The Committee will consider the following current petitions—

**PE580** Petition calling for the Scottish Parliament to recognise the serious problems with solvent abuse in Scotland and introduce preventative safety measures to help combat solvent abuse.

**PE838** Petition by Sheila Carribine, on behalf of Low Valleyfield Community Council, calling for the Scottish Parliament, in the interests of road safety, to urge the Scottish Executive to review its policy in relation to roads design standards and encourage the publication of such standards and their proper and consistent application across Scotland.

**PE840** Petition by Judith McCrorie calling on the Scottish Parliament to urge the Scottish Executive to review its policy in relation to traffic calming measures, such as road humps and road cushions, in order to ensure the impact on disabled users and the elderly is adequately addressed.

**PE877** Petition by Janet Walton calling on the Scottish Parliament to urge the Scottish Executive to review its policies on the provision of affordable housing, particularly in relation to the impact on the elderly and those on low incomes.
To:
The Scottish Parliament, Petitions Committee,
John McAllion.

Please accept this petition, supported by approximately 15,000 signatures, to recognise the serious problems with Solvent Abuse in Scotland and the need for the Government to take action by changing the legislation and introducing preventative safety measures to help combat Solvent Abuse.

From L.O.S.T
(Lee O'Brien Solvent Trust)

John O'Brien
Chairperson

and

Susan O'Brien
Vice Chairperson

28th November 2002
17/6/05

Scottish Parliament
Public Petitions Committee
Consideration of PE580

Dear Sir's,

I would like to take this opportunity to update the petition's committee regarding our charity LOST. I understand they are to meet on the 22nd June at 10 am when our MP John MacDougall would have represented LOST but due to unforeseen circumstances this will now be at a later date.

Can you please see that this enclosed information is presented to the petition's committee on this date 22nd June for their convenience, please photo copy if need be.

We look forward to your reply and thank you for your assistance.

Yours regards

John O'Brien
Chairperson for LOST
A PETITION which calls on the Scottish Parliament to recognise and combat the serious problems caused by substance abuse has been given further consideration.

The document was submitted by the Lee O'Brien Solvent Trust (LOST) to the Parliament's public petitions committee in November, 2002.

And during its meeting at the end of last month, the petitions committee examined responses from the Scottish Executive and the Department of Trade and Industry.

Its members now intend to invite Central Fife MP John MacDougall and Marilyn Livingston MSP to give evidence on the subject.

The move comes in the run-up to the third anniversary of the death of Lee O'Brien, whose father, John, founded the Trust in his name.

Lee was 16 when he died on January 16, 2002, after sniffing lighter fuel.

The 15,000 signature petition calls for regulations on selling volatile substances to be tightened and it has been backed by 23 Scottish local authorities.

In a response from the Scottish Executive, Hugh Henry, the deputy minister for justice, informed the petitions committee of developments in solvent abuse issues.

Mr Henry - who officially launched the test purchase scheme in Fife which targeted shopkeepers who sold solvents to under-age youngsters in 2003 - said a report on volatile substance abuse (VSA)-related deaths, published by St George's Hospital Medical School last summer, showed there were eight deaths in Scotland in 2002. This compared with nine deaths in the previous two years.

He said: "We understand that five of the eight deaths which occurred in Scotland were associated with butane gas lighter refills."

Mr Henry added that the Scottish Retail Consortium was planning to distribute a new booklet to retailers in Scotland reminding them of their responsibilities in age-restricted sales generally.

While a spokeswoman for the department of Trade and Industry stated in a letter to the committee that the department didn't have 'particular views' on the initiative and was unable to comment further.

John O'Brien told The Gazette: "I have spoken to the committee and they are going to pursue the matter of solvent misuse to the bitter end until they see some results from the Scottish Executive. On behalf of the people they will take it forward."

John, who met with Chancellor of the Exchequer, Gordon Brown, at an event in Lochgelly Town Hall last month, added that the Chancellor continues to be supportive of LOST and acknowledged the group's work in highlighting the dangers of solvent abuse.

By Debbie Clarke
ANTI-SOLVENT abuse campaigners have been invited to another royal appointment.

LOST members will attend the Queen's garden party at Edinburgh's Holyrood Palace this summer

Secretary Caroline O'Keefe, vice-chairman Susan O'Brien and treasurer Anne Syczynski will all be present at the event on June 30.

Also attending will be chairman and founder, John O'Brien, who is set to meet the Queen for a second time.

John had his first audience with the monarch in October, 2003, at Buckingham Palace in London when he received a 'Pioneer Award'.

The honour was bestowed in recognition of his work to raise awareness of the dangers of abuse through the Lee O'Brien Solvent Trust, after his 16-year-old son tragically died from sniffing lighter fuel.

John said he was "flabbergasted" to receive the latest invitation to rub shoulders with royalty. John O'Brien is pictured chatting to the Queen during his first audience.
Fife man’s top award for safety

A FIFE man has won a national award after his tireless campaign to raise awareness of the dangers of solvent abuse led to a change in the law.

John O’Brien from Methil, who set up the Lee O’Brien Solvent Trust (LOST) following the death of his 16-year-old son from solvent abuse, was presented with the National Scottish Award for Safety at a reception at Dunblane Hydro.

The award was in honour of LOST’s work, which also included a campaign to prevent the sale of lighter fuel to underage children and which resulted in the introduction of a nationwide test purchasing scheme.

John was presented with a trophy by Lord Cullen, Lord President of the Court of Session, after being picked from over 100 nominees at the ceremony, which was organised by the Scottish Chamber of Safety.

Awards assessor Harry Backhouse introduced John as “the founder of a unique organisation that has accomplished a tremendous job.”

John, his partner Caroline and his daughters Susan and Lana threw themselves into the LOST campaign, receiving the support of all Scottish local authorities and MSPs and around 300 MPs.

John said, “I am delighted to receive this honour on behalf of everyone involved with LOST.

“I ask you now to make sure every one of you passes on knowledge of these dangers to your colleagues. It could save a life.”
Three-year battle ends in victory

John’s crusade forces Lord Advocate to permit test purchasing scheme

By Debbie Clarke
Reporter
debbie.clare@fifeonline.co.uk

A THREE-year crusade by a Fife father calling for shopkeepers to be responsible when selling solvents has been won.

And John O’Brien said it was a case of “mission accomplished” after his long battle.

The Lord Advocate has decided to allow youngsters to test purchase age-restricted goods under changes to prosecution policy.

Under-18s will now be able to attempt to buy products like tobacco or solvents as part of planned sting operations to catch rogue shopkeepers.

Lord Advocate Colin Boyd QC said there were shopkeepers willing to turn a blind eye and endanger young people.

He added that test-purchasing arrangements were “safe, effective and fair” following a pilot scheme.

The ruling has been welcomed by John, who founded LOST (The Lee O’Brien Solvent Abuse Trust) after his 16-year-old son Lee died from sniffing lighter fuel.

He has been campaigning for the evidence of youngsters to be used in prosecuting unscrupulous shopkeepers following the launch of a pilot scheme by the Scottish Executive in the Kingdom last year.

The initiative saw 40 trained youngsters between 14 and 17 attempting to buy solvents from 200 Fife shops.

The shopkeepers were then tested on whether or not they asked for proof of identification before a sale was made.

And the results showed 30 out of a total of 61 premises failed, despite 12 of the 30 shops being sent educational materials, including posters, stating their legal responsibilities.

John told The Gazette: “Test purchasing will be rolled out across Scotland and, for us, this is mission accomplished.”

Awareness

“We have been campaigning for three years to achieve this. Shopkeepers will now have to be careful - all we want is for them to take some responsibility for what they sell.”

The Scottish Executive launched the campaign aimed at raising awareness among shop staff of the law and the sale of butane gas lighter refills and pressure was then put on the Lord Advocate to do something.

“I am really pleased about the ruling because if something like this was in place three or four years ago, my son might still be alive. I hope the changes can now help others.”

He added: “Around 2000 children have died because some shopkeepers have not been trading legally, now they have to sit up and pay attention.”

The Lord Advocate came to his decision after wide consultation and a pilot study conducted by trading standards services in Moray, Stirling, South Ayrshire and Edinburgh.

He said: “I have considered the evaluation report of the tobacco test purchasing pilot and have concluded that the test purchasing arrangements are sufficiently safe, effective and fair to allow the revised prosecution policy devised for the purposes of the pilot to be extended to allow wider test purchasing to be rolled out nationally.

“The safety of the children involved in the scheme will continue to be of paramount importance, as will ensuring that the test purchasing arrangements and protocols are closely adhered to.”

“It is vital that young people are protected from those who are willing to break the law for profit by selling age-restricted goods to children and young people.

The Lord Advocate’s decision was also supported by Fife Council’s trading standards service.

Trading standards enforce laws on age restricted products including cigarettes, fireworks, cigarette lighter refills, videos and paint spray cans.

Head of Trading Standards, Neil Edwards, said: “Enforcement of the sales of age restricted products has been severely limited in Scotland due to legal restrictions on using children to make test purchases.”

“The lifting of these restrictions means that we will be able to back up education programmes with effective and efficient enforcement.”

John O’Brien, whose three-year crusade has finally reaped dividends

“We will be able to take effective action against retailers who refuse to take their legal responsibilities seriously.”

He added: “The Young Scot proof of age scheme is currently being introduced in Fife. With the scheme in place there can be no excuse for traders selling to underage youngsters.”
BOY, 7, KILLED BY DEODORANT SPRAY

AN autistic boy died after squitching deodorant spray into his mouth.

Seven-year-old Kieran Bernard's lifeless body was found in his bedroom by horrified dad Robert.

He battled in vain to revive his son before calling for an ambulance.

Last night paper mill worker Robert, 43, said: "It was every parent's worst nightmare, finding your only child dying like that.

"We think Kieran got into one of the cupboards in the bathroom and sprayed some kind of aerosol in his mouth.

"I rushed to the phone and called the police and ambulance and the police took all the aero-sols from the bathroom.

"We are totally devastated and I'll never recover from this.

"The procurator fiscal is investigating but we've been told we will not know exactly what killed Kieran for another six weeks."

Tragic Kieran - who was just days away from his eighth birthday - was rushed to Queen Margaret Hospital in Dunfermline from the family home in Cowdenbeath with suspected solvent poisoning last Thursday, but medics were unable to save him.

Last night Robert told how he and wife Agnes, 40, wanted Hibsmad Kieran to be buried in his favourite football top.

He said: "I'm going up to the funeral parlour to make sure the top goes on my wee boy in his coffin."

A relative - who did not want to be named - said: "Kieran was dead when he got to hospital. It looks as though he had been playing with a tin of deodorant. Everyone is absolutely devastated."
Mr Henry has asked me to reply to your letter of 5 August 2004 to Scott Rogerson, in which you invited comments on any developments in addressing the issues raised by John O’Brien in Petition PE580 about the problem of solvent abuse.

Mr Henry has stated that the position with regard to action by the Scottish Executive is substantially as set out in the Annex to his letter to the Committee of 1 March, which provided a detailed account of the range of measures being taken (a copy is attached for convenience).

