The Committee will consider the following new petitions—

**PE930** Petition by Lucy Johnson McDowall calling for the Scottish Parliament to urge the Scottish Executive to amend the Scottish Public Service Ombudsman’s Act to bring all aspects of Local Authority Administration, under the remit of the Public Service Ombudsman, without exception or exemption, and for the ethics and professionalism of local authority officials to be included in the remits of the Ombudsman or Standards Commission.

**PE932** Petition by Stella Macdonald, on behalf of CRAG (Citizen’s Rights Action group), calling on the Scottish Parliament to urge the Scottish Executive to review the Supporting People Funding arrangements to ensure that vulnerable adults are in receipt of the responsive services required to keep them healthy.

**PE928** Petition by Margot Russell, on behalf of Dalkeith and Danderhall Labour Party, calling for the Scottish Parliament to support the Scottish Executive proposal to build the Dalkeith bypass.

**PE914** Petition by Peter Fallon calling on the Scottish Parliament to urge the Scottish Executive to amend criminal justice legislation to require criminals to make financial reparation to the victim(s) of their crime.

**PE927** Petition by Hugh Sinclair, on behalf of the Movement for a Register of Freemasons, calling for the Scottish Parliament to urge the Scottish Executive to introduce legislation requiring the Church of Scotland to require its clergy to declare, in a public register, membership of the Freemasons or any society having a secret oath-bound membership.

**PE929** Petition by George Packwood calling for the Scottish Parliament to review the implementation of European Union drinking water directive (98/83/EC) in relation to the replacement of lead piping in public and private sector domestic properties to ensure that drinking water in Scotland has zero lead content.
Public Petitions Committee – a template for public petitions

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

Ms Lucy Johnson McDowall

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 an amendment to the Scottish Public Service Ombudsman’s Act to bring all aspects of Local Authority Administration, under the remit of the Public Service Ombudsman, without exception or exemption; and for the ethics and professionalism of local authority officials to be included in the remits of the Ombudsman or Standards Commission.

Additional information:
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Please see Additional Information at the end of the document.

Petitioner: L. Johnson McDowall.
Petition to the Scottish Parliament.

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.

Organisations:
The Scottish Public Service Ombudsman, Audit Scotland and the Standards Commission, by telephone.

Elected Representatives:
John Scott, MSP Ayr Constituency (by fax and telephone). Response received by telephone.
Hywel Davies, Local Councillor, South Ayrshire (by fax and telephone). Response Received by telephone.
All seven list MSPs for West of Scotland. By fax. No response received.

Government Departments:
The Scottish Executive, by telephone for information.
The Scottish Executive, Ministers for Public Service Reform, Communities and Health, by email. Response received.

Petitioners appearing before the Committee

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Please indicate below if you do NOT wish to make a brief statement before the Committee when it comes to consider your petition.

I do NOT wish to make a brief statement before the Committee

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/January/2006

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
EH9 1SP
Tel: 0131 348 5186  Fax: 0131 348 5088
E-mail: petitions@scottish.parliament.uk

Petitioner: L. Johnson McDowall.
Petition to the Scottish Parliament.

Additional Information in Support of Petition:

The petitioner requests an amendment to the Scottish Public Service
Ombudsman's Act to bring all aspects of Local Authority Administration, under
the remit of the Public Service Ombudsman, without exception or exemption;
and for the ethics and professionalism of local authority officials to be included
in the remits of the Ombudsman or Standards Commission.

1.0 Democratic Accountability:

1.1 Scotland’s Democracy, in the absence of a written constitution, rests on a
series of conventions, traditions and principles. We consider that one of
these can be summed up in the following statement:

All public bodies, servants and officials, who draw their
salaries from the public purse or make decisions which
involve public expenditure, must be accountable in some
way to the people of Scotland.

1.2 Accountability is essential to avoid the mismanagement of public funds and
to avoid corruption, or the creation of political cultures which favour
corrupt, illegal, or unethical practices.

1.3 Furthermore, we believe that the Scottish Parliament has a duty to
monitor, and evaluate the systems which they have put in place to
implement public audit and accounting. Failure to enforce the principles of
democratic accountability at any level results in a failure to uphold and
protect our Democracy, which could be argued is one of the foremost
responsibilities of any democratically elected government.

1.4 Local Authorities have a great deal of direct power over the population and
have no real accounting structure to the Scottish Parliament. Their officials
are appointed, draw a salary from the public purse, and make decisions on
a daily basis that affect directly thousands of citizens and which involve
substantial amounts of public money. It is therefore vital that these
officials are asked to account properly for their actions.

1.5 The two main public bodies which deal with public accountability in
Scotland are the Standards Commission, which investigates the ethical
conduct of elected representatives, and the Public Service
Ombudsman, under whose remit the maladministration of Local Authorities
and other public bodies.

