provision should be available for anyone to challenge a court decision. At the moment, the door is closed. Why should a defamation case be any different from any other case?

Chic Brodie: The door might be closed to some cases, but if we throw the door open, we might end up considering cases that do not meet the criteria that you are talking about.

The Convener: For clarity—I think that, in effect, this is what Mrs Fraser is saying—I point out that there is some civil legal aid funding available for advice and assistance, but it does not extend to representation in the court, unless there are wider overarching issues involved. I think that that is what Mrs Fraser is getting at.

Catherine Fraser: Yes.

The Convener: As members have no further questions, we come to the summation point, when we must decide on our next steps. It seems that it would be sensible for us to ask the Scottish Government, the Scottish Legal Aid Board, the Law Society of Scotland and the Scottish Human Rights Commission for their views on the petition. Does the committee agree to take that course of

action? Are there other people to whom we should write?

Chic Brodie: In general, I agree, but I would like us to seek further clarification on the position as regards the ECHR. There is the case that the convener mentioned, but I am not sure whether that is being interpreted correctly.

10:45

The Convener: My understanding is that—this is in the SPICe briefing—the Steel and Morris v the United Kingdom test case led to further legislation in Scotland. However, we can get further clarity from SPICe on the issue.

Anne McTaggart: I agree with your proposed action, convener.

John Wilson: When writing to the Scottish Government, we should seek clarification on what the term “exceptional circumstances” applies to in relation to the issue that has been brought to us by Mrs Fraser, on defending defamation cases.

The SPICe briefing refers to the statement that was made in 2007 to Parliament by the then deputy justice minister, in which he said that funding would be made available in exceptional circumstances. I think that that statement took on board the libel position around the McLibel case. However, it would be useful to get a clear definition of what are considered to be “exceptional circumstances”. Because of the circumstances that have been outlined by Mrs Fraser, she has found herself in a position—I know that others have found themselves in similar positions—where she feels that the judicial system and justice are not being served because people cannot afford to challenge decisions because the Scottish Legal Aid Board has taken a decision not to fund the actions.

Perhaps we could also ask how many exceptional circumstances there have been since the 2007 legislation was enacted.

The Convener: Not for the first time, Mr Wilson has predicted my recommendation. We need to look at the numbers involved. I reiterate my main point: there is funding for advice and assistance. However, that is not of much use for those who are not able to have representation in court. It is very difficult in a civil or criminal case to represent oneself. The old cliché—if you represent yourself, you have a fool for a client—is key. It is difficult to represent oneself irrespective of how good the advice and assistance are that one has been given in advance.

Jackson Carlaw: I was going to make a point similar to that which was made by John Wilson. Were we simply to write to the various bodies that have been suggested on the most general

principle underpinning the petition, the response would be that there are no plans to change the position because to do so would open the floodgates, and that such a policy would be unsupportable. Therefore, when we write, it would be interesting to follow John's Wilson's point and ask also what meaningful discussions or consultation there have been about potential expansion of the criteria that would allow for additional support to be offered in circumstances such as those that we have understood from this morning's evidence, and the cases that we would want to have seen supported, as opposed to those that could end up simply tying down the courts in unnecessary time and could, in fact, prove to be an obstacle to other justice being progressed.

The Convener: Those are good points. Do members agree to take that course of action?

Members indicated agreement.

The Convener: As members have no further points to raise, I thank Catherine Fraser for taking the time to come along to give evidence and to answer our questions. As she has heard, we have agreed to progress the petition and to write to the various bodies that have been mentioned. We will get back that information and the clerks will keep her up to date with developments on the petition.

I suspend the meeting briefly to allow our witness to leave.

10:48

Meeting suspended.

10:49

On resuming—

Current Petitions

The Convener: With the committee's agreement, I will defer for a few minutes consideration of PE1098 and PE1223. Stewart Stevenson was hoping to come and, as you know, he has strongly supported those petitions and has a lot of expertise in the area to which they refer. Given that the petitioner is here and that I do not want to delay him, we will obviously start our discussion if Stewart Stevenson does not come within a reasonable time—perhaps we will give it half an hour. In the meantime, we will take the other petitions first. Do members agree?