There are two or three developments, however, which Mr Henry would like to draw to the attention of the Committee. In July, the annual report on volatile substance abuse (VSA)-related deaths published by St George’s Hospital Medical School, showed that there were 8 deaths in Scotland in 2002. This compared to 9 in the previous 2 years. While any reduction in the number of deaths associated with VSA is clearly welcome, Mr Henry recognises that behind these figures lie a tragic waste of life and potential as well as the considerable grief experienced by the families affected. The Committee can be assured, therefore, that the Executive remains committed to tackling this issue across the range of fronts which were described in the Annex to Mr Henry’s earlier letter.

We understand that 5 of the 8 deaths which occurred in Scotland were associated with butane gas lighter refills. The Executive will be mounting a Scotland-wide campaign in the autumn, aimed at raising awareness among retailers of the law governing the sale of cigarette lighter refills which makes it an offence to sell these products to the under 18s. The campaign will build on last year’s successful pilot initiative in Fife.

Mr Henry also wishes to point out that the Scottish Retail Consortium, with funding from the Scottish Executive, is planning to distribute a new booklet to retailers in Scotland reminding them of their responsibilities in relation to age-restricted sales generally. The booklet will also offer guidance on how to avoid under-age sales and to deal with confrontation which frequently arises as a result. The Scottish booklet is being produced in conjunction with Young Scot, and is based upon one being produced by the British Retail Consortium to coincide with the launch of the BRS’s PASS scheme.
The booklet will be launched later this year, in conjunction with a new Young Scot card, which has been given PASS accreditation for its proof of age element. The materials will issue once the outcome of the Lord Advocate’s decision on his long-term prosecution policy is known, following consideration of the evaluation of the test purchasing pilots of age restricted goods.

Mr Henry has noted the Committee’s intention of writing to the Department of Trade and Industry in relation to the safety of butane gas canisters.

JUDITH BALLANTINE
Private Secretary
You wrote on 27 January, raising some further points following the Committee’s consideration of my response to Petition PE580, and enclosing a letter from the petitioner for comment.

With regard to the specific comments in your covering letter, the Executive will be happy to keep the Committee informed of developments in respect of the issues highlighted in my original response. In this connection, the members will be interested to see the attached copy of the report on the evaluation of the *Know the Score* campaign which we launched in Fife aimed at reminding retailers of the law relating to the sale of butane gas lighter refills (more detail, including our plans for developing the initiative, is given in Annex A).

The Committee can be assured that we maintain close contact with our UK counterparts and that we will be fully consulted should there be any future proposals to review legislation relating to the sale of butane gas. I have noted the Committee’s further comments on the injection of Bitrex into lighter fuel, and the reduction in size of lighter refill canisters, as suggestions for deterring would-be abusers. These matters fall outwith the Executive’s remit and are reserved to the UK Government, but we will draw the Committee’s comments to the relevant Whitehall Departments.

I was aware that John McDougall was proposing to raise a Private Members Bill on the issue at Westminster, and have noted the Committee’s approach to John seeking further information.

My comments on the points raised by L.O.S.T in its letter of 1 December are set out in the attached Annex.

HUGH HENRY
PUBLIC PETITION PE580 – COMMENTS ON FURTHER POINTS RAISED BY LEE O'BRIEN SOLVENT TRUST (LOST) IN VICE CHAIRPERSON’S LETTER DATED 1 DECEMBER 2003

Butane gas lighter refills accounting for over 50% of VSA deaths

We are concerned that butane gas lighter refills have been implicated in the majority of VSA-related deaths in Scotland. Legislation was introduced by the UK Government in 1999 making it an offence to sell these products to the under 18s. This reinforced the position in Scotland, where it was already a common law offence culpably, wilfully and recklessly to supply solvents to people of any age in the knowledge that they were to be used for the purposes of abuse. As indicated in our original response to the Petition, there are no plans to introduce further legislative controls, but we are in regular contact with trading standards officers, the police and other key players to consider how the existing legislation might be better enforced. In addition, our prevention work will continue to give a particular focus to cigarette lighter refills.

Test purchasing pilot in Fife

We have recently received the results of the pilot test purchasing scheme in Fife, which we will consider with interest. As I previously indicated, the Lord Advocate has authorised pilot test purchasing schemes for tobacco in Edinburgh, Moray, South Ayrshire and Stirling, which will allow criminal proceedings to be based on evidence obtained through the use of children. Although the pilots are restricted to test purchasing tobacco products, the results will be read across to the enforcement of laws relating to other age-restricted goods. The findings of the four local schemes are expected in the spring. The Lord Advocate will then consider whether current prosecution policy, which prevents criminal proceedings being taken in Scotland for alleged illegal sales of age-restricted goods on the basis of test purchasing by children, should be revised.

Prevention work and TV advertising campaign

We agree with LOST that education and prevention work needs to be targeted at parents as well as at children. That is the reason we have published a Know the Score booklet on VSA, which includes advice to parents who think that their children may be experimenting with such substances as cigarette lighter refills and glue. Our recently published booklet “drugs – what every parent should know”, which was also produced under Know the Score, gives parents advice on talking to their children about drugs, including solvents. In terms of TV advertising, we have no immediate plans to use this medium, but we will consider the proposal when planning future communications activity under the Know the Score campaign. There is, of course, a risk that such advertising could be counter-productive and inadvertently encourage more experimentation through publicising the many every-day items that can be abused.

Additional controls on sales of butane gas lighter refills proposed by LOST

We have sought the comments of the Scottish Retail Consortium (SRC) on the petitioner’s specific proposals for tightening controls on the sale of butane gas ie 1) applying a minimum age to staff who can sell butane gas, as with alcohol and fireworks; 2) a restriction on the quantity of butane gas canisters that can be sold in any one sales transaction; and 3) compulsory warning signs in shops on the age limit for sales, as with cigarettes and alcohol.
The SRC expressed concern that, what in theory is being suggested, is the establishment of a new and complex system of licensing. The SRC pointed out that under age sales of alcohol and tobacco continue even though a licence is required, and there is no reason to believe that the licensing of butane gas would be any more effective. The SRC is also worried that, in the event of too many restrictions on sales, many retailers would simply stop stocking the products which would seriously penalise the vast majority of customers who purchase solvents for legitimate purposes.

More specifically, in terms of the first two points, the SRC feel that it would be virtually impossible to police such restrictions, especially in the case of smaller retailers. The SRC would, however, welcome a national proof of age scheme, which it feels would have a big impact in reducing under age sales. Regarding point three, the SRC would have no problem, in principle, with compulsory signs in visible positions both within and outside stores, but would have difficulty in knowing what sanctions to evoke for non-compliance. The SRC, however, confirmed that it would support any national scheme launched to remind retailers of their responsibilities under the law.

The SRC’s position is that there is a need for:

- education, highlighting the dangers and illegal nature of use of butane gas etc.;
- a national, effective proof of age scheme; and
- effective and consistent enforcement against the rogue trader.

We agree with the areas highlighted by the SRC and have the following specific comments:

**Education**

We have set out, elsewhere in this paper, action either underway or in the pipeline to educate and inform key audiences about the risks associated with the abuse of butane gas and other solvents. We will continue to target young people, parents, retailers and professionals in our prevention work.

**Proof of Age**

While there no plans to introduce a UK-wide identity/proof of age card scheme, the Executive recognises the value of proof of age cards in helping to prevent illegal sales of age-restricted goods. We are, therefore, funding the Dialogue Youth - Young Scot Initiative to roll out a young persons’ card, incorporating voluntary proof of age, to all 32 local authorities by the end of the year. The cards were recently accredited under the British Retail Consortium’s Standards Scheme. The Executive is also supporting a No Proof No Sale Initiative, which although being taken forward within the context tackling underage drinking, will have relevance to the sale of other age-restricted goods.

**Enforcement**

Legislative controls on the sale of butane gas to under 18s are already in place, and we are continuing to work with local trading standards departments and other key players to explore ways in which the legislation could be better enforced.

**SRC’s response to LOST’s campaign work**

In relation to the statement that it is taking "a very negative view" of LOST’s campaign work, the SRC has stated that it “would never condone the sale of any age restricted product to an under-age person, and in fact we are currently working with the Executive to produce a clear, concise, user
friendly age restricted product booklet for all retailers across Scotland. This booklet would clearly outline all age restricted products and what can be sold and to who, whilst also highlighting the importance of staff training and dealing with difficult customers”. The SRC is also actively supporting the Executive’s Know the Score campaign, which aims to remind retailers that is an offence to sell butane gas lighter refills to the under 18s.

Cross Party Group on Oil & Gas

I have not seen the detailed comments of the Cross Party Group, but I have seen the Official Report of the Committee’s meeting on 28 January, when there was some discussion by members of specific measures which they hoped manufacturers might consider to render their products less likely to be abused. These matters are reserved to Westminster but we are arranging to bring the Committee’s suggestions to the attention of the appropriate UK Department.

Changes to legislation/new preventative safety measures

For the reasons set out in my previous response, there are unlikely to be significant developments either in respect of legislation or safety measures in the foreseeable future (responsibility for both matters rests at UK level). The Executive, however, remains committed to tackling Scotland’s VSA problem and, since responding to the Committee in June, we have taken the following action:

August 2003

We produced and distributed Know the Score materials around 200 businesses throughout Fife (the materials reminded retailers of the law governing the sale of butane gas lighter refills). This action ran alongside Fife Council’s pilot test purchasing scheme (see above).

In November, our independently commissioned evaluation of the Fife campaign showed that the project had achieved a positive impact among local retailers. In view of this favourable evaluation, we are currently considering the scope for rolling out the initiative on a Scotland-wide basis.

September 2003

Our annual survey established that 99% of schools in Scotland now provide drug education, which includes information on solvents.

October 2003

We published a Know the Score booklet aimed at raising public awareness of the dangers of inhaling volatile substances. It highlights the signs and symptoms of inhaling dangerous substances and includes advice for parents on how to discuss the subject with their children.

January 2004

Our Know the Score booklet “drugs – what every parent should know” was published. The booklet contains an “A-Z of Drugs, which includes a section on the different solvents and their effects, and the legal position.
Ongoing

We are working closely with key partners to ensure that the momentum is maintained. For example, Scotland Against Drugs is working with the Executive to update and publish “Drugs-Know Your Stuff” under Know the Score, which will include advice and information on volatile substances. We are continuing to part-fund Re-Solv’s Scottish Solvent Abuse Field Worker, who is driving forward activity at community level to raise awareness of the risks associated with volatile substance abuse. We are also monitoring the annual plans submitted by Scotland’s 22 Drug Action Teams, who are required to show how they are addressing VSA in their areas.
7 July 2004

Michael McMahon MSP
Convener of the Public Petitions Committee
Public Petitions Committee
The Scottish Parliament
Room 5.16
PHQ
George IV Bridge
Edinburgh
EH99 1SP

Dear Mr McMahon

Advisory Council on the Misuse of Drugs report

Thank you for your letter of 11 May to Secretary of State seeking the Department’s views on the above report and our plans to collaborate with industry on this issue. While supportive of initiatives by companies to tackle social issues, the Department does not have particular views on the initiative outlined in your letter.

I apologise for being unable to comment before your deadline and hope this was not an inconvenience.