1.6 Notably, the Standards Commission cannot investigate the ethical or
professional conduct of local authority officials, but only local Councillors,
whose decision making powers are, apparently, limited.

1.7 There currently appears to be no independent accounting body under
whose remit the ethical standards and professionalism of Council Officials
lie. Furthermore, the ethics and professionalism of Council officials, and
especially Chief Executive and Monitoring Officers, does not appear to fall
under the remit of any elected body, or organisation that answers directly
to an elected body.

1.8 In the course of our enquiries with our local council and the Scottish
Executive, we have discovered that neither elected councillors nor
members of the Scottish Parliament or Executive appear to have the power
Petition to the Scottish Parliament.

to investigate, discipline or remove a Chief Executive or Local Authority for
breach of ethics, lack of professionalism, failure to adhere to the law, or
uphold a council’s own policies.

1.9 Alternatively, if such powers exist with elected representatives, these
representatives are not aware that they have them.

1.10 The Scottish Public Service Ombudsman Act has four exceptions which
prevent the Ombudsman from investigating complaints of
maladministration. The most significant exemption, and the one which is
causing considerable concern, is the one which removes "personnel
matters" from the Ombudsman’s scrutiny. Since there is no other
accounting body that deals with the scrutiny of local authority personnel
management practice and procedure, we feel that this exemption renders
local authorities, and possibly other public bodies partially unaccountable.

2.0 Implications and Exposition:

2.1 In effect, there is no method of holding the Chief Executives, directors, or
members of the corporate management of public bodies to full account
on the implementation of policy and their decision making.

2.2 Furthermore, there is no way of upholding, implementing, monitoring and
evaluating their management strategy of Chief Executive, especially with
regard to “personnel matters”. It also mean that there are no mechanisms,
or very few, for removing or disciplining an incompetent Corporate
Manager, as there are for public sector employees lower down the
employment structure.

2.3 In effect, this has lead to a working culture where there is an inverse
relationship between a manager’s position in the reporting hierarchy of
local authorities and the degree to which they are accountable. We feel
that this unfairly discriminates against low-status public sector workers,
who are more likely to be disciplined for their failures than their managers,
thus creating a direct positive correlation between job status and job
security. We feel that in a fair system, there should be a greater degree of
accountability with public sector jobs which have large decision-making
responsibilities.

2.4 In particular, we feel that the administration and management of public
bodies with regard to personnel matters should never be exempt from
accountability. The cost of maladministration of personnel matters, and
poor professional or ethical standards of public officials, in relation to
personnel matters, can run into millions of pounds.

2.5 By way of example, we cite the failure by many local authorities to
implement anti-bullying personnel policies, which exist in many places only
on paper. Direct costs may include those of litigation, administration,
absence attrition and Occupational Health referrals due to psychiatric
injury. The National Bully Helpline also estimates the cost of workplace
bullying in the UK to be around £3.7 billion a year, and cites public sector
workers as especially vulnerable to psychiatric injury as a result of
workplace bullying.

2.6 Furthermore, public sector workers are often stakeholders three times
over: they are employed by public bodies, pay taxes which fund public
bodies, and use the services provided by public bodies. The public sector is
the largest employer in Scotland, which means that maladministration of

Petitioner: L. Johnson McDowall.
Petition to the Scottish Parliament.

any personnel policies could have a devastating impact on the health and
wellbeing of Scotland’s workforce and have an adverse impact on service
 provision.

2.7 Mismanagement and maladministration of personnel matters can result in
the proliferation of numerous corporate ills, including cultures of
victimisation, discrimination, and harassment, rendering Scottish public
workplaces unsafe and unproductive. Failure to have proper strategies for
ensuring that public bodies implement their personnel policies could
therefore have an adverse impact on public health, as the families of those
who sustain psychiatric injuries in their workplace are also affected.

2.8 Currently, there is no way of holding a Local Authority Chief Executive of
Corporate Manager to account for all the decisions they take, nor any way
of holding them to account for their ethics or behaviour; apart from taking
legal action against them at an employment tribunal or court of law.

2.9 We suggest that industrial tribunals and court litigation is not an
appropriate or cost-effective forum of holding public officials to account for
corporate failures, lack of professionalism and poor ethics on a routine
basis. When complaints are upheld, they generally only benefit the
complainant, and the underlying causes of complaints, which could stem
from the highest tiers of management, are never dealt with properly.

2.10 Prolonged, frequent litigation against public bodies ultimately harms our
community and increases the tax burden. It should only be necessary to
use it as a last resort. We maintain that there needs to be solid structures
and reporting mechanisms to enable the Scottish people to ensure that no
public official feels that he or she is unaccountable, without having to
resort to lengthy, stressful, and expensive legal action. We feel that the
Scottish Parliament should be doing more to tackle the root structural
causes of litigation.