Members indicated agreement.

Renaming Glasgow Prestwick Airport (PE1506)

The Convener: The next petition is PE1506, which is by Alison C Tait on behalf of the Robert Burns World Federation Ltd, on renaming Glasgow Prestwick airport Robert Burns international airport. Members will have a note by the clerk and a submission from the petitioner.

I would particularly like Chic Brodie to speak about this petition, because I know that he has taken a very keen interest in it. I realise that other members have as well, but I will start with Mr Brodie.

Chic Brodie: Thank you, convener. I take more than a keen interest: I have made my position very clear. Although I understand the position that the cabinet secretary has taken on the name in the short term, we now have the situation, which was predicted by some—me being one—that Glasgow airport, Aberdeen airport and Southampton airport are up for sale, largely because of the investment that Heathrow Airport Holdings hopes to make in its next runway.

That poses a dilemma. I—and I am sure that those who support the petition—would not wish us to get confused with what is going on in Glasgow. The rationale behind the name Glasgow Prestwick—I said some months ago that I would never use that name again—was largely that the major airline that used Prestwick airport believed that using the attendant name of Glasgow would attract more passengers. A similar thing happened in Frankfurt, Sweden, France et cetera.

I have made my view very clear: this airport will, at some stage, be called Robert Burns international airport. Just three weeks ago, I was over in Belfast. I find it iniquitous that the airport there is named after George Best and that there

are airports named after John Lennon and Charles de Gaulle, yet here we have not named an airport after the icon of Scottish culture, whose works are translated into 195 languages across the globe.

I understand that the airport is going through some changes, and I have to say that some exciting things are happening, but I will do everything that I can to ensure that this petition comes to fruition and that, ultimately, this successful airport will be named Robert Burns international.

The Convener: Thank you. Jackson Carlaw, I believe that you have an interest in this.

Jackson Carlaw: Yes, convener. I have listened with interest to what Mr Brodie has said, but I note that two things have happened since we last considered the petition. The first is the further commercial announcements that have been made about the airport's operation and which have been hugely detrimental to the likely success of the business plan that we hope will yet secure the airport's future. As a result of those announcements, a very significant level of passenger traffic is going to be removed. There are different views about how the airport should proceed, and many feel that its most likely successful route is as a freight hub, in partnership with Glasgow, rather than as a passenger transport hub.

The second thing that has happened is that the management committee charged with the responsibility of securing the airport's future has considered the very nature of the petition and has concluded that renaming the airport would not be in the best interests of any plan to secure its future. Obviously that decision has been endorsed by the Deputy First Minister, who is not somebody with whom I would normally agree, but I suppose that she, together with the people who have been charged with the responsibility of taking the airport forward, has taken all the information into account and has concluded that renaming the airport is not the way to go. In that case, we should close the petition.

The Convener: I think that Mr Brodie wants to reply.

Chic Brodie: On the point that has just been made, those of us who might have been a bit closer than Mr Carlaw to what has been going on will understand why Glasgow airport required to increase its attractiveness by increasing its revenue. I agree that maintenance is a key element at Prestwick airport, but it cannot have escaped Mr Carlaw's notice that, as well as the two aspects that he mentioned, Prestwick airport has now been nominated as one of the six potential spaceports. We have to look forward at what is likely to happen. I understand the need for

continuity in the short term, but interest has already been shown in the freight aspect, the repair and overhaul facility and, indeed, the passenger side at Prestwick. I would therefore prefer to keep the petition open and regularly monitor the position.

Jackson Carlaw: I promise not to develop a dialogue on this, convener, but the slogan "Burns in space" does not altogether sit comfortably with me as a metaphor.