Shantha Shan
Private Secretary to Secretary of State for Trade and Industry

Department of Trade and Industry
JMAC/JR

26 April 2004

Ms Eileen Martin
Public Petitions Committee Assistant
Room 5.16
Parliamentary Headquarters
Edinburgh
EH99 1SP

Dear Ms Martin,

Following discussion with John O'Brien, I have become aware of a meeting taking place which will consider responses from myself and the Scottish Executive regarding the submission of Public Petition PE 580.

I would therefore like to take this opportunity to clarify my position. Presently it has not been possible to secure an adjournment debate on this subject but the issue has been added to the ballot and I will continue to make every effort to secure a debate in the future.

Yours sincerely

John MacDougall, MP for Central Fife
Mr Michael McMahon MSP  
Convener of the Public Petitions Committee  
Scottish Parliament  
Room 5.16  
Parliamentary Headquarters  
Edinburgh  
EH99 1SP

Our ref:  
01 March 2004

Dear Michael

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For the reasons set out in my previous response, there are unlikely to be significant developments either in respect of legislation or safety measures in the foreseeable future (responsibility for both matters rests at UK level). The Executive, however, remains committed to tackling Scotland’s VSA problem and, since responding to the Committee in June, we have taken the following action:

**August 2003**

We produced and distributed *Know the Score* materials around 200 businesses throughout Fife (the materials reminded retailers of the law governing the sale of butane gas lighter refills). This action ran alongside Fife Council’s pilot test purchasing scheme (see above).

In **November**, our independently commissioned evaluation of the Fife campaign showed that the project had achieved a positive impact among local retailers. In view of this favourable evaluation, we are currently considering the scope for rolling out the initiative on a Scotland-wide basis.

**September 2003**

Our annual survey established that 99% of schools in Scotland now provide drug education, which includes information on solvents.

**October 2003**

We published a *Know the Score* booklet aimed at raising public awareness of the dangers of inhaling volatile substances. It highlights the signs and symptoms of inhaling dangerous substances and includes advice for parents on how to discuss the subject with their children.

**January 2004**

Our *Know the Score* booklet “drugs – what every parent should know” was published. The booklet contains an “A-Z of Drugs, which includes a section on the different solvents and their effects, and the legal position.
Ongoing

We are working closely with key partners to ensure that the momentum is maintained. For example, Scotland Against Drugs is working with the Executive to update and publish “Drugs-Know Your Stuff” under Know the Score, which will include advice and information on volatile substances. We are continuing to part-fund Re-Solv’s Scottish Solvent Abuse Field Worker, who is driving forward activity at community level to raise awareness of the risks associated with volatile substance abuse. We are also monitoring the annual plans submitted by Scotland’s 22 Drug Action Teams, who are required to show how they are addressing VSA in their areas.

Michael McMahon, Esq., M.S.P.,
Convener,
Public Petitions Committee,
The Scottish Parliament,
Room 5.16,
PHQ,
George IV Bridge,
EDINBURGH.
EH99 1SP

Dear Mr. McMahon,

**Private Members’ Bill on the Sale of Butane Gas**

Thank you very much indeed for your letter of 27th January in regard to the above.

Firstly, may I say how grateful I am to the Scottish Parliament for their recognition of this serious and widespread issue and, whilst it is not primarily a Westminster matter, there are areas of regulation where the Westminster Parliament can play an important role in the form of legislative change and I therefore believe this is a case where effective joint co-operation can make a difference.

I became involved in this matter following the tragic and untimely death of Lee O’Brien which resulted in my liaison with the LOST campaign (the Lee O’Brien Solvent Trust) championed by Lee’s father John O’Brien. I have to date tabled an Early Day Motion and have received support from a great many Westminster Members (well over 200). In light of this, I believe there is overwhelming cross-party support which could result in amendments being made to current legislation.

I have also met with various campaigning groups, such as Resolve, and have been particularly heartened by their support and advice. These groups are keen to have this opportunity to strengthen current legislation and protect young people from the insidious harm brought about by substance abuse.

As far as the Private Members’ Bill is concerned, Parliamentary procedure requires that submission for such a Bill – and its acceptance – is not guaranteed and it is, therefore, impossible for me to say at this stage when this Bill can be presented.
I have to date – after extensive research - written to Michael Martin, Speaker of the House of Commons, in order to explain fully my concerns, detailing the overwhelming support I have encountered and the expectation for a positive outcome. I believe that – as opposed to concentrating on a timetable for delivery – it is far more important that the end results give the best possible prospects for change.

I have requested an Adjournment Debate which requires to be balloted along with many other equally valuable adjournment debates and I am hopeful that my continued efforts will result in a debate which reinforces the already considerable support I have been given in the House. It is only when the above procedure is concluded that I would intend to apply for a Private Members’ Bill.

I do hope the foregoing explains the background and the strategy in this regard and also the various procedures which are required to bring about a Private Members’ Bill.

For my part, I shall certainly make continued efforts to effect change as quickly as possible within the current Parliamentary framework and may I thank you once again for your support – and the Scottish Parliament’s support – and let us hope that the situation can be changed to bring about a safer society for our young people.

I do not, however, under-estimate the power of education and the part it can play in making youngsters even more aware of the dangers involved in substance abuse. Indeed, whilst legislation is a vital tool in itself, education has an equally vital preventative role to play in highlighting the –occasionally fatal – consequences of substance abuse.

I shall, of course, keep you advised as to developments in this matter and in the meanwhile thank you for taking the trouble to contact me.

Yours sincerely,

John W. MacDougall,
M.P. for Central Fife.
5 JANUARY, 2004

Mr Bryan McConachie
Public Petitions Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Dear Mr McConachie

Petition PE580 Solvent Abuse

Thank you for your letter dated 24 November requesting any further comments from the Scottish Retail Consortium regarding the evidence the committee received on petition PE580 on solvent abuse, submitted by John and Susan O'Brien.

The SRC's views on the matter remain unchanged, and agree with the Deputy Justice Minister's advice that most of legislation concerning the sale of solvents is reserved to Westminster.

You may be interested to learn that Young Scot has now received accreditation from the PASS board to become a proof-of-age card and this system is now being piloted in a number of local authority areas across Scotland. Once established, this will provide retailers with a crucial tool to prevent under-age sales.

Another area of progress since the committee originally received evidence on this petition is that the SRC and the Scottish Executive Substance Misuse division are now working together to produce a leaflet detailing the law on the sale of solvents and advising retailers on how to enforce it in a practical manner. This leaflet will be delivered to all retailers, small and large, across Scotland and will be a further useful tool for retailers. The design of the leaflet will use any of the lessons learned by the solvent test-purchasing scheme in Fife.

I hope you find this useful and please do get in touch if you would like any further information.

Yours sincerely

Elinor Jayne
Public Affairs
The Scottish Parliament
Public Petitions Committee
Room 5.22
Parliamentary Headquarters
Edinburgh
EH99 1SP

1 December 2003

Dear Mr. McConachie

RE: SUBMISSION OF PUBLIC PETITION – PE580

Thank you for your letter dated the 14 November 2003 updating us on the above petition. In response to the attached documents sent, we would like to make the following comments;

Mr. Hugh Henry’s letter states that the legislation governing butane gas is reserved to the UK Parliament, as this is the case, L.O.S.T have recently approached the UK Parliament with the support of MP John MacDougall who is proposing a private members bill.

We also understand that there may be a risk that by tightening the legislation for butane gas this may encourage the abuse of other volatile substances, however, this is only hypothetical and the facts show that butane gas is the most deadly of all solvents accounting for over 50% of VSA deaths.

We do agree that a stricter line of enforcement is required by all Trading Standards Authority’s. We hope that if the current pilot scheme for test purchasing is successful in Fife then other Scottish Authorities will adopt a similar role to help identify retailers selling the butane product illegally. Although due to the current restrictions on Scottish legislation no prosecution action can be taken against those retailers caught by test purchasing. L.O.S.T feel that if successful prosecutions can be undertaken in England then why not in Scotland. Surely this would act as more of a deterrent to those who risk breaking the law?

We also agree with Mr. Henry that education is a key factor in helping to prevent solvent related deaths, which should not only be aimed at children but also parents. L.O.S.T would like to see the Scottish Executive promote a hard hitting TV advertising campaign on solvent misuse to help educate a wider range of people.

With regards to the response to licensing, L.O.S.T understand that shopkeepers are already obligated to comply with various bits of legislation, however, the implementation of licensing of a deadly product such as butane gas, should not be seen as a ‘burden’ but a means of saving lives. If this was to be opposed by the Retail Consortium, then surely they should consider other measures, such as (1) applying a minimum age to staff who can sell butane gas, as with alcohol and fireworks (2) a restriction on the quantity of butane gas canisters that can be sold in any one sales
transaction (3) compulsory warning signs in shops on the age limit for sales, as with cigarettes and alcohol. Surely such measures cannot be viewed as a burden, but as practical steps to help and prevent solvent abuse deaths.

L.O.S.T was disappointed by the response received from the Scottish Retail Consortium and felt it was a very negative view to our campaign work. The Test Purchasing Scheme being run by Fife Council is a positive break through to help target the abuse of cigarette lighter refills and I am sure clarification on the protocol adopted by Fife Trading Standards would convince the Scottish Retail Consortium that this is a worthwhile exercise and is a well designed project and would hopefully help gain their support.

We were interested to read the response received from The Cross Party Group on Oil & Gas and praise Shell in their efforts to combat the misuse of butane gas. It is encouraging to know that Shell are attempting to develop the product and it would be good to see a positive result from this.

L.O.S.T approached the Scottish Parliament Petitions Committee last year in a bid for changes to legislation and for the introduction of preventative safety measures surrounding the sale of Butane Gas. Today, we still feel very strongly about this issue and believe that changes need to be made so that what happened to Lee does not happen to other children.

Finally, we would like to thank the Petitions Committee for considering our petition and look forward to hearing your decisions.

Kind Regards

Susan O'Brien
Vice Chairperson
Public Petitions Committee – a template for public petitions

Should you wish to submit a public petition for consideration by the Public Petitions Committee please complete the template below. Please refer to the Guidance on submission of public petitions for advice on issues of admissibility before completing the template. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

Details of principal petitioner:
Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to, email address and phone number if available

Petitioning organisation: LOW VALLEYFIELD COMMUNITY COUNCIL, FIFE
Principal petitioner: Sheila Carrbine, on behalf of Low Valleyfield Community Council
Address: 
Email: 
Telephone: 

Text of petition:
The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.
The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

The petitioner requests that the Scottish Parliament, in the interests of road safety, should urge the Scottish Executive to review its policy in relation to roads design standards and encourage the publication of such standards and their proper and consistent application across Scotland.

Additional information:
Any additional information in relation to your petition, including reasons why the action requested is necessary, should not be included here. However, it may be appended to the petition and will be made available to the Public Petitions Committee prior to its consideration of your petition. Please note that you should limit the amount of any additional information which you may wish to provide in support of your petition to no more than 4 sides of A4.
Action taken to resolve issues of concern before submitting the petition:

Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern by, for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Please enter details of those approached below and append copies of relevant correspondence, which will be made available to the Public Petitions Committee prior to its consideration of your petition.

