Public Petitions Committee – a template for e-petitions

Should you wish to submit an e-petition allowing signatures to be gathered on-line 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.

Hazel Reid

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 Hazel Reid calling for the Scottish Parliament to urge the Scottish Executive to review the operation of the Victim notification Scheme to ensure that the victims of serious violent and sexual crimes are given the right to receive information about the release from prison of an offender who has committed a crime against them, regardless of the length of sentence imposed.

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: 30 November 2005
Additional information:

Please enter any other information relating to the issues raised in your e-petition, including the reasons why the action requested is necessary. The text entered in this field should not exceed 2 pages. However, you may wish to provide further sources/links to background information.

At the moment, the victim of a serious crime in which the perpetrator is sentenced to 4 years, or more, is not entitled to be given any information as to the criminal’s whereabouts or release date.

I was stabbed by my husband who pled guilty to, and was convicted of, attempted murder. However, because he was sentenced to only 3 years imprisonment I was not entitled to be informed of his release date or his general whereabouts.

This is a ludicrous situation - if a perpetrator is found guilty of a serious crime then that should be enough. Arbitrary sentencing should make no difference.

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.

I have contacted MSP’s from all parties in the Scottish Parliament regarding this issue - including Jack MacConnell, First Minister and Cathy Jamieson, (Justice minister). This has been to no avail and I now feel the need to put pressure on the parliament in order to right this situation.
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.

The Justice Minister, Cathy Jamieson, stated over 18 months ago that this situation was 'under review'. This is not good enough. In the meantime many more offenders have been released from prison without their victims being aware of that fact. Indeed, these offenders could be living in the next street to their victims and the victims would have no right to know this simply because they had been sentenced to less than 4 years imprisonment.

If the Victim Information Scheme is to proceed, it must be inclusive to ALL victims of serious crimes.

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 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 ......Hazel Reid  .................................................................

Date ...24 October, 2005 ............................................................
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,

CONSIDERATION OF PETITION PE899

Thank you for your letter of 14 December asking for comments on Petition PE899, which calls upon the Scottish Executive to review the operation of the Victim Notification Scheme (VNS) so that it applies to all victims of serious crimes regardless of the length of the sentence imposed on the offender.

It may be helpful if I begin by outlining some of the background to the VNS. An administrative scheme for notifying victims of the release of offenders sentenced to four or more years in prison was introduced by the Scottish Prison Service in April 1997. The four year cut-off was chosen because the Parole Board for Scotland is involved in setting conditions for the release of prisoners, or may recommend that prisoners are not released, when a sentence of four or more years is imposed. There is no Parole Board involvement in sentences of less than four years because offenders with such sentences are currently released automatically and (with the exception of certain sex offenders) unconditionally at the half-way stage of their sentence.

The administrative scheme was not retrospective, that is to say that it normally applied to sentences imposed after the commencement of the scheme, although applications to join the scheme when sentences were imposed prior to April 1997 were treated sympathetically.

The Criminal Justice (Scotland) Act 2003 made provision for the introduction of a statutory scheme that enshrined in legislation the right of victims to receive information on the release of offenders, and to make representations to the Parole Board when it is considering conditions for release. Importantly, the legislation provided a lawful basis for the disclosure of such information to victims (within the limits set out in the Act). New guidance for victims and for practitioners in the criminal justice sector was prepared, and the subordinate legislation, which commenced the relevant sections of the Act and which prescribed the offences covered by the VNS came into effect on 1 November 2004. Consequently the statutory scheme has now been running for just over a year. The statutory
scheme is retrospective; it applies regardless of when the sentence was imposed. Although the Act specifies that the VNS only applies when offenders are sentenced to four or more years in prison, that period can be changed by means of order laid before the Scottish Parliament.