Chic Brodie: Well, given that his works have already been carried there, I would not be surprised if that happened.

The Convener: I am reluctant to intrude on family grief, but I think that it might be useful for other members of the committee to get involved in this discussion. Mr Wilson, do you have any suggestions for ways forward? You have been very diplomatic today.

John Wilson: In light of your comment about my being very diplomatic—as I always try to be, particularly with you, convener—I have to say that my view is that Chic Brodie is right in many respects. The cabinet secretary's decision might not have fully considered the views and aspirations of the people of Ayrshire or of Scotland; after all, this committee is meeting today in a committee room named after Robert Burns. When we as a Parliament decided to name the committee rooms, number 1 on the list of names was Robert Burns. That is why committee room 1 is now known as the Robert Burns committee room.

There is support for naming Prestwick airport after Robert Burns both because of its location and because Robert Burns is renowned worldwide as a poet who espoused certain views about Scotland. His name is well known, and airports in other locations have decided to name their airports after famous sons and daughters of the area.

I think that we should write again to the cabinet secretary, asking whether it would be possible for her to reconsider her decision, enter into dialogue on the issue and seek others' views—not just commercial views but the views of the people of Prestwick and Scotland—to find out whether naming Prestwick airport after one of Scotland's most famous sons makes the best commercial sense.

The Convener: Mr Carlaw has indicated that he wants to come back on that point. I will bring him back in after I have sought other members' views on John Wilson's suggestion.

David Torrance: I am happy to go along with that and happy to keep the petition open, too.

Anne McTaggart: I am not right sure. We could write to the cabinet secretary—I am sorry; I mean

the Deputy First Minister—but we have already done that and she has made her decision. I am not really sure what will persuade her to overturn it.

Angus MacDonald (Falkirk East) (SNP): I note that in June the Deputy First Minister told the Infrastructure and Capital Investment Committee that the conclusion had been reached that there were strong commercial reasons for retaining the name Glasgow Prestwick instead of renaming the airport. Taking that on board, I think that it could be argued that we could contact the cabinet secretary again to see whether it would be possible to retain the Glasgow Prestwick name but have a sub-name. Anything is worth a try.

11:00

The Convener: I think that there is a majority in the committee for following Mr Wilson's suggestion. I will bring in Mr Carlaw and Mr Brodie one more time, but as I have said, I do not want to have a huge debate on this.

Jackson Carlaw: I simply make the point that the airport's commercial future must be secured. The cabinet secretary, together with the people charged with the responsibility of securing that commercial future, have concluded that changing its name will not help.

It is true that other airports have changed their names, but they have usually been already successful commercial airports that changed their name in tribute to someone. People in New York did not change their airport's name to John F Kennedy because it was failing, and people in Paris did not change their airport's name to Charles de Gaulle because it was failing. The name change took place in tribute to the individual concerned, not to secure the airport's commercial future. When those who have been charged with this responsibility have concluded that the airport's commercial future is best secured by its retaining its name, it is wrong of us to argue to the contrary.

The Convener: Thank you. As I have said, I will also allow Mr Brodie to comment briefly, but I really do not want to have a huge debate. We could spend hours talking about airports around the world that we know.

Chic Brodie: I will be brief, convener. One of the disappointments around Prestwick has been the lack of marketing and selling of its considerable capabilities. The branding is important. I do not disavow the decision that the cabinet secretary and Deputy First Minister made on the basis of continuity and commercial needs in the short term, but it seems paradoxical then to make the airport's theme about Burns.

The Convener: I thank members for an interesting discussion. It is clear that there are different views, but there is a majority in favour of the suggestion that the petition be continued and that we write to the Deputy First Minister in the terms that John Wilson outlined.

School Bus Safety (PE1098 and PE1223)

The Convener: We return to PE1098 by Lynn Merrifield on behalf of Kingseat community council and PE1223 by Ron Beaty, both of which are on school bus safety. Members will have a note by the clerk and submissions.