Low Valleyfield Community Council believes that the failure of local authorities to apply published roads design standards properly and consistently in their planning decisions is exposing communities to unnecessary road safety risks. Examples are Fife Council's very different approaches to junction visibility splays at three development sites located close together on Main Street, the 40 mph road running through Low Valleyfield. In pursuing its objections to one particular current application, the Community Council has raised its general concerns about the inconsistencies of approach in a letter and email to Fife Council Development Services, and has received an unsatisfactory response from Jim Birrell, the Council's Development Manager. The Community Council holds correspondence showing that similar concerns have been taken to the Chief Executive of Fife Council and no satisfactory explanation received. Relevant copy correspondence is attached.

Request to speak:

All petitioners are given the opportunity to present their petition before the Public Petitions Committee. The Convener will then make a decision based on a number of factors including the content of the petition and the written information provided by the petitioner as to whether a brief statement from the petitioner would be useful in facilitating the Committee's consideration of a petition.

Please indicate below whether you wish to request to make a brief statement before the Committee when it comes to consider your petition.

Yes / No*

*Delete as appropriate

Signature of principal petitioner:

When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature

Date 13 April 2005

Please note that any additional information, copies of relevant correspondence and additional signatures should be appended to this form and submitted to:

The Clerk to the Public Petitions Committee, The Scottish Parliament, Edinburgh EH99 1SP
Tel: 0131 348 5186 Fax: 0131 348 5088
e-mail: petitions@scottish.parliament.uk
Submission to the Scottish Parliament Public Petitions Committee  
by Low Valleyfield Community Council, Fife

We hereby attach our Public Petition calling for the Scottish Parliament, in the interests of road safety, to urge the Scottish Executive to review its policy in relation to roads design standards and encourage the publication of such standards and their proper and consistent application across Scotland.

Low Valleyfield Community Council believes that the failure of local authorities to apply published roads design standards properly and consistently in their planning decisions is exposing communities to unnecessary road safety risks. As examples in support of this Petition, we set out below the circumstances of three development sites located close together on a short stretch of Main Street, the 40 mph road that runs through the village of Low Valleyfield.

(a) At Greenbank, adjacent to 40 Main Street, a planning consent in 1999 for 4 houses imposed a requirement for junction visibility splays more than twice the size of those specified in the Roads Design Standards.

(b) At 42 Main Street, a planning consent granted in 2002 approved visibility splays below the required standard, and Fife Council expressed the view that it would be inappropriate to build more than one house on the site. Four months later, consent was granted to a different developer and, in spite of the sub-standard visibility splays, the Council expressed the view that it would be acceptable to build 4 houses on the site. Consents for 3 houses were subsequently granted.

(c) At 41 Main Street, a developer making enquiries in 2004 was told by the Council that visibility splays would be required in accordance with the published Roads Design Standards. However the Council, in considering an application by another developer, is now expressing the view that proposed visibility splays less than half the size of the specified standard are adequate.

We believe that appropriate roads design standards and junction visibility splay standards are important factors in ensuring road safety, and that Fife Council should therefore be required to apply its published standards properly and consistently.

In support of our Petition, we hold the following documentary evidence which can be exhibited if required:

1. Table 5.4 from Fife Council’s published Transportation Development Guidelines Roads Design Standards, specifying Junction Visibility Standards and showing that junctions serving between 5 and 20 houses on a 40 mph urban road should have visibility splays of at least 4.5 metres by 110 metres in both directions, whereas junctions serving between 1 and 4 houses in similar circumstances require lesser visibility splays of only 2m x 110m.

2. Planning Consent (Planning Reference 99/01243/WOPP) granted to Ann MacDonald on 17 December 1999 for 4 new houses at Greenbank, adjacent to 40 Main Street, requiring visibility splays of 4.5m x 110m, which is the higher standard normally applied to junctions serving between 5 and 20 houses. These are 2.25 times the size of the splays which the Council’s standards specify for junctions serving between 1 and 4 houses.
3. Drawing dated April 1999 of the original layout proposed for 5 houses at Greenbank, showing that the shared access would have served only 4 houses and should therefore have required visibility splays appropriate for between 1 and 4 houses.

4. Internal Fife Council memorandum from Transportation to Development Services on 16 December 2002 (Roads Reference AF/ /T5/W/20) regarding an application by Duncan Morrison for planning consent that was granted on 10 January 2003 for the construction of one house at 42 Main Street, noting that the visibility splays were sub-standard and expressing the view that any future application for additional development at No. 42 should be refused.

5. Internal Fife Council memorandum from Transportation to Development Services on 25 April 2003 (Roads Reference AF/ /T5/W/20) regarding an application by W T Contractors Ltd for planning consent that was granted on the same day (25 April) for the construction of one house at 42 Main Street, noting that the visibility splays were sub-standard and expressing the view that they would nonetheless be adequate for the construction of another 3 houses on the site.

6. Internal Fife Council memorandum from Transportation to Development Services on 4 March 2004 (Roads Reference AF/ /T5/W/20) regarding an application by W T Contractors Ltd for planning consent that was granted on 2 April 2004 for the construction of 2 additional houses at 42 Main Street, noting that the visibility splays were sub-standard and explaining why they were nevertheless regarded as acceptable.

7. Letter from Fife Council to Donald Drysdale (proprietor of 40A Main Street) dated 26 January 2005, confirming that Fife Council had told a third party developer that the visibility splays required at 41 Main Street were those contained in the Council's Transportation Development Guidelines.

8. Internal Fife Council memorandum from Transportation to Development Services on 19 October 2004 (Roads Reference MB/19/T5/W/20) regarding the current planning application by W T Contractors Ltd for 41 Main Street (initially for 9 new houses but later reduced to 8), requiring visibility splays of 2m x 110m to the west and 2m x 90m to the east. These are only 40% of the size of the splays which the Council's standards specify for junctions serving between 5 and 20 houses, and even less than the lower standard applicable to junctions serving between 1 and 4 houses. The same memorandum acknowledged that the visibility splay to the east would include private garden space but considered this acceptable on the grounds that the applicant's son owned the property in question; we understand that ownership is generally an irrelevant consideration for planning purposes.

9. Letter dated 6 October 2004 from Fife Council to W T Contractors Ltd, stating that Development Services would seek to work with the applicant in ensuring that as far as possible the applicant's financial interests were not unduly prejudiced. We understand that the applicant's financial interests are generally an irrelevant consideration for planning purposes.

10. Internal Fife Council memorandum from Transportation to Development Services on 2 December 2004 (Roads Reference MB/02/T5/W/20) regarding the current planning application by W T Contractors Ltd for 41 Main Street, confirming the adequacy of the proposed visibility splays (2m x 110m to the west and 2m x 90m to the east) which had
been questioned by a firm of planning consultants, but offering no explanation as to why they deviated from the Council's own standards.

11. Mr Drysdale's letter of complaint dated 4 January 2005 to Fife Council, querying the apparent inconsistency in the Council's approach to visibility splays in relation to two separate developers interested in 41 Main Street.

12. See again item (7) above. Letter from Fife Council to Mr Drysdale dated 26 January 2005, defending the visibility splays proposed at 41 Main Street without explaining why they deviated from the Council's standards. The same letter suggests that the Council would be willing to reduce the width of the main road in order to assist the applicant in achieving the sub-standard visibility splays proposed.

13. Letter (copy attached) from Mr Drysdale dated 17 February 2005, escalating his complaint to the Chief Executive of Fife Council.

14. Letter (copy attached) from the Chief Executive of Fife Council to Mr Drysdale dated 22 March 2005, expressing satisfaction with the 40%-of-standard visibility splays proposed at 41 Main Street and describing them as a "slight reduction" from the Guidelines. This letter repeats the assertion that the main road could be narrowed to suit the applicant. It also refers to the third party developer who had been interested in No. 41 but fails to confirm that Fife Council had told him that the visibility splays required at 41 Main Street were those contained in the Council's Transportation Development Guidelines, as already stated by Mr Burrell – see item (7) above. The letter offers no response to other key matters mentioned by Mr Drysdale – the comparability with Greenbank, the expectations created by the Council's published standards and the Council's apparent interest in the applicant's financial affairs – see item (9) above.

15. Letter dated 22 February 2005 and subsequent email dated 10 March 2005 (copies attached), both from Low Valleyfield Community Council to Fife Council, querying the failure by Fife Council to observe its own Roads Design Standards.

16. Letter (copy attached) dated 14 March 2005 from Fife Council to Low Valleyfield Community Council. This enclosed a copy of an earlier letter to Mr Drysdale, defending the sub-standard visibility splays proposed at 41 Main Street. Fife Council failed to offer any explanation of the known inconsistencies in its application of its standards.

17. Letter (copy attached) dated 22 March 2005 from Fife Council to Low Valleyfield Community Council. This provides an inadequate explanation, and offers no plausible justification for its suggestion that the standard visibility splays for a junction serving 1 to 4 houses should be applied to a development twice that size, rather than applying the standard for a junction serving 5 to 20 houses. It repeats the Council's assertion that a requirement to provide only 40% of the standard visibility splays was a "slight reduction" from the Guidelines. It fails to offer any explanation of the other known inconsistencies in Fife Council's application of its standards.
9 December 2005

Ms Eileen Martin
Public Petitions Committee Assistant
The Scottish Parliament
Public Petitions Committee
TG.01
Parliamentary Headquarters
EDINBURGH
EH99 1SP

Dear Ms Martin

Scottish Parliament Public Petitions Committee
Consideration of PE838

Thank you for your letter of 14 November 2005 inviting me to comment on input received. This response represents the views of Low Valleyfield Community Council.

We are pleased to note that the Scottish Executive encourages consistency and safety in all aspects of the roads design process.

The Society of Chief Officers of Transportation in Scotland suggests that, while it is usually desirable to achieve maximum dimensions for junction visibility splays, a deviation from design guidelines might be acceptable in a case where the local authority makes an informed judgement on the merits of a proposal. Within its Transportation Development Guidelines, Fife Council has chosen to designate its roads design requirements as ‘standards’, and by
doing so it has created a public expectation that these will be applied as ‘standards’. We do not believe the flexibility in applying guidelines, as referred to by the Society of Chief Officers of Transportation in Scotland, is intended to apply also to standards. We are informed that our view is supported by the decision taken by the Inner House of the Court of Session in Castle Rock Housing Association Ltd v Secretary of State for Scotland 1995 S.C.L.R. 850.

The Institution of Highways & Transportation explains that highway geometric standards have been developed to include a safety margin, allowing a degree of flexibility where full standard provision cannot be achieved. It suggests that, providing a scheme design is subject to risk assessment or a road safety audit process where the pros and cons of the level of provision are considered, along with any safety implications and a consensus arrived at that safety has not or will not be compromised, then it may be satisfactory to build a scheme with non-standard elements. Given the approach taken by the Court of Session in the Castle Rock case, we think it unlikely that any more than a very modest degree of flexibility exists. We certainly doubt whether any court would accept a 60% reduction (by area) below the published standard, as was being recommended by Fife Council’s Transportation Services and Development Services at the time we lodged our Petition.