3.0 Concluding Remarks.

3.1 Leadership ultimately determines organisational culture. For this reason,
and for the constitutional reason given in paragraph 1.1, the Chief
Executives and Corporate Managers of local authorities, and indeed all
public bodies, must be answerable to an independent audit of their
policies, practices, procedures, and financial decision-making.

3.2 We hold that the accounting bodies are already in place to make reform
affordable. We suggest that ethics and professionalism of senior officials
such as Chief Executives and Directors be placed under the remit of either
the Standards Commission or the Public Service Ombudsman, and the
exemptions be removed from the Act governing the Ombudsman’s remit so
that they can subject all aspects of the administration of public bodies to
scrutiny. We also feel that any independent accounting body should answer
directly to Parliament.

3.3 The Scottish Parliament may also wish to consider the cost benefits
amalgamating the Standards Commission, Audit Scotland, and the Public
Service Ombudsman into a single independent centre for audit, public
accountability and ethical standards in government and public service.

3.4 We wish to conclude by stating that it is unacceptable in a democracy for
any aspect of public administration or conduct to be left un-scrutinised and

Petitioner: L. Johnson McDowall.
Petition to the Scottish Parliament.

for public servants or officials to be left unaccountable on any aspect of their work.

3.5 We believe that this is a constitutional necessity for all internal policies, practices and procedures, and all financial decision-making of public bodies to be publicly accountable if Scotland’s democracy is to function.

3.6 Failure to ensure that there are appropriate accounting strategies to uphold and enforce ethical and professional standards for all public servants and officials, elected or otherwise, is paramount to a failure to uphold our democracy.

Signed:

LUCY JOHNSON MCDOWALL BSc
Consultant, Industrial Conflict Resolution and Corporate Governance.
Elector, Ayr Constituency.

L A JOHNSON BSc RDAGE
Public Sector Employee, triple stakeholder.
Elector, Ayr Constituency.

Date: 13 January, 2006.
Public Petitions Committee – a template for public petitions

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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

Stella Macdonald

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 Stella Macdonald, on behalf of CRAG (Citizen’s Rights Action Group), calling on the Scottish Parliament to urge the Scottish Executive to review the Supporting People Funding arrangements to ensure that vulnerable adults are in receipt of the responsive services required to keep them healthy.

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- Sought advice, assistance and guidance from:
  - Councillors Irene Connelly and Andrew Rodgers
  - Head of Social Work
  - Senior Manager, Adults with Disabilities
  - Supporting People Manager
  - All Fife MSPs
- Attended “Big Blether” conference in Perth on 22/3/2005 along with representatives from other regions and follow-up conference held on 30/11/05.

Petitioners appearing before the Committee

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Please indicate below if you do NOT wish to make a brief statement before the Committee when it comes to consider your petition.

**I do NOT wish to make a brief statement before the Committee**

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Signature

Date

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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
Additional Information

CRAG was established, in Fife, in September 2002 to address the then issues in connection with: the Care Commission; the potential registration of some Group Homes as Care Homes; and the impact of this on many residents living within that setting. The issues were successfully resolved within 2 months.

CRAG’s core membership is that of service users / carers, with the remit of raising concerns about the impact on an individual’s ability to lead a fulfilling and progressive ‘quality life’, as a citizen of Fife (whether adult or child), resulting from policies and decisions made outwith their control.

It is our belief that the Scottish Executive has the best interests of Scotland’s population at the heart of all they do, and would not ‘intentionally’ go out of their way to put members of our communities at risk. There is no doubt, however, that sometimes certain modifications i.e. a formula developed to assist in the ‘fair’ dispersal of funding (whatever it may be), could unwittingly disadvantage an area renowned for its high level of deprivation. In this instance, we believe that revisiting such a formula, to reassess its accuracy in identification and reflection of the ‘true’ level of deprivation would be wise. Especially if used again.

Concerns have been raised amongst CRAG members as we learnt that the Arbuthnott Formula, in connection with Supporting People, is one such example where a fair and honest review may open discussion regarding its ability to identify and reflect the true level of deprivation across Scotland. This, we feel, warrants attention outwith this petition.

Fife is just one region to be affected by a reduction in Supporting People Funding (SPF), as a result of this formula. Even though, outside Glasgow, Fife is recognised as an area that has data zones with the highest rate of deprivation in Scotland. Additionally, that the number of frail older people (those aged over 85 years) is also extremely high – increasing by 22% between 2004 and 2009 (from 5840 people in 2004 to 7125 people in 2009) - an increase of 1285 frail older people requiring care and support (source: Internal Budget Pressures Paper 2006-2008). It is also useful to highlight that 24 per 1000 of the population have a Learning Disability (Fife numbers estimated at 8400 people), with 3 or 4 per 1000 having a profound or multiple disability (Fife numbers estimated at between 1050 and 1400 people) – source: Same As You? Scottish Executive, 2000. This does not include other vulnerable people supported by SPF i.e. those with an Autistic Spectrum Disorder, mental illness, victims of domestic abuse, those who are homeless, those not in receipt of Disability Living Allowance yet have a disability etc.