I welcome to the meeting Stewart Stevenson, who has a long-standing constituency interest in Mr Beaty's petition, and Mr Beaty himself. Mr Beaty, I must thank you for your great help during the evidence session on an earlier petition, and for your dedication and commitment to your petition. You are a great example to other petitioners in your solid approach to continuing a petition over a number of years.

Mr Stevenson, will you give a brief summary of the issues?

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Thank you, convener. You are correct to refer to the issue as a long-standing one. Mr Beaty's petition came to the committee 2,037 days ago, and there have been 24 discussions in the committee and 55 occasions on which it has received correspondence. On 26 October 2010, when I appeared before the committee in my then role as minister responsible for the subject, we ended up having a discussion that took up 16 pages in the *Official Report*.

During that discussion, I referred to the development of a toolkit. I think that that has taken a little longer than we might have hoped. One of the people who appeared before the committee that day, along with Mike Penning, the then United Kingdom transport minister, was Chief Constable Mick Giannasi, from south Wales, who said:

"The legislation is fairly broad and permissive, and local authorities could go much further in specifying what signage they would like to see on vehicles. As Mr Penning said, the legislation is about minimal signing, and local authorities could go much further."—[*Official Report, Public Petitions Committee*, 26 October 2010; c 2960.]

A great deal more could be said, but at the heart of this is the need to protect our youngsters in transit to and from school. We have established beyond doubt that there is no legislative barrier to doing more to make signage on school buses more distinctive to ensure that we offer more protection for children. We have heard as much from the UK minister, from chief constables north and south of the border and from the current

transport minister in Scotland, as well as from me during my time as transport minister.

We simply have to stay on the case and find a method by which we can place a duty, if not necessarily a legal requirement, on all our local authorities to do more. As I discussed with Mr Beaty this morning—and as will be recognised around the table—there are examples of school buses that do not even carry the school bus sign.

We have to change the culture, and we do not have to spend large amounts of money on doing so. In the present climate, a policy that will deliver improved safety for our youngsters without the need to spend large amounts of money is a policy that should be adopted without further delay. After all, it has been 2,037 days since the petition was lodged.

The Convener: Thank you, Mr Stevenson. That was helpful.

Three courses of action have been outlined in our papers. Before we consider them, do committee members wish to raise any specific points or suggest any other course of action?

Chic Brodie: I have made my views known about the length of time that this has taken—it has taken longer than an elephant's gestation period. I defer to Mr Stevenson's superior knowledge, and I thank him for the clarity with which he has presented the case for continuing to pursue the issue.

Jackson Carlaw: I was encouraged by the letter that we received from Keith Brown, given that the principal point around which we seem to have made no progress with this petition—namely, the agreement between the Scottish Parliament and the Westminster Parliament—has now been resolved, and the process of allowing the legislative competence to transfer to this place and for the associated actions to proceed has begun. Persistence has eventually resulted in our being able to make progress on the petition's aims, and we should be pleased that that is the case.

The Convener: I will summarise briefly the courses of action that are outlined in the papers. In relation to PE1098, it is suggested that we continue to monitor the progress of the devolution of powers relating to seatbelt provision and write again to the Minister for Transport and Veterans to seek confirmation that progress has been made in line with the timetable that was set out in the previous response that Jackson Carlaw has touched on.

In relation to PE1223, it is suggested, first, that we write to the Convention of Scottish Local Authorities and the Association of Transport Coordinating Officers to seek their views on the difficulty in identifying a local authority to take on

the pilot scheme outlined in Transport Scotland's most recent response and, secondly, that we write to the Welsh Government to seek its views on the specific issues of signage and lighting on school transport and to ask what action it has taken in that area.

Do members agree to follow those courses of action?

Members indicated agreement.

The Convener: I once again thank Mr Stevenson for coming to talk to us. He is now an honorary member of the committee. I also thank Mr Beaty for his work. Although Mr Stevenson is right to say that the process has gone on for a long time, I think that this is not about speed but about direction, and we are going in the right direction.