We are surprised that Fife Council’s Chief Executive’s letter of 28 June 2005 seeks to defend a proposal that Fife Council itself had already rejected by a decision of its Development Committee on 11 May. We note with concern that his letter offers no explanation of documents (4) to (6) in the list accompanying our Petition, which explain how the same visibility splays at 42 Main Street were considered acceptable for one developer and not for another, suggesting on the face of it that Fife Council favoured W T Contractors Ltd over another applicant. Likewise, we are concerned that his letter offers no explanation of documents (7) to (12) which explain how, at 41 Main Street, the Council’s junction visibility standards were to be imposed on one developer but not on another, suggesting on the face of it that the Council’s Transportation Services favoured W T Contractors Ltd over another party interested in that site. The Chief Executive’s letter also contains factual inaccuracies which are detailed in our appendix to this letter. Similar inaccuracies were contained in earlier correspondence which we received from Fife Council’s Development Services when we raised these concerns with them. Neither that earlier correspondence nor the Chief Executive’s letter of 28 June does anything to allay public concerns that, on the face of it, roads design standards appear to have been applied inconsistently in this village, favouring one contractor over others.

If in the interests of road safety your Committee wishes to recognise the validity of our concerns about the need for consistency in the application of roads design standards, we would urge you to press Fife Council for explanations of the apparently unjustified inconsistencies highlighted by the information lodged in support of our Petition. In addition, we would
respectfully suggest that you might ask the Chief Executive of Fife Council for the following assurances that are conspicuously absent from his letter:

(a) that in spite of the contents of his letter of 28 June, he supports the decision of his Development Committee on 11 May 2005 to refuse planning consent in respect of 41 Main Street on the grounds that the visibility sight lines at the access to the site did not conform to Fife Council’s Transportation Development Guidelines – a decision subsequently supported by the Reporter on appeal; and

(b) that he deprecates the support by his colleagues in Transportation Services and Development Services of planning recommendations which fail by more than a modest extent to comply with Fife Council’s published roads design standards.

Yours sincerely

For Low Valleyfield Community Council

Sheila Carribine
Appendix

Factual inaccuracies in Fife Council’s letter of 28 June 2005 to Dr James Johnston

(a) The 3rd paragraph (referring to 41 Main Street) states that “the required y-distance of 110 metres can be provided and indeed a much greater distance is visible” to the west. This is incorrect. Fife Council has advised in writing that this distance cannot be achieved without lowering a section of the boundary wall belonging partly to a third party or narrowing the main road.

(b) The 4th paragraph states that “A y-distance of 90 metres (which is measured along the nearside channel line) can be provided” although visibility “is hampered by the wall and embankment at the adjoining Forth View Industrial Estate and also the bend in the road.” The letter neglects to mention that the visibility splay also takes in part of the property at 42 Main Street. So far as we are aware, there are no arrangements in place to ensure that the area of private garden space within this visibility splay will remain permanently clear of any obstructions.

(c) The 5th paragraph refers to “a 0% reduction in the required oncoming visibility splay and a 9% reduction in the required visibility splay to the east (not a 40% reduction).” In fact the proposals involved a 55% reduction (by area) in the oncoming splay and a 64% reduction (by area) in the splay to the east – representing overall a 60% reduction below the required standard.

(d) The 6th paragraph states that “the Council has accepted visibility splays that are a slight reduction from the Transportation Development Guidelines, but will not compromise road and pedestrian safety.” This is incorrect. Although Transportation Services had recommended acceptance of visibility splays which were 60% (by area) below the Council’s published standards, the Council refused planning consent on the grounds of inadequate visibility and the Scottish Executive Reporter supported the Council’s refusal of planning consent on those grounds. Furthermore, it is astonishing that the Chief Executive chose to describe a 60% reduction (by area) below the published standard as “a slight reduction”.
Dear Dr Johnston

SCOTTISH PARLIAMENT PUBLIC PETITIONS COMMITTEE
CONSIDERATION PE838

Thank you for your letter dated 24 May 2005 regarding the above. I have now had the opportunity to consult with colleagues and can respond as follows.

According to the current Fife Council Transportation Development Guidelines a new road serving a development of 5-20 houses from a 40mph road requires visibility splays of 4.5 metres (x distance) x 110 metres (y distance). This means that a driver within a car located 4.5 metres behind the give-way line at the junction can see 110 metres to the right and also to the left. The x distance of 4.5 metres means that a driver in a car located behind another car waiting at the junction has visibility in both directions. In the case of 41 Main Street, Low Valleyfield, where the proposed development is only for 8 houses, there will be very few occasions when more than one car will be waiting behind the give-way line and it is therefore reasonable to accept a reduced x distance of 2 metres. An x distance of 2 metres means that a driver in a car waiting behind the give-way line at the junction has adequate visibility in both directions.

The visibility to the right (the oncoming direction) is the most important as this is the direction where emerging vehicles from a new junction will come into immediate conflict with vehicles on the main road. The required y distance of 110 metres can be provided and indeed a much greater distance is visible.

The visibility to the east is hampered by the wall and embankment at the adjoining Forth View Industrial Estate and also the bend in the road. A y distance of 90 metres (which is measured along the nearside channel line) can be provided. Given that vehicles approaching the new junction from the east will be on the opposite side of the road, visibility of approximately 100 metres will be available of vehicles approaching from that direction.
In other words, there has been a 0% reduction in the required oncoming visibility splay and a 9% reduction in the required visibility splay to the east (not a 40% reduction).

In this case the Council has accepted visibility splays that are a slight reduction from the Transportation Development Guidelines, but will not compromise road and pedestrian safety. It is not unusual to accept departures from the Guidelines, however, such departures are considered on a site by site basis.

I am reasonably satisfied that the required visibility splays can be provided, however, if they do require the lowering of a small section of the boundary wall between numbers 40a and 41 Main Street, then it is entirely a matter for the applicant to resolve. If this matter cannot be resolved amicably, then it will be acceptable in principle for the Main Street carriageway to be narrowed slightly and allow the required visibility splays to be provided without encroaching onto land outwith the application site.

With regard to the three examples referred to in the submission from the Low Valleyfield Community Council I would comment as follows:

(a) Greenbank

The current Fife Council Transportation Development Guidelines have been in use since April 2000. Prior to April 2000 the required visibility splays were contained within the Fife Council “Design Criteria and Specification for Prospectively Maintainable Roads for Housing and Industrial Developments”, which was also referred to by the shorter title of the “Fife Council Specification for Roadworks”.

In 1999 the required visibility splays of 4.5 metres x 110 metres at the junction of the private access serving 4 houses and Main Street was in accordance with the Fife Council Specification for Roadworks. I attach the relevant extract from the Fife Council Specification for Roadworks with regard to visibility splays.

(b) 42 Main Street, Low Valleyfield

In 2002 Transportation Services had no objections to the erection of a single house within the above site on the premise that it was replacing an existing house that was to be demolished. However, a note was added to the response stating that Transportation would recommend refusal of any future application for additional plots to be served from the private access as it was considered unlikely that the required visibility splays of 2 metres x 110 metres could be provided. In 2004 Transportation had no objections to the erection of 2 houses within the above site served from the same private access serving the single house (a total of 3 houses). The visibility splays required were 2 metres x 110 metres in the oncoming direction and 2 metres x 80 metres (2 metres x 100 metres to the centre line of Main Street) in the eastern direction. In other words, there has been a 0% reduction in the required oncoming visibility splay and a 9% reduction in the required visibility splay to the east. Due to the lowering of the existing boundary wall fronting 42 Main Street it was considered that the required visibility splays could indeed be achieved.
(c) 41 Main Street – Previous Enquiries

With regard to previous enquiries relating to residential development within the above site, the records show only one informal enquiry from McFarlane Curran and Co. There was no information given on the proposed developer, and a verbal response was made to this enquiry. The visibility splays required within the verbal response were those contained within the current Fife Council Transportation Development Guidelines. I understand that McFarlane Curran and Co were going to establish what visibility splays could be achieved on the site and consult with Transportation Services again. However there has been no further approach from McFarlane Curran and Co.

I trust this will assist you with your enquiry.

Please do not hesitate to contact me if further information is required.

Yours sincerely

Douglas Sinclair
Chief Executive

Enc
### Junctions

Junction radii shall normally be 10.7 metres, except for:

1) Access roads to access roads – 9 metres
2) Hammerheads – 7 metres
3) Junction with rural roads – 15 metres

Junction visibility standards are shown in Table 3 below.

**TABLE 3 - JUNCTION VISIBILITY STANDARDS**

<table>
<thead>
<tr>
<th>SPEED VALUE</th>
<th>NO. OF HOUSES SERVED BY THIS ROAD</th>
<th>VISIBILITY SPLAY &quot;x&quot; x &quot;y&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 k.p.h. URBAN</td>
<td>1 – 3</td>
<td>2m x 60cm</td>
</tr>
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For minor access road/ access road junctions a 60 m "y" distance (in lieu of 90m) will be acceptable with "x" distance of 2.4 m and 4.5 m at junctions serving 1–20 houses and ≥20 houses respectively.

Approach gradients to junctions shall, in all cases, not be greater than 3.30% (1 in 30) for a distance of 10 metres from the line of the channel other than in culs-de-sac in which the approach gradient shall be 3.30% for a distance of 5 metres. Where the approach gradient and the road camber/crossfall are opposed, the above requirements will be achieved by the introduction of a suitable vertical curve.
Petition by Judith McCrorie calling on the Scottish parliament to urge the Scottish Executive to review its policy in relation to traffic calming measures, such as road humps and road cushions, in order to ensure the impact on disabled users and the elderly is adequately addressed.
Public Petitions Committee – a template for public petitions

Should you wish to submit a public petition for consideration by the Public Petitions Committee please complete the template below. Please refer to the Guidance on submission of public petitions for advice on issues of admissibility before completing the template. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

Details of principal petitioner:
Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to, email address and phone number if available

Judith McCrorie

Text of petition:
The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.

The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

The petitioner requests that the Scottish Parliament....... Support by

Petition by Judith McCrorie [on behalf of Arthritis Care in Scotland] calling for the Scottish Parliament to urge the Scottish Executive to review its policy in relation to traffic calming measures, such as road humps and road cushions, in order to ensure that the impact on disabled users and the elderly is adequately addressed.

Additional information:
Any additional information in relation to your petition, including reasons why the action requested is necessary, should not be included here. However, it may be appended to the petition and will be made available to the Public Petitions Committee prior to its consideration of your petition. Please note that you should limit the amount of any additional information which you may wish to provide in support of your petition to no more than 4 sides of A4.
Action taken to resolve issues of concern before submitting the petition:
Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern by, for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Please enter details of those approached below and append copies of relevant correspondence, which will be made available to the Public Petitions Committee prior to its consideration of your petition.

See appended documentation.

Request to speak:
Petitioners may request to appear before the Public Petitions Committee in support of their petition, although it should be noted that requests to speak will only be granted if the Convener considers that a brief statement from the petitioner would be useful in facilitating the Committee's consideration of the petition. Due to the large volume of petitions being considered the Committee will usually only hear presentations on up to 4 new petitions at each meeting.

Please indicate below whether you wish to request to make a brief statement before the Committee when it comes to consider your petition.

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Signature of principal petitioner:
When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

<table>
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Date ........................... 17/4/2005 ..............................................................