In Fife, CRAG members have witnessed the Supporting People team work tirelessly to identify and address the needs of those who could specifically benefit from the ‘focussed’ SPF. With their exemplary commitment and tenacity being worthy of recognition and praise. Evidencing ‘active inclusion’, as they focus on capacity building for both individuals and the communities in which they live.

For many individuals offered assistance, with the aid of SPF, their quality of life improves greatly as they take strides to genuinely recognising and fulfilling their role
as a citizen of Fife. We have grave concerns regarding the imminent reduction of funding; the ramifications of which will be far-reaching. With the possibility of putting a strain on other resources as regression takes place, with health deteriorating and crises increasing. Resulting in an overall cost, per person, potentially being greater than that of the SPF, prior to reductions.

We believe that all vulnerable individuals should be offered opportunities that: enhance their personal abilities; provide them with a 'quality life'; and assist in their conscious awareness of citizenship.

As a group, representing carers and service users, we are powerless to address the formula, however, we are greatly concerned by the reduction in SPF. Being keen to witness that needs are met, we gratefully request that this petition be considered for presentation to the Public Petitions Committee.
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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

Margot Russell
Dalkeith & Danderhall Labour Party
28 Cowden Park
Dalkeith
Midlothian
EH22 2HF
0131 660 2205
margot.russell@midlothian.gov.uk

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 Margot Russel, on behalf of Dalkeith and Danderhall Labour Party, calling for the Scottish Parliament to support the Scottish Executive proposal to build the Dalkeith bypass.

Additional information:
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This organisation has sought assurance from Rhona Branakin MSP that the road programme will proceed. However, it was felt that with all the adverse publicity from the Save the Dalkeith Park protestors and the fact that they have presented a petition to the Petition Committee, that it would be useful for the Committee to receive a petition in support of the Dalkeith bypass from local residents and groups.

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**Petitioners appearing before the Committee**

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*Please indicate below if you do **NOT** wish to make a brief statement before the Committee when it comes to consider your petition.*

<table>
<thead>
<tr>
<th>I do <strong>NOT</strong> wish to make a brief statement before the Committee</th>
</tr>
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</table>

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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.*

| Signature |                                                             |
|---------------------------------------------------------------|
| Date |                                                             |

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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
Dalkeith and District Community Council

We would wish to advise the Public Petitions Committee that PE900 has angered a great many of people who live, work or play in the Dalkeith area.

Dalkeith and District Community Council, along with many other organisations and individuals, have worked for a by-pass for Dalkeith for many years. **We are the local community council**, and we were very pleased to hear that one was happening at last.

Dalkeith is an ancient market burgh. It is bisected by the A68, in particular through the town centre with an extremely sharp Z junction. Here, the buildings are old and an important part of the town’s heritage. There are continually subjected to the impact of traffic - vibrations, pollution, impact, not to mention the salt put down at this time of year causing damage to the sandstone walls.

The juggernauts cannot turn and are forced to use the other side of the road. They often mount the pavement. Safety barriers recently erected at this point on the trunk road have already been demolished in a road traffic accident.

Air pollution is another concern to the locals. A monitoring box is now a permanent feature in the town centre. The build-up of traffic can be horrendous - this can be witnessed by anyone, particularly at the peak times of evening rush-hour.

There is genuine surprise then, that this is the route chosen by so many large vehicles. Questioning of their drivers by community councillors found out that they used this route because it was the shortest, and hence the cheapest, in regard to fuel costs.

But there are other factors which seriously damage the quality of life to locals.

Elderly folk find it difficult to cross the road despite the various crossing points that have been put in. Indeed, it is somewhat ironic that sometimes the only way traffic can exit onto the A68 from different parts of the town is by waiting until a pedestrian button is pressed.

Young children in buggies are at risk. A local nursery has for quite some time now had to use a most circuitous route to the local park simply to avoid the exhaust fumes from waiting traffic.

School children have to find a safe route to school and this is more and more a concern with the opening of the new Dalkeith Schools Community Campus to the east side of the A68.

The National Cycleway passes through Dalkeith. It was only after a fatality on the A68 entering Dalkeith from the north that traffic measures were put in place. We were glad that it did not take another fatality before the A68 by-pass was
agreed. However, there have been fatalities in the past, particularly on the stretch of A68 entering Dalkeith from the south.