Stewart Stevenson: Thank you, convener. Mr Beaty is an example to all of us and to all petitioners, and I wish him every success. I am sure that he will not leave the case until he has delivered for the people who have led him to this particular cause.

Aberdeen to Inverness Rail Improvement (PE1509)

The Convener: Our next petition is PE1509, by Lee Wright, on Aberdeen to Inverness rail travel improvement. Members have a note by the clerk, the SPICe briefing on compulsory seat reservation and standing on trains and the submission.

The submission raises the interesting point that a ticket gives someone a right to travel but not a right to a seat, with the exception of a ticket for Eurostar—on high-speed trains, we would not want people to have to stand for any great distance. The regulator does not seem to be particularly concerned about health and safety issues, but I think that the argument is quite interesting.

I understand that there might be some pressure to close the petition and that an improvement plan has been put forward, which I welcome. However, I have a couple of specific points to make. The first is about the lack of doubling of the Inverness end. The main problem on the line comes from the fact that it is the equivalent of a single-track road. Because of that, one train is scheduled to wait for 13 minutes at Nairn, for example. Doubling up the line is an issue. A similar argument applies to the train that goes south. I would like us to clarify that point with the transport minister.

Secondly, the lack of paths for freight is worrying. Getting freight off the road and on to rail is a climate change issue, as that will really help us to achieve some of our climate change targets.

I will give the clerk a bit more detail on those points. Do members agree to our drafting a note with a view to closing the petition later?

Members *indicated agreement.*

Unmarried Fathers (Equal Rights) (PE1513)

The Convener: The next petition is PE1513, by Ron Park, on equal rights for unmarried fathers. Members have a note by the clerk and the submissions. A number of options are outlined in the suggestions from the clerk.

Members will know that I have a social work background from my earlier life. I agree with the point that is made in some of the submissions that the key element of Scots law is that we should focus on the best interests of children. Another important fact that I picked up from the submissions is that the vast majority of fathers in Scotland have parental rights and responsibilities. Some submissions express the view that we should avoid a parent-centred approach, as the approach must be child centred. Those are key points that I picked up from the submissions.

I throw the discussion open to questions and points from committee members.

Chic Brodie: It is absolutely right that we must consider the children who are involved. It is said that the approach should not be parent-centric, but my concern is that some of the evidence showed that fathers' rights are less than those of mothers.

Somebody has made the point that it takes two to conceive but only one to deliver. That is true, but a child does not stay a newborn for ever. When the child grows, there will be requirements to protect its rights and I submit that part of that protection is having a relationship with the other parent—the father.

In her submission, Professor Elaine Sutherland refers to empowering

“the court to order DNA testing of the child”,

which would enable the father to be registered should he wish to be. That is in her article. On that basis, the proposal would protect the child's ongoing interests, although in some cases that have been mentioned—such as that of rape—the position would be negated.

Although 97 per cent of fathers are registered, I do not see why we should assume that the other 3 per cent are all involved in cases of domestic abuse or violence. The right should be protected and I support Professor Sutherland's views in her article, which was most constructive.

Jackson Carlaw: A lot of sensitivities as well as practicalities are associated with the petition. I see that a number of actions are recommended to us.

Given the sensitivity of the subject and of the petitioner, I would like us to write to the minister asking whether, with hindsight, there is regret about conflating the position of children who are born as a result of rape with that of children who are born as a result of a brief but consensual relationship. The petitioner is entitled to feel that there was injustice in the conflation of those two categories, which was unwise and unhelpful.

The Convener: Are members happy with the suggestion that we write to the Scottish Government asking for its views on four points, which I can summarise if members wish, and on the additional point that Jackson Carlaw has raised?