Please note that any additional information, copies of relevant correspondence and additional signatures should be appended to this form and submitted to:

The Clerk to the Public Petitions Committee,
The Scottish Parliament,
Edinburgh
EH99 1SP
Tel: 0131 348 5186    Fax: 0131 348 5088
e-mail: petitions@scottish.parliament.uk
Dear Dr Johnston

SCOTTISH PARLIAMENT PUBLIC PETITIONS COMMITTEE – CONSIDERATION PE840

Thank you for your letter of 20 May, inviting comments on the issues raised in petition PE840.

Research has shown that inappropriate and excessive speeds are a factor in around one third of all road accidents and that a 1 mph reduction in vehicle speeds brings a 5% reduction in road casualties. The Scottish Executive is, therefore, keen to encourage measures to reduce the speed of vehicles to protect vulnerable road users, such as children, pedestrians, elderly people and the disabled.

Road humps have proved to be very effective at reducing vehicle speeds. Indeed, the Transport Research Laboratory’s report on “Impact of road humps on vehicles and their occupants” (TRL614, to which Mrs McCrorie referred in her statement to the Committee on 11 May, acknowledged that road humps are the most effective traffic calming device currently available and recommended that their use should continue as an effective measure for reducing vehicle speeds. It also recommended against altering the existing guidance on road hump design.

Considerable research has been carried out by the Department for Transport (DfT) to assess the effects of road humps of varying designs on such factors as vehicle speeds, discomfort levels, and damage to vehicles. Traffic Advisory Leaflets, published by the Department for Transport, in association with the Scottish Executive, provide advice on the design and placing of road humps and traffic calming schemes. The leaflets are intended to disseminate good practice to roads authorities and to give information about the effects of different designs of hump.

Prior to constructing road humps or other traffic calming measures, local authorities are required to consult police, fire and ambulance interests and organisations representing road users. In addition to this statutory requirement, guidance for local authorities, issued by the Scottish Executive, stresses the importance of wide consultation with all those likely to be affected by proposals for road humps or other traffic calming measures. These include, among others, the occupiers of property fronting the road concerned, local hospitals or nursing homes, and organisations representing disabled people.
The Scottish Executive recognises that road humps are not the complete answer to all speed-related problems and may not be appropriate in a particular situation. We also acknowledge that certain types of hump may cause discomfort or pain to some disabled people. However, this must be balanced against the wider benefits of humps in helping to prevent or reduce the effects of road accidents. Road humps are just one of a wide range of traffic calming and traffic management measures available to local authorities. There is no requirement on local authorities to use road humps and it is for each authority to decide, based on their knowledge of local circumstances, on the use of humps or some other remedial measure in any particular case.

Yours sincerely

JACKIE MCCAIQ
Private Secretary
Dear Dr. Johnston

Public Petition PE840 – Road/Speed Humps and Cushions, Traffic Calming and the disabled, the infirm and the elderly

The Mobility and Access Committee for Scotland (MACS) was set up in May 2002 as the Scottish Executive’s statutory adviser on disability issues in relation to transport and transport policy in Scotland. We believe in a Scotland where anyone with a mobility problem due to some physical, mental or sensory impairment can go when and where everyone else can and have the information and opportunities to do so.

MACS would like to thank you for your letter of 20 May giving us the opportunity to comment on Petition PE 840. The Committee’s Road And Pedestrian Environment Working Group considered the petition at its meeting on 6 June and I am replying as Chair of the Working Group on behalf of MACS.

The Working Group supported and agreed with the views of the petitioners that the installation of speed bumps can be detrimental to the well being of people who have disc/spinal and chronic pain problems, wheelchair users, the infirm and the elderly. The Group considered that this was an important and complex issue with the development of guidelines on the installation of speed bumps patchy across the country. MACS would welcome more research and clarity on this subject.
We noted the discussion and the additional papers presented for the meeting of the Public Petitions Committee on 11 May 2005 and would suggest that this provides compelling evidence to support further research in this area. Emergency vehicles and public transport operators clearly also have a view on the use of speed bumps, their effect on the comfort of passengers and the problems they create for low floor vehicles and those with passenger lifts.

I hope this is helpful and I thank you once again for giving MACS the opportunity to comment.

Yours sincerely

Alastair McPherson
Chair of the Road and Pedestrian Environment Working Group
Dear Dr Johnston

Scottish Parliament Public Petitions Committee – Consideration Pe840

Thank you for your letter of 20 May 2005, copied to me by Mr Hough on 17 August, inviting comment on the issues raised by Judith McCrorie in petition PE840.

Research has shown that speeding and inappropriate speed contributes to a significant percentage of all crashes, and a higher percentage of more serious ones. There is some discussion as to the exact number of crashes have speed as a major factor, but this varies from 25-33%.

It is also known that the relationship between speed and safety is a complex one, but there is overwhelming evidence from literature that lower speeds result in fewer collisions of lesser severity, and that accident frequency rises disproportionately with increasing speed.

Road humps, chicanes and other engineering measures remain the most effective method of reducing speeds in urban areas, and are particularly effective in reducing child pedestrian casualties. The Scottish Road Safety Campaign, therefore, supports such measures which are proven to reduce the speed of vehicles and offer protection to vulnerable road users.

While guidance for implementation of traffic calming is laid down nationally, local authorities are obliged to consult the emergency services and other relevant bodies, as well as being advised to consult widely among the local community, particularly those who would be most affected by such a scheme. There will be disadvantages to some members of the community - for example, in terms of discomfort and noise pollution - but all these would be considered before putting a scheme on the ground.
Once the consultation is complete, the local authority must consider all issues and make the decision which will bring the greatest benefit to the whole community, even if this apparently disadvantages some members of that community.

It is recognised that there are other options available to local authorities in terms of speed reduction, but the Scottish Road Safety Campaign supports the continued use of traffic calming in locations where it is the most appropriate method of reducing vehicle speeds and improving safety.

Yours sincerely

Michael A McDonnell
Director
Scottish Road Safety Campaign
Dear Mr Hough

Scottish Parliament’s Public Petitions Committee – Consideration of PE840

In reference to the letter of Dr James Johnston, Clerk to the Public Petitions Committee, dated 20 May 2005, please find attached a copy of Capability Scotland’s comments on the above petition submitted by Mrs J McCrorie. I apologise for the delay in forwarding this to you.

Yours sincerely,

Kate Higgins
Head of Campaigns and Communications
Comments on Petition PE840 - The Impact of traffic calming measures on disabled people

Capability Scotland is the country’s leading disability organisation working for a just Scotland. We work with children, adults and families living with disability to support them in their everyday lives. We also work with disabled people to influence policy, legislation, practice and attitudes.

Disability Agenda Scotland, the campaigning consortium of which Capability Scotland is a member, has already raised this issue with the Scottish Executive transport division branch that addresses disability issues. We are hopeful that they will now liaise with COSLA and the relevant branch that deals with traffic calming to seek further information on the matter. This may help inform the committee’s response to this petition.

We work with disabled people on transport issues in a wide range of settings: because they use our services, or are members of our unique research panel, the 1 in 4 poll, or have carried out mystery shopper research on our behalf or work more generally with us on campaign issues. Consequently, we have gathered anecdotal evidence of problems of traffic calming measures like speed humps. They can cause discomfort for people with spinal injuries/discs, chronic pain problems and wheelchair users. They also slow the emergency services and can irritate injured passengers. People who use motorised wheelchairs or scooters can find them particularly difficult to navigate, as well as experiencing greater discomfort going over them. People with visual impairments can also find them very difficult to navigate while crossing the road.

Because local authorities appear to have considerable autonomy over the layout, design and location of traffic calming measures, there does not appear to be a consistent design of speed humps. They vary hugely in size, material and shape and this lack of consistency is part of the problem.

There appears to be little consultation with disabled people or disability organisations before plans are drawn up or finalised. Moreover, there appears to be little consideration of alternative methods to speed humps: they do appear to have become the first option in terms of traffic calming measures.

Capability Scotland would support the central call of this petition, namely that the Scottish Executive should review its policy in relation to traffic
calming measures. There is a need for more research on the impact on people with different impairments. Such a review should consider introducing consistent standards for the design, material and layout of schemes that incorporate speed humps. It should collate evidence of good practice and disseminate this, as well as promoting alternatives to speed humps that have lesser impact on the mobility of disabled people. The outcome should be guidelines for use by local authorities that ensure that disabled people and disability organisations are consulted with in the future design of traffic calming measures and schemes.

Capability Scotland would welcome the opportunity to be involved in such a review. Obviously, MACS and other disability organisations should also be involved. Our mystery shopper panel would be well placed to assist in testing different layouts and materials: all our volunteers are disabled people who are now well experienced in testing access to a wide range of goods and services. Disabled people, their views and experiences should be at the heart of this review.

If you require further information on this or any other disability issues, please do not hesitate to contact Kate Higgins, Head of Campaigns and Communications
Dear Dr Johnston

Scottish Parliament Public Petitions Committee – Consideration PE840

Thank for your letter of 20 May 2005 seeking the views of the Scottish Ambulance Service on the operational impact traffic calming measures have and information about the number of objections which we make to the introduction of traffic calming measures and on the outcome of such objections. Our comments are attached.

An electronic copy has already been sent.

Yours sincerely

Robert Panton
CORPORATE AFFAIRS MANAGER
Scottish Parliament Public Petitions Committee – Consideration PE840

The Scottish Ambulance Service is a national organisation and this response covers all of Scotland. The Scottish Ambulance Service supports measures designed to reduce death and injury to the public (as you might expect). But once a person has been identified as in need of our assistance, the speed of their journey to hospital can also be of clinical importance to the point of saving lives.

We think it fair to say that the design and materials used in traffic calming measures can materially affect response times if they are ill considered: but that these delays can be minimised if they are designed to let emergency vehicles pass. Our vehicles have 1,140 mm track width; 3,225 mm wheelbase length and 175 mm ground clearance. We encourage all those involved in network planning in Scotland to make sure that they choose traffic calming measures which accommodate our need to speed and which avoid giving discomfort to patients with spinal injuries.

With regard to the number of objections which the Scottish Ambulance Service makes to the introduction of traffic calming measures and on the outcome of such objections. We have no statistics on the number of times we have been consulted but we consider that we are not consulted enough. When we are we will reply in writing to the councils. We are unaware of any of our objections being upheld. A recent example of reporting specific concerns was in March this year when we wrote to the City of Edinburgh Council, Transport Department, recording our concerns on greenways and other traffic calming measures effects on emergency vehicles. These concerns were about the speed reducing and traffic calming measures installed around the key routes leading into the main accident and emergency department of the Edinburgh Royal Infirmary as well as installations in Hillside, Inch, Niddrie and Gilmerton districts of Edinburgh. We reported that all of these impacted, unnecessarily so, on our ability to fulfil the commitment to reach patients with life threatening and emergency conditions within, on average, 8 minutes.

We have no objection to these comments being made public.

June 2005
Mr Richard Hough  
The Scottish Parliament  
Public Petitions Committee  
Parliamentary Headquarters TG01  
EDINBURGH  
EH99 1SP

22 September 2005

Dear Mr Hough

SCOTTISH PARLIAMENT’S PUBLIC PETITIONS COMMITTEE – CONSIDERATION OF PE840

In reply to your letter dated 17 August 2005, inviting a response on the above Petition Consideration PE840, I would offer the following comments on behalf of CFOA Scotland.