Dalkeith is the bridging point of the Rivers North Esk and South Esk. Both bridges prove to be the focus of traffic congestion. The bypass requires only one bridge. Dalkeith and District Community Council support the work of the Esk Valley Trust and can see a lot of benefit in freeing the river crossing points from their present excessive volumes of traffic.

Street lighting has been increased in intensity and this has caused some problems for local residents. But it is the noise and vibrations which mainly cause a detrimental effect - from as early as 3 a.m. till nearly midnight.

So, the local Community Council welcomed and supports the decision to build the A68 by-pass.

All these points were made at the public meeting mentioned in PE900 by our chair, Ann Stewart-Kmicha. Subsequently no one has objected to the Community Council about the by-pass. Rather the opposite, local residents and traders have expressed surprise and disbelief that a protest should be raised. They fully support the bypass. Even the fact that a bypass usually is followed by a drop in trade is not something that has caused local businesses to protest. Rather the contrary, they feel that the improvements to the environment of Dalkeith Town Centre will far in the way compensate for any temporary lull in business.

At no time has the Save Dalkeith Park group made contact.

However, Dalkeith is the hub of Midlothian and other Midlothian communities have expressed their views. The Midlothian Federation of Community Councils supports the by-pass, and indeed in its recent reply to consultation on the new Local Plan stressed the need for the A68 bypass.

Lastly the route does not go near the valued Adventure Park or Dalkeith Palace. Most of the Country Park will be unaffected by it. There has been a lot of misinformation, and biased interpretation, with regard to this. Local wildlife has been promised to be protected. Archaeological work will be done as well. Given that the by-pass will be single carriageway the impact should be minimal. There are equestrian facilities that will feel the impact and this seems to be the source of the protest, not the local community of Dalkeith.

Thank you for reading this.

Ann Stewart-Kmicha
chair.

e-mail address: 21-12-05
The case for the A68 Dalkeith Bypass has been supported by Secretaries of State for Scotland and by Scottish Ministers for over 40 years.

The Secretary of State first endorsed the case for the A68 bypass in 1963 when he approved the route in the County of Midlothian Development Plan. More recently in 1993, and following a Public Local Inquiry, the Secretary of State endorsed the route of the A68 bypass and agreed to proceed with appropriate orders.

Preparatory work for the bypass was done in the 1990's. Land acquisition at Langside and Wester Cowden, also ground consolidation and farm access road construction were all completed at a cost of £4.5 million.

In March 1997, the Secretary of State confirmed the route of the Bypass following a second Public Inquiry.

In July 1997, the Secretary of State approved the Lothian Structure Plan which set out the strategic development framework for the area. The Plan identified Midlothian as an area to receive substantial growth, including 4,500 new houses and a further 4,000 in the South East Wedge, and new business uses. The Plan considered the early construction of the A68 Bypass to be "a high priority to support further housing development in Midlothian".

In June 2004, the Scottish Ministers approved the Edinburgh and the Lothians Structure Plan 2015. The Plan identifies a requirement for a further 2.200 houses in Midlothian, together with business uses. It clearly states in the Plan that the development strategy is dependent on the implementation of key transport proposals such as the A68 Bypass.

The A68 Bypass will relieve traffic through Dalkeith town centre. Approximately 180,000 heavy good vehicles a year will travel through the town centre without the Bypass. Around 1.35 million other vehicles will travel along the same route annually and the bypass will reduce this by more that half which will mean better air quality and noise improvements in the centre of Dalkeith. The bypass will reduce accident potential and improve safety in Dalkeith.

Between 2000 and 2004 there were 64 accidents in or near the A68. 16 of these were serious and 2 others resulted in fatalities.
The line of the route was extensively examined during environmental and engineering assessments for the 1992 publication of draft orders, with other options. The environmental assessment was updates for the 1996 Public Local Inquiry and has been reviewed again. The current route offers the best balance of benefits to Dalkeith Town centre.

The route of the A68 bypass avoid the formal Dalkeith Country Park area, the Dalkeith Oakwoods (site of Special Scientific Interest), the Conservation Area and the Area of Great Landscape Value. It does pass though the narrowest section of the less formal Dalkeith Country Estate which is green belt.

It is worth noting that alternative routes for the Bypass further to the north east were put forward and considered at the Inquiries. The alternatives were dismissed by the Reporters on the grounds that modelling showed them to be much less efficient in removing traffic from central Dalkeith.

**BENEFITS OF BYPASS**

Reduction in accidents
Removal of traffic would allow enhancement of the historic core of Dalkeith Conservation Area
Improvement of air quality, (central Dalkeith is only area in Midlothian exceeding recommended pollution levels.

The opening of the A68 Dalkeith Bypass will be a major boost to the regeneration proposals for the Dalkeith Town centre and its pedestrianisation plans for the High Street.