As Ms Reid mentions in the statement that she made before the Committee, the *Scottish Strategy for Victims*, which was published in January 2001, has as one of its key policy objectives the provision of information, particularly case specific information, to victims of crime. The Scottish Executive’s Justice Department Action Plan (which was also published in January 2001, and which can be found at: http://www.scotland.gov.uk/library3/justice/sfvap-00.asp) stated that the Scottish Executive would:-

“Work to extend the current system for providing information on the release of prisoners serving sentences of 4 years or more, to provide information on release from custody and eligibility for temporary release for all victims who wish to receive it.”

In addition, the Review of the *Scottish Strategy for Victims* (which was published in November 2005, and which can be found at: http://www.scotland.gov.uk/Publications/2005/11/29104225/42270) had, as an action point:-

“The review of the Victim Notification Scheme will consider extending the scheme's provisions to prisoners serving less than four years in prison.”

There is, therefore, a clear commitment by Scottish Ministers to examine an extension of the VNS to all victims who wish to receive information about the release of offenders. The Executive is taking a staged approach to this end. The first step has been to consolidate, through statute, the administrative scheme that existed from 1997 onwards. Scottish Ministers are determined that any lessons that can be learned from the statutory scheme, such as the language used to communicate with victims, the administrative systems required to ensure that information is passed on timeously and accurately, and victims’ views of the working of the Scheme, are systematically considered, along with recent developments in the criminal justice system, before a decision is taken on how best to roll out the VNS. The Scottish Executive is currently determining how best to assess the effectiveness of the statutory Scheme. It is expected that this work will be completed by the beginning of 2007, and that any proposals to change the Scheme will be made thereafter.

I hope that is helpful in giving the background to the VNS and in showing that the Executive is committed to providing as much information as possible to victims, but wishes to ensure that it does so in as sensitive and accurate way as possible.

Yours sincerely,

Craig Smith
Dr James Johnston  
Clerk to the Public Petitions Committee  
TG.01  
Parliamentary Headquarters  
Edinburgh  
EH99 1SP

7 February 2005

Dear Dr Johnston

CONSIDERATION OF PETITION PE899

Thank you for your letter of 14 December to Tony Cameron in which you asked for SPS' views on the proposal to amend the Victim Notification Scheme (VNS) to ensure that the victims of serious violent and sexual crimes are given the right to receive information about the release from prison of an offender who has committed a crime against them, regardless of the length of sentence imposed.

While SPS staff operate the VNS and provide information to victims of serious crime, in line with legislative requirements, the policy responsibility for the scope of the Scheme lies with the Scottish Executive Justice Department. The recently published Review of the Scottish Strategy for Victims included a commitment at paragraph 26 that a review of the VNS would consider extending the Scheme’s provisions to prisoners serving less than four year’s in prison. I know that you have written separately to the Justice Department and I understand that they have replied setting out their approach to this commitment.

SPS staff are represented on the VNS Implementation Group and will be involved in evaluating the existing arrangements. SPS will continue to work with others on the Group to ensure that the practical experience we have gained of the operation of current Scheme is taken into account in considering how best to meet the Executive’s commitment to extend the Scheme.

Yours sincerely

STEPHEN SADLER  
Head of Legal Policy

An Agency of the Scottish Executive Justice Department
Mr Richard Hough  
Assistant Clerk to the Public Petitions Committee  
The Scottish Parliament  
Parliamentary Headquarters  
EDINBURGH  
EH99 1SP

9 March 2006

Dear Mr Hough,

CONSIDERATION OF PETITION PE899

Thank you for your letter dated 16 February inviting Sacro’s comments on PE899.

First of all, we share the view that Hazel Reid is entitled to feel that the current notification system has not met her needs and that she has suffered greatly as a result. By any reckoning, attempted murder must be a serious offence and the victim of such a crime will have needs related to recovery from the trauma that will include reassurance that she is safe from future attacks. The notification system should contribute to that sense of security.

We note that the petitioner calls for “the victims of serious violent and sexual crimes to be given the right to receive information...regardless of the length of sentence imposed.”