None of the Scottish Fire & Rescue Services have identified any conflict or problem relating to Traffic Calming Measures. The Services have actively supported Traffic Calming with their Community Safety Partners in an effort to reduce road traffic accidents.

Yours sincerely

BRIAN A MURRAY  
SECRETARY  
CFOA (SCOTLAND)
From: CRM - DO A Kidd [depcn@highland.fire-uk.org]
Sent: 15 September 2005 16:58
To: Hough R (Richard)
Cc: CRM - Commander - T Johnson; CRM - Fire Safety DO A Featch
Subject: Scottish Parliament's Public Petitions Committee - Consideration of PE840[Has been Scanned for viruses and is clean]

Dear Mr Hough,

I wish to reply on behalf of the Highlands and Islands Fire and Rescue Service, to the above petition regarding Traffic Calming Measures. The Brigade has had no problem with Traffic Calming in any of its areas and has actively supported them as a Community Safety Partner in an effort to reduce Road Traffic Accidents.

Regards.

Kidd

Crm Fire Safety.
Disability Rights Commission
1st Floor, Riverside House, 502 Gorgie Road, Edinburgh EH11 3AF

3rd June, 2005.

Dr. James Johnston,
Clerk to the Public Petitions Committee,
Scottish Parliament,
Edinburgh,
EH99 1SP

Dear Jim

Consideration of PE840

Many thanks for your letter of 20 May 2005 seeking the DRC’s views on PE840 concerning traffic calming measures.

The points raised in PE840 are highly relevant to the disability equality agenda. A poorly designed built environment can have unintended consequences which in turn can marginalise, exclude and discriminate against disabled people. It is important to emphasise this point: the DRC has no argument with the principle of traffic calming measures, but rather about how they, or any other aspect of the built environment, may be designed. As the DRC evidence cited in the petition states, it is the “uninformed design” of speed humps that are at the root of the problem, not their use in principle. Traffic calming measures should be designed so as to fulfil their function1 in such a way that they do not place some sections of the community at a disadvantage.

Good design, in other words, is the key. Taking into account the needs of disabled people in the design process should not be seen as an optional add-on or additional burden; on the contrary, design which does not meet the needs of all members of society is by definition bad design.

The DRC would also draw the committee’s attention to changes in the law which will impact on local authorities’ role in relation to traffic calming.

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1 “Physical measures designed to slow traffic to improve environmental and safety conditions for local communities”. This definition is provided by Planning Aid Scotland, a Scottish Executive-funded voluntary organisation of qualified planners, which gives advice on all aspects of planning issues: www.planning-aid-scotland.org.uk
From December 2006, all local authorities in Scotland will be subject to a disability equality duty, that is, a duty to produce a detailed plan on how they propose to tackle discrimination and promote disability equality. Councils which fail to produce a plan or to meet the objectives they set could be subject to a compliance notice form the DRC. As background information, I enclose a copy of the draft Scottish Code of Practice on the new duty.

December 2006 will also see all functions of public authorities brought within the scope of the Disability Discrimination Act 1995 (DDA). This means that, for the first time, statutory functions such as the upkeep of roads, including the design and upkeep of traffic calming measures, will be covered by the DDA.

Therefore, both in terms of developing best practice in the design of traffic calming measures, and in order to meet incoming duties under discrimination law, Scottish Councils may need to ensure that the design of traffic calming measures enables them to fulfill their function, and meet the needs of disabled road users.

I hope this information is of use to the committee in considering PE840. If you need any further information, please do not hesitate to get in touch.

Yours sincerely,

Adam Gaines
Director, Scotland
By E mail
Dr James Johnston
Clerk to the Public Petitions Committee
TG.01
Parliamentary Headquarters
Edinburgh
EH99 1SP

Dear Dr Johnston

SCOTTISH PARLIAMENT PUBLIC PETITIONS COMMITTEE
CONSIDERATION PE840

I refer to your correspondence dated 20 May 2005 in connection with the above subject, which has been considered by members of the Road Policing Business Area and can now offer the following by way of comment.

The concerns expressed by the petitioners are acknowledged but it is recognised that the traffic calming measures to which they refer can be very effective in contributing towards road safety, reducing the number of collisions and consequently the number and extent of injuries on our roads.

Whilst the design and implementation of traffic calming is a matter for both the local authority and roads engineers members support any measure that is effective in both reducing vehicle speed whilst not adversely affecting disabled road users.

The introduction of traffic calming measures in Scotland is provided by statutory instruments, in particular SI 1448 (the Road Humps (Scotland) Regulations 1998) and SI 1999 (the Road Humps and Traffic Calming (Scotland) Regulations 1999.) These instruments lay out prescriptively, the consultation required before any introduction of traffic calming measures and also the types, sizes and markings required.
Regulation 3(d) of SI 1448 requires that where a Roads Authority propose to construct a road hump “they shall consult such persons or organisations representing persons who use the road or who are otherwise likely to be affected by the road hump, as the Roads Authority thinks fit.” It is suggested that this would be an opportunity for consultation with disabled and elderly road users.

The introduction of a greater number of dropped kerbs is supported however adequate legislation already exists to deal with obstructive parking namely, Regulation 103 of the Road Vehicles (Construction and Use) Regulations 1986 and also for driving on the footpath under the Road Traffic Act 1988 Section 34(b.)

I trust that the foregoing is of assistance to you.

Yours sincerely

Chief Constable
(Hon. Secretary)
Public Petitions Committee – a template for e-petitions

Should you wish to submit an e-petition allowing signatures to be gathered online on the Public Petitions Committee e-petitioner web pages please complete the template below. Before submitting your e-petition please consult the Guidance on submission of public petitions for advice on what is and is not admissible. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

**Details of principal petitioner:**
*Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to.*

Janet Walton

**Text of petition:**
*The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.*

The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

Petition by Janet Walton calling on the Scottish Parliament to urge the Scottish Executive to review its policies on the provision of affordable housing, particularly in relation to the impact on the elderly and those on low incomes.

**Period for gathering signatures:**
*Please enter the closing date for gathering signatures on your petition, which we would usually recommend is a period of between 4-6 weeks*

Closing date: 26 August 2005
The street that I live in is to be demolished. It is situated on top of a hill and the view is stunning across the forth.

The council are saying that it's because the street has a stigma but its had that for the last 60 years so why was it not demolished then?

The proposal is to build low cost home ownership housing on it. The plan is that they build 2 bedroom houses for low cost housing and some old folks housing and the rest will be 3/4 and 5 bedroom houses for outright sale.

The people who live in this street are on income support or they are old and won't get a mortgage to buy a house.

We don't want to move but the choice has been taken out of our hands. I live in a 4 bedroom house and the council are saying that there aren't any 3/4 bedroom houses available for us so where do we go and if there is a shortage of 3/4 bedroom houses then why are they demolishing existing housing? The proposal is to go in front of committee on the 24th June.
Action taken to resolve issues of concern before submitting an e-petition:

Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern, by for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MSPs. Details of those approached should be entered.

We have tried to get our MSP to support us but she said she can’t help as it’s a local matter. I have asked our MP and his office said we must go to our MSP as it would be her that deals with this as it’s a local matter we have had meetings with the council but I feel we are just getting passed about until it’s too late to do anything.

Comments to stimulate on-line discussion:

Please provide at least one comment to set the scene for an on-line discussion on the petition, not exceeding 10 lines of text.

Is it right for councils to demolish houses and sell the land to build private houses? In the case of our street this is what is happening, then the council tell you that it will be very hard to re-house people that live in 3 and 4 bedroom houses as they don’t have any, but they are providing low cost homes - 2 bedroom ones that is.

Request to speak:

Petitioners may request to appear before the Public Petitions Committee in support of their petition, although it should be noted that requests to speak will only be granted if the Convener considers that a brief statement from the petitioner would be useful in facilitating the Committee’s consideration of the petition. Due to the large volume of petitions being considered the Committee will usually only hear presentations on up to 4 new petitions at each meeting.

Please indicate below whether you wish to request to make a brief statement before the Committee when it comes to consider your petition.

Yes

*Delete as appropriate

Signature of principal petitioner:

When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature  Janet Walton

Date   11/06/05  31. 6. 05
For advice on the content and wording of your e-petition please contact:

The Clerk to the Public Petitions Committee
The Scottish Parliament
Edinburgh
EH99 1SP
Tel: 0131 348 5186 Fax: 0131 348 5088
e-mail: petitions@scottish.parliament.uk

Note
Completed e-petition forms should also be sent to petitions@scottish.parliament.uk
Dear Dr Johnston

Response to Scottish Parliament Public Petition Committee – Consideration PE877

Thank you for your letter of 16 September inviting comments on Petition PE877 which came before the Committee on 8 September.

Petition PE877 has been raised by Janet Walton in relation to prospective regeneration activity at Bellfield Crescent within the Dysart regeneration area, situated east of Kirkcaldy. The petition questions the fairness of Scottish Executive policies relating to the provision of affordable housing. In particular concerns are raised as to the impact of Scottish Executive housing policies on the elderly and households on low incomes, as well as the provision of suitable replacement stock for all existing residents affected by demolition resulting from regeneration plans.

The Scottish Executive Development Department has also been asked to respond to Consideration PE877 by the Public Petition Committee. Due to close similarities of our perspectives, it has been agreed to submit a response jointly from Communities Scotland and the Development Department.

Regeneration Activity in Dysart
The properties raised in the petition are within the Dysart regeneration area, which contains datazones that exhibit significant levels of disadvantage and appear in the 15% most deprived datazones in the Scottish Index of Multiple Deprivation. There are plans for the entire area to undergo a significant process of housing and environmental regeneration, to be supported by a range of initiatives focusing on young people, education and employment as outlined in the Regeneration Outcome Agreement recently produced by the Fife Community Planning Partnership.
The proposed development at Bellfield Crescent is the first phase of housing regeneration to commence. The properties in question have experienced long term demand issues and have been blighted by significant levels of voids (67% in August 2004), attributable (in part) to long standing stigma associated with the housing. An options appraisal exercise was undertaken by Fife Council and the current plan of demolition was found to be the best option for reversing the long term decline and falling demand for stock in the terrace.

The inclusion of new affordable housing units in the redevelopment of this site has received in principle support from Communities Scotland, with the supposition that this funding will be drawn from the 2006/2007 investment programme. As a partner to the process, Communities Scotland plays a critical role, informing the feasibility of the project through the confirmation of the likelihood of funding (though the grant amount will remain unspecified until a completed application is made). When considering grant applications Communities Scotland has to be assured that the proposed detail in the application reflects the housing needs observed in the area. Local Authorities are required to set out their housing needs in their Local Housing Strategy, and this statutory document is the key consideration for Communities Scotland in deciding how investment in the housing system should be directed.