Our petition handed to the Public Petitions Committee may be small in comparison to the opposing petition however it is a snapshot of local support for the bypass and was obtained over a couple of Saturdays. Local people and I emphasise local wanted to have their voices heard above the opposition from the recreational users of the park.

Our petition is signed by the people that count as they live day in and day out with the traffic congestion and bad air quality. This Bypass will allow them to enhance their quality of life and that of their families and generations to come.
Public Petitions Committee – a template for public petitions

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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

Mr Peter Fallon

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 Peter Fallon calling on the Scottish Parliament to urge the Scottish Executive to amend criminal justice legislation to require criminals to make financial reparations to the victim(s) of their crime.

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.

Petitioners appearing before the Committee
The Convener of the Committee may invite petitioners to appear before the Public Petitions Committee to speak in support of their petition. Such an invitation will only be made if the Convener considers this would be useful in facilitating the Committee’s consideration of the petition. It should be noted that due to the large volume of petitions it has to consider, the Committee is not able to invite all petitioners to appear before the Committee to speak in support of their petition.

Please indicate below if you do NOT wish to make a brief statement before the Committee when it comes to consider your petition.

I do NOT wish to make a brief statement before the Committee  

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 .......................... 12 December 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
Proposal for Recompense
to Victims of Crime
from Perpetrators

Proposal of Petition
To
The Scottish Parliament
For
Amendment to the Criminal Justice Act

Peter Fallon
November 2005
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2. The Crime Against the Individual 2
3. Breakdown 2

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1. The Breaking of the Law is a Crime Against Society

The law is set out for society and anyone breaking the laws of a country is committing a crime against society; if convicted, the criminal is given a sentence as deemed appropriate within the judicial system.

2. The Crime Against the Individual

At present, the criminal is under no obligation to make reparation to the victim of the crime which is unfair.

For example (actual case):

A thief stole a car in Cumbernauld, which was, according to the police, a routine occurrence for this criminal. He drove it to Shotts and collided with a car parked outside someone’s home during the early hours of the morning; causing irreparable damage to both cars. He was later caught by police (after having ‘stolen’ a taxi ride back to Cumbernauld) and taken to court to be sentenced as deemed appropriate by a judge.

The car in Shotts which he collided with was owned by a man who works for minimum wage in an area of the country which is not easily accessible by public transport. This man had to take a week’s holiday while arranging to get a new car because he had no means of getting to work – this was only a couple of weeks after having two weeks holidays, in essence, using up almost a year’s holiday entitlement within a month. Being on a low wage, he had to buy a car from a car dealership which would allow him finance on a car at a cost of £120 per month. The burden of this extra cost, for a man on minimum wage, has had heavy financial repercussions for the whole household, and will continue to do so for five years.

This scenario may well be similar for the owner of the stolen car in Cumbernauld. The facts in this respect are unknown.

Meanwhile, the criminal (sentence unknown) has no responsibility to take and will in all likelihood, carry on this behaviour as he has done in the past.

3. Breakdown

The criminal is held responsible for breaking the law of society and is punished as deemed appropriate in a court of law.

The criminal should be held responsible for the crime against the victim and in situations where there are financial implications, the criminal should be forced to carry the financial burden which at present they can cause with no fear of having to make reparation. As in the above case, the criminal should be forced to pay the £120 per month which it is at present costing the victim.

This burden of responsibility might eventually act as a deterrent to, for example, vandals and thieves. If they were to bear the cost of the damage the cause, they may be less inclined to commit the crimes.

Society has justice, so should the victim of the crime.
4. **The Challenge**

One of the important and continued problems that beset parliamentarians is the criminal justice bill(s). Trying to get a happy medium to satisfy all members of society is not and never will be easy; at least an effort must be made, and a serious one not based solely on a post modern theory that everyone can change that there is good in everyone creating excuses constantly trying to "help" the poor unfortunate to see the error of his or her ways.

There is, in philosophical thinking, an aspect of human attitude relating to this very subject matter, under the heading of Responsibility:

- Prospective responsibility (victim)
- Retrospective responsibility (criminal action)
- Retrospective responsibility equating to moral and legal responsibility
- Individual/organisational and collective responsibility (society)

At a basic level, an example of an accepted rule would be that if one borrows an item from another party and breaks it whilst in their possession, they would replace the item.

This being the socially accepted behaviour, why then should it be different for a criminal?

In my research of the British Criminal Justice Bill I have found no reference to the responsibility of the criminal towards the victim; similarly, I found no reference in the Library of the European Court of Human Rights in this regard.

We are led to believe that there is no such a thing as ignorance in law. In my research I see, what I feel is an important void, as highlighted below:

- If the victim of a crime sustains injury, they are entitled to compensation from the Criminal Injuries Board.
- If the victim of a crime sustains financial loss, there is no fiscal reparation (except through the possibility by means of a Civil Action which is outwith the limits of the majority of people's means).