Members *indicated agreement.*

11:15

The Convener: To summarise, we are continuing the petition and seeking the Scottish Government's views on the point that Jackson Carlaw raised and the other four points, which are: Families Need Fathers Scotland's proposal that mothers should provide a reason when registering a birth without providing the father's name; the Law Society of Scotland's proposal that courts be given the power to order DNA tests when seeking to determine paternity; the Clan Childlaw suggestion that the question of whether all fathers should automatically have parental rights and responsibilities be referred to the Scottish Law Commission for consideration for inclusion in its future programme; and why the Government considers that the prospect of a mother raising proceedings to remove parental rights and responsibilities from a man with whom she has had a brief, consensual relationship would be unfair.

Is it agreed that we action the petition in that way?

Members *indicated agreement.*

Time for Reflection (PE1514)

The Convener: Our next petition is PE1514, by Norman Bonney, on making time for reflection representative of all beliefs. Members have a note by the clerk and the submissions.

I invite suggestions from members, but there is a potential course of action in that standing orders also provide that the committee may refer the petition to any body to take any action that it considers appropriate. I recommend that the committee refer the petition and submissions to the Parliamentary Bureau to take account of in its

review of time for reflection. If such a referral is made, the committee should close the petition but, in doing so, should note that any individual or group is able to contact their own MSP or the Presiding Officer directly with suggestions as to who may be invited to lead time for reflection.

Do members agree with that course of action?

Members *indicated agreement.*

Referenda for Orkney, Shetland and the Western Isles (PE1516)

The Convener: The next petition is PE1516, by Malcolm Lamont, on referenda for Orkney, Shetland and the Western Isles. Members have a note by the clerk and the submission.

I invite contributions from members. A potential option is set out in the note, which is that the committee may wish to defer any further action until the result of the referendum on independence is known.

I ask for the views of the committee on that potential action. Do members agree that we do that?

Chic Brodie: Yes. We should also recognise the submission from the Scottish Government, which indicates a raft of proposed changes. We should wait and see what happens.

Jackson Carlaw: I am prepared to go along with that. I am not altogether clear in my own mind whether the outcome of the referendum on September 18 is relevant as an issue of principle. The issue of principle is whether we believe that the Scottish Government should fund additional referenda for the islands irrespective, I imagine, of the outcome of the referendum that is before us, and I am not altogether clear that the case for that has been made. I would otherwise have been inclined to close the petition.

The Convener: As Mr Brodie said, the Government has made its position clear. It does not support the petition and outlines a lot of work that has been done with the our islands, our future campaign, which is a positive agenda that has much cross-party support.

We have two options: we can defer the petition until after the referendum or we can take Mr Carlaw's point and close the petition here and now. I ask for views from the committee on which option to take.

Chic Brodie: I agree that, on the basis of what has already been done, we should close the petition.

John Wilson: We should close it.

David Torrance: We should close it.

Anne McTaggart: I would prefer that it be left open until after the referendum.

Angus MacDonald: I am content to close the petition. It is unfortunate that the petitioner did not consider lodging it when the Edinburgh agreement was being negotiated. It is rather late in the day now even to discuss it.

The Convener: By majority, the committee wishes to close the petition. That is the committee's decision.

Bulk Fuel Storage Safety (PE1522)

The Convener: The final current petition is PE1522, by Simon Brogan, on improving bulk fuel storage safety. Members have a note by the clerk and submissions.

We had a good submission from Mr Brogan at a previous meeting. I mentioned then that I had met him wearing my regional hat. From discussions that I had in Orkney last week, when the matter was raised directly with me, I know that there are a number of safety issues across island authorities and complicated issues about who is responsible. However, I note that the Scottish Government is looking to review work on that area, which I support. I suggest that we give all the information that we have in relation to the petition to the Scottish Government and reconsider the petition in the future. Do members agree to that?

Members *indicated agreement.*

Meeting closed at 11:20.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by APS Group Scotland.

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

For details of documents available to
order in hard copy format, please contact:
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk

e-format first available
ISBN 978-1-78457-803-9

Revised e-format available
ISBN 978-1-78457-814-5