**Site Specifics**
The Bellfield Crescent site currently consists of 88 units, which have a long standing association with letting and management difficulties, typified by consistently high void rates. These letting difficulties have been recognised by Fife Council through their allocation processes with a number of tenants refusing accommodation in this locality. The inability to populate the properties is resulting in significant financial loses for Fife Council, with £10,000 per month attributable to lost rents and approximately £92,000 spent between 2002-2004 to secure empty properties. Only one property has been sold via the Right to Buy in the area. The repurchase of this property has already been negotiated by the Council.

Current plans for the area will result in the withdrawal of Fife Council as a landlord following demolition, and the development and future management of the new affordable housing units to be undertaken by Fife Special Housing Association.

The housing mix suggested at this draft stage includes 47 homes for owner occupation and 24 units for affordable housing use, with half (12) being allocated for low cost home ownership options (either shared ownership or shared equity) and the remainder (12) being available for social rent. Four units connected to blocks sitting on the adjoining road will be retained, refurbished and integrated into the new development. Overall, this will result in a net loss of units from the social rented sector. However, Fife Council’s recently completed housing need assessment identifies both a mismatch and shortage of specific types of property which the new housing mix addresses:

- The property type will be adjusted, moving away from the three or four bedroom, 4-in-a-block flats of which the stock currently consists; to be replaced with a mix of 2 or 3 bed, terraced or semi-detached property types which are in higher demand.
- There are also plans to dedicate a proportion of the rental properties for elderly person amenity units.
• The plan also satisfies the policy of pursuing more diverse, sustainable mixes of housing types and tenures.

The funding, which has been agreed in principle by Communities Scotland, will be supported by private finance raised by the selected RSL and also from the sale of land for owner occupation.

Implementation Process
The process of implementing these enhancements has been underway for over a year. Potential options of refurbishment, conversion, demolition (or suitable mix therein), were considered during the option appraisal exercise conducted by Fife Council. Discussions were also undertaken with Fife Special Housing Association on the possibility of a partial stock transfer but the Housing Association did not wish to pursue this option. The outcome of the appraisal exercise favoured complete demolition and redevelopment on the grounds that it offered the best financial means to achieve a selection of housing which provided the best fit with housing needs. It was also agreed that the option of full redevelopment would offer the best route of reversing the long term stigma attached to the area, whereas other options would not be able to fully address this.

There was a lengthy consultation process during this time, providing a number of different channels through which tenants could inform and shape the process. Responses to a survey on the future options open to the housing stock were largely inconclusive in terms of the preferred course of action, with the small survey population backing either complete demolition, or complete conversion, or a combination of the two. Whilst the survey did not effectively reveal a single preferred direction, it was clear that there was agreement that it was necessary for regeneration activity to be actively pursued in some form. This conclusion is reinforced by the continual low demand and perceived attractiveness of housing stock in the area.

Current Position, October 2005
The outline plans featuring full demolition and redevelopment as described above have obtained the support of the local Councillor, Council Committee and Dysart Local Regeneration Management Group. The project is being led by the Dysart Housing Project Team involving collaboration from Fife Special Housing Association and the Muir Group in their capacity as the housing agents that have been selected as preferred developers for the area.

A small number of existing tenants remain in the area. This group have been involved in the ongoing consultation on the proposed housing mix, though there remains a degree of opposition to the proposals. An agreement is being developed which will allow the applicable tenants from the former stock to transfer to the new elderly person amenity units. As such, Fife Council and its partners are working together to ensure that the disruption experienced by the elderly tenants affected by this redevelopment has been considered.
Whilst it is difficult for us to comment on a local authority’s allocation process, particularly in regard to individual cases, we understand that all tenants have been offered compensation in line with the Council’s policy and will be reallocated as appropriate. The Council made a commitment early in the process to re-house displaced tenants into suitable housing with regard to their re-housing preferences.

Conclusions
The redevelopment of Bellfield Crescent links up with a multilayered strategy to reverse the presence of deprivation in Dysart. Considerable environmental improvements have already taken place. To support the overall success of these objectives and achieve the reversal of existing stigma within the area, the redevelopment of low demand housing is regarded as essential.

To receive finance from Communities Scotland, it needs to be demonstrated that the provision of new affordable housing will meet local housing needs. Whilst no formal application for grant funding has yet been received, Communities Scotland is confident that the outline proposals address the identified housing needs of the area in a number of different ways – through the tenure mix, housing type/size and the targeted provision of accommodation for older people. Communication with the remaining tenants is ongoing, continuing their opportunity to feed into the development process.

The draft plans under discussion allow a better fit with housing needs in the area, providing a financially sound opportunity to reverse the long term decline and stigma associated with area. From previous involvement in large-scale regeneration projects, it is clear that the plan strikes a balance which will improve the wellbeing of the wider Dysart community through the provision of better quality, more attractive housing. The plans will help attract new households into the area and offer greater range of housing choices for Dysart residents. The needs of existing tenants have been addressed and incorporated into the future plans where possible or alternatively, minimising the related disruption.

The discussion above addresses some of the key ways in which the Scottish Executive and Communities Scotland contribute to the regeneration of communities that display evidence of deprivation. Our actions, through the establishment of policy frameworks and provision of guidance and financial support, aim to provide decent housing for all households in Scotland and help create long lasting, attractive communities in collaboration with local partners.

I thank you once again for the opportunity to discuss our policies and if the Committee would like any further information then we would be more than willing to respond.

Yours sincerely

ANGELINA FOSTER
Chief Executive
Dear Dr Johnston

SCOTTISH PARLIAMENT PUBLIC PETITIONS COMMITTEE – CONSIDERATION PE877

I refer to your letter of 16 September 2005 regarding the above which has been passed to me for attention.

As requested, please find attached Fife Council's response to the issues raised in the petition. An electronic copy has already been forwarded to you.

Yours sincerely

Alan Davidson
Head of Housing

Encl.
Content of the Petition

The petition, raised by Janet Walton, calls on the Scottish Executive to review its policies on the provision of affordable housing, particularly in relation to the impact on the elderly and those on low incomes.

The petition also refers to proposed regeneration activity in Bellfield Crescent, Dysart where 88 Council units have been approved for demolition and new build housing proposals are being developed.

Response from Fife Council

1. Strategy for affordable housing in Fife

Fife Council would not wish to comment on a Scottish Executive review of policies on provision of affordable housing, however the Council would confirm that within a national planning framework it is supporting the improvement and provision of affordable housing appropriate to the Kingdom’s needs within the context of its Local Housing Strategy and also the draft 20-year Structure Plan (“Fife Matters”).

Submitted in April 2004 the Council’s LHS was assessed by Communities Scotland to an overall ‘good’ standard with some areas being excellent. Improvements and suggestions from Communities Scotland have been incorporated into the LHS 1st review process submitted in July 2005. Informally Communities Scotland has reported no issues with the Fife LHS.

The Fife LHS is a partnership document and was developed, agreed and submitted by the Fife Housing Partnership (FHP). The Fife Housing Partnership provides a single forum, accountable within the Community Planning Framework, through which investors, planning agencies, housing service providers, linked service providers, tenants and residents, can influence and participate in the development and delivery of the Local Housing Strategy for Fife, and the wider systems and processes to meet housing and related needs.

Most relevant to the content of this petition and in particular the delivery of new affordable housing are the following areas.

The Council has developed Supplementary Guidance on Affordable Housing, informed by Pan 74 and consulted on along with a number of other documents as part of the draft structure plan consultation between January and May 2005. The SPG will be formally considered by Council’s Environment and Development Committee on 17th November 2005. If approved all housing developments over 20 units in urban and 10 units in rural areas will require to include a percentage quota of affordable units. The percentages vary across Fife depending on the levels of need found in the Council’s Housing Needs and Affordability Assessment.

The Council is preparing an application for pressured area status for 5 areas in Fife under powers in the Housing (Scotland) Act 2001 to suspend the right to buy for new and transferring tenants.

The Council works very closely with Communities Scotland in delivering new affordable housing through Communities Scotland’s investment programme. For the past 2 years (2004/05 & 2005/06) this has involved the Council agreeing to sell a number of sites in its ownership for affordable housing. These sites have all been sold for an end use value for affordable housing as determined by the Valuation Office Agency. This action has enabled the Council to benefit from additional investment opportunities from Communities Scotland.

Council has taken a decision to reduce the Council Tax discount on 2nd Homes from 50% to 10%. The additional funding raised will be used to deliver new affordable housing in conjunction with Communities Scotland and RSLs in Fife. It was estimated at the time of committee approval that this would raise an
A detailed analysis of the housing list in 2003 found there to be very little housing list demand for the area. Many applicants in fact actively expressed their desire not to be housed in Bellfield Crescent when offered housing in the street;

Housing list applicants, even those in urgent need, habitually won't accept housing in the area. There is a higher than normal level of tenancy refusal and a high level of offers of tenancy not being responded to;

There has been a high rate of tenancy turnover and a higher than average level of short-term tenancies.

Added to this there is anecdotal evidence of anti-social and criminal behaviour associated with the street which has encouraged many tenants to leave. This has been difficult for the Council or Police to tackle as few formal complaints have been received.

Although voids fluctuated, at the time 59 of the 88 properties were void or 67% of the total flats in the street. Void times also varied but commonly properties had been empty for more than a year.

This situation was deemed unacceptable for all parties. For the Council persistent voids were costing around £10,000 a month in lost rent and an estimated £92,000 between 2002 and 2004 in security costs. The empty housing was also not contributing in anyway to meeting housing needs within Kirkcaldy or to households accessing economic, educational or social opportunities in Fife and the area.

Local tenants and residents when consulted also agreed that ‘doing nothing’ was not an option.

Between 2003 and 2004 Fife Council undertook an option appraisal to examine potential solutions for the area. Tenants and residents were kept fully informed at every stage of this process and were consulted using a variety of methods including letters and questionnaires, door-to-door interviews, a freephone number and 2 specially arranged public meetings. The community view was presented to members at committee.

Three potential options were discussed with tenants & residents and assessed. These options were:

- Demolition;
- Refurbishment; and
- Conversion (changing internal layout to create new property types and sizes).

Consideration was also given to transferring stock in the area to a housing association. Discussions were held with Fife Special Housing Association, the Council RSL partner in the Dysart regeneration area, regarding this option. Fife Special HA did not wish to pursue this option given the history of void problems in the Street.

On balance taking into account cost and value for money, impact on tenants and likely impact on voids the option appraisal found demolition and site clearance to be the most effective option for tackling the problems. This would provide a site which, following redevelopment, could contribute to meeting housing needs in Kirkcaldy and Dysart. The other options would have required considerable investment and would not have fully addressed the underlying issues of stigma and low demand. It was considered that something more radical was required to turn round an area that had been in decline for a number of years.

As highlighted earlier the option appraisal was discussed and agreed by the Dysart Local Management Group and then referred to Fife Council’s Central Area committee for decision.

Based on the evidence provided a formal Council committee decision was taken by Central Area Services Committee on 27th August 2004 to demolish the properties in Bellfield Crescent. This was subject to acceptable redevelopment proposals being presented and agreed at Committee.

4. Redevelopment Proposals

Since the decision to demolish was taken the Dysart Housing project team has developed detailed proposals. These have now been agreed by Central Area Services Committee (24th June 2005). The proposals were based on an assessment of local housing needs for this area and also other regeneration objectives particularly the need to diversify tenure to give a better mix and choice of housing.