My proposal would be to suggest some form of insurance scheme, whereby funding from eg Government and personal insurances would contribute towards easing the financial burden of the victim, whilst at the same time recouping the money from the perpetrators of the crime; for instance through arresting wages or reducing their benefits.

5. **Human Rights Issues**

The Human Rights Declarations appear vague when it comes to responsibilities of criminals towards victims, albeit it will be classed as a Sovereign Law dictum.

In the European Charter on Human Rights, Article 41, paragraph 3 states:

"Every person has the Right to have the community make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the General Principles common to the Laws of the Member States". (Official journal of the European Commission. 2000.)
This paragraph is all very good if one talks of the civil servants causing damage to property, but ‘community’ encompasses all members of society, and as such all members of society should be held accountable for their actions. If “institutions or ... servants” are, by this Law, expected to make good the damage then so, in broader terms, should individuals.

The European Constitution Draft of 20 June 2003, states under Article 17; Part 2 page 83 sub section 1:- Right to Property that;

“Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law insofar as is necessary for the general interest.”

Consider also the Universal Declaration on Human Rights. December 1948.

Article 17:

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

The above would seem acceptable insomuch as it is dealing with institutional responsibilities; however this should be the case on an individual basis. I believe this is highlighted in the annex to the United Nations General Assembly resolution 53/144 dated 8 March 1999; Article 2 subsection 1;

“Each state has a primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.”

6. Conclusion

In this time, when so much is seen of criminals being recompensed eg money for slopping-out, or undue leniency being shown in the courts eg “the parking space murder of the grandmother”, while law abiding citizens suffer at the hands of criminals, it is surely time that some form of reparation was made when the victims of crimes are left with unacceptable financial burdens; not excluding the psychological effects of the personal intrusion and infringement of their basic human rights – to live without fear. As stated in the United Nations Universal Declaration of Human Rights, resolution 217 A (III) of 10 December 1948, Article 3:

“Everyone has the right to life, liberty and security of person”.

Let justice be served.
Movement for a Register of Freemasons

PETITION
TO THE SCOTTISH PARLIAMENT

by Hugh Sinclair on behalf of the Movement for a Register of Freemasons, calling for the Scottish Parliament to urge the Scottish Executive to introduce legislation requiring the Church of Scotland to require its clergy to declare, in a public register, membership of the Freemasons or any society having a secret oath-bound membership.

ACTION TAKEN

1.11.05 Letter to HM The Queen with regard to her duty to assure the security of the established Church of Scotland: no reply

13.11.05 Letter to the Moderator of the Church of Scotland re Petition: no reply

FURTHER DETAILS are provided in the Supplementary Submission.

SIGNED BY THE PETITIONER HUGH SINCLAIR

14.01.06
PETITION
re THE CHURCH OF SCOTLAND & FREEMASONRY:
SUPPLEMENTARY SUBMISSION: PAGE ONE : THE CRUX

The thrust of this Petition is predicated on the undeniable loss of moral authority by the church in 21st century society. The church no longer wields unchallenged spiritual power over the citizenry. It is simply one of many service providers in the community. Before it invites our custom as clients, it must be open about its claims and its core values. In this, the age of transparency, it must disclose relevant facts about its provision. If it claims to be the one true line to God through a divine saviour by the name of Christ, owing allegiance to none other, it must provide guarantees of its single-mindedness. In practice, we, the citizenry, meet only with failed leadership within the church leading to institutionalized confusion and chaos. We require a register of interests by which we may test its true mettle and that of its pastors. (We are making parallel submissions to the Scottish Episcopal Church, The Church of England and the Anglican Church in Wales. Contact: The Very Revd. Gerald Stranraer- Mull, Dr. Philip Giddings, Provincial Secretary respectively) Our rationale follows:

↓ The Christian duty is to regard all people as neighbours, and to love those neighbours as we love ourselves, going the extra mile for any one of them. But every Freemason has to agree under oath to prefer a brother over any other person. Those two moral imperatives are separate and irreconcilable. It is lawful to believe in either, but you cannot combine one with the other. They are mutually exclusive. Royal Arch Freemasons are even enjoined under oath to overlook known wrong-doing of a Brother.

↓ The Masonic obligation does not derive from a vague ethos shared by a latterday Moral Re-armament Society. It stems from bloodcurdling oaths sworn before a man who may be a total stranger to the first degree apprentice. The Worshipful Master comes bearing no kite mark of eligibility branded on his forehead, is subject to no quality control and is not accredited as an Investor in People! Yet before this possibly inert icon, the apprentice must bear the knee and swear under severe penalties to keep secret all that takes place in the lodge. By so doing, he swears away his conscience in advance, embracing a code of silence even before he knows the secrets. One of those secrets is the membership list. What if the apprentice is a clergyman and one of those members holds the key to church preferment?

↓ The Brotherhood may represent to some an ideal of virtue, by force of oath and at the point of a dagger and the curl of a noose, but it is a travesty of justice to impose it on everybody. Yet the church down the ages has welcomed the male-only Freemasons into the fold. Enforced virtue is an easier option, compared with saving souls through faith free and unsullied by worldly self-interest. That’s a 7:52 commitment. You can’t as a Minister hope to achieve soul-saving on a grand scale and still have a day-off on Mondays. There may not be all that much money in soul-saving, either, and, like other Churches, the Kirk with its upkeep, offices, CCTV and toilets, not to mention the manses, is nothing without money.
The following concerns are derived from the Anglican church but are relevant to the debate:

On 4.9.05, Anglican Canon Joseph Morrow BD OStJ, the fledgling Scottish Grand Master, told The Daily Mail he would make the Freemasons a more open society. Ten days on, Scotland’s Grand Lodge announced his resignation. Neither Primus nor Archbishop questioned his installation on 25.11.04. The Moderator of the Church of Scotland was silent on the issue.

On 27.4.05, the Archbishop’s Deputy Secretary for Public Affairs told me not to quote the 15.11.02 Independent head-line “New Archbishop: Masons have no place in the Church”. The article was based on his reply to my open letter in which he had told me he had misgivings about Freemasonry, resisting the appointment of Freemasons to certain senior posts. He had given The Independent great assistance in preparing the article.

On 29.3.05, the Vicar of St. Peter Mancroft Church, Norwich rebuffed my letter about explicit links between his church and a Masonic Lodge by passing my letter to the Lodge.

On 23.11.04, the Rt. Rev. Graham James’ Chaplain said that a Cathedral service in June 1992 was “not a service ‘celebrating Freemasonry’ but rather a service .. to which Freemasons were welcome to attend (sic)”. The service was in truth to celebrate the 275th anniversary of the institution of UGLE and the long service of the Grand Master, HRH The Duke of Kent, one of many such Cathedral celebrations orchestrated by UGLE in England that June.

All four instances underline the uneasy and embarrassed partnership that exists between churchmen and the Freemasons. The most appropriate caption for all of these examples is “Duck and Dive”. They illustrate the extent to which clergy will go in order to preserve their special relationship. Whatever the motivation underlying this apparent collusion may be, a register of ministers of religion who belong to the Freemasons or other secret societies will transfer empowerment to the laity and reduce the anachronistic patriarchal status of the church. Those clergy who wish to remain in fraternal societies will be free to do so. My 2005 Petition PE848 (re Canon Morrow) failed in its bid to ban clergy in the Scottish Episcopal Church from Masonic membership. While a ban is morally justified, a register of Masonic membership offers protection and choice to the laity. Ordinary citizens are entitled to know if clergy acting in a pastoral, professional or representative capacity owe a secret allegiance which may impair their independence of judgment, advice or action. A register will provide an x-ray of secret obligations.

The Masonic Ancient Charges state that “you are .. to prefer a poor Brother, that is a good man and true BEFORE any other poor People in the same Circumstance.” This obligation binds all Freemasons - including clergy, lawyers and public servants - of every degree.
MFRFM seeks to argue for a public register of Freemasons. Founder: Hugh Sinclair M.A. (Oxon.) AIn Court Ellington NE615LR
Tel: 01670 861736 e-mail: hughsinclair@hotmail.co.uk
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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

George Packwood

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 George Packwood calling for the Scottish Parliament to review the implementation of European Union drinking water directive (98/83/EC) in relation to the replacement of lead piping in public and private sector domestic properties to ensure that drinking water in Scotland has zero lead content.

The councils have been carrying out only partial lead pipe replacement and have created a disaster. All houses with partial lead pipe replacement will never reach Europe's or for lead in drinking water

Additional information:
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I have written or phoned: Scottish Water, SEPA, Council and all Councillors, MSP Susan Deacon, Jack McConnell, COSLA, Law Society, Evening News, Chartered Surveyors, etc.

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I do NOT wish to make a brief statement before the Committee

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: 12/12/05

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
Petitions Committee
Scottish Parliament
Edinburgh
EH99 1SP

Petition to the Scottish Parliament on Lead pipe replacement.
22-11-05

Dear Sirs,

I, wish to petition the parliament with regards to the incorrect “Partial lead Pipe” replacement works carried out by the councils both in private and council Housing.
The partial replacement will in due course render all of these houses as not having a water supply that will meet Europe’s requirements of ZERO LEAD Content in Drinking water.

I believe that all the councils have copied Edinburgh so the problem is national. Would you please allow me to present my petition to the committee in person.

Yours Sincerely

George Packwood