When she gave evidence on to the Committee on 7 December Hazel Reid also said (col 21.21) that she would “like any victim of an assault to have that right, whether they are a man or a woman, and whether the incident is domestic or non-domestic”. In response to a further question she went on to confirm that, in her view, the type of crime should determine the automatic notification of the victim.

The key issue appears to be lie in how seriousness can best be defined and that is not a simple matter. While it is easy to reach consensus that certain crimes such as murder, attempted murder and rape are serious, it is less easy to determine at what point an assault, for example, becomes serious. The impact on the victim of an unexpected punch on the nose from a stranger on the street may be different than that of a punch thrown in a fight between two young men. The victim perception may be different and so may be the view taken by the sentencing court. Victim impact is of particular significance in relation to the notification issue.

This difficulty of definition is recognised by the Scottish Executive/Home Office current consultation on the review of the Criminal Injuries Compensation scheme that proposes a move towards only compensating the victims of serious crime.
The *Criminal Proceedings in Scottish Courts* 2003 (Scottish Executive, March 2005) provides a statistical context for consideration of the issue. They relate only to persons with a charge proved against them and therefore sentenced:

- Non-sexual assault
  - of which serious assault and attempted murder 2387 54% imprisoned
  - Rape and attempted rape 1410 53% imprisoned
- Indecent assault
  - 62 90% imprisoned
  - 82 44% imprisoned

Given these figures, it might be argued that it would not be realistic to give every assault victim the right to notification. Many offenders who have committed non-sexual assaults are released following very short sentences so there might be logistical difficulties in some cases.

However, it may be that many victims of assault will not want or seek to be notified. It is perhaps more likely that those who will seek notification, and should receive it, are those who have experienced the worst impact from the crime. This would suggest the criteria for access to notification should relate less to seriousness and/or sentence length and more to victim impact.

The current 4 years "cut-off" point in the system mirrors the current definition of long term prisoner and may have been chosen an indicator of seriousness. It is increasingly recognised that the 4 years point has no particular relevance other than as an administrative tool and the Sentencing Commission has recommended that it disappear in a new approach to sentencing and early release. The Commission has suggested a 12 month sentence "cut-off" point in determining different early release criteria.

We offer the following suggestion for consideration by the Committee:

That all victims of crimes by offenders imprisoned for assault, rape, attempted murder and murder be entitled to receive notification on request.

Projecting from the 2003 figures given above, and assuming one victim per offender, the total potential number to be notified would be in the region of 1400. We believe that a substantial proportion would not seek notification but that those seriously affected would do so, given sufficient encouragement.

*Susan Matheson*
Chief Executive
Dr James Johnston  
Clerk to the Public Petitions Committee  
The Scottish Parliament  
TG.01  
Parliamentary Headquarters  
Edinburgh  
EH99 1SP

Dear Dr Johnston

CONSIDERATION OF PETITION PE899 – VICTIM NOTIFICATION SCHEME

I refer to your correspondence dated 14 December 2005 in connection with the above subject, which has been considered by members of the Criminal Justice Business Area, and can now offer the following by way of comment.

The Victim Notification Scheme is acknowledged as, both a desirable and valuable service to victims of serious and violent crime. The operating principles are recognised as having been well considered and clearly defined.

The decision to limit the service to those cases where the offender is sentenced to four or more years in custody seems arbitrary and fails to take into account instances such as domestic abuse, where there may be evidence of chronic serious abuse yet the offender has not received a prison sentence which has broken through the threshold. It is acknowledged that there must be some form of qualifying criteria however a more holistic evaluation of individual cases may be more appropriate.

The inference that the victims should be advised if the released offender is “living in the next street” should be addressed. There is no provision within scheme for such detailed information to be supplied to victims and arguably this should remain the position in view of the inherent problems such a disclosure might precipitate.
Provisions to monitor and manage violent offenders including sex offenders exist which permit both police and criminal justice partners to make measured decisions on disclosure.

I trust the foregoing is of assistance to you.

Chief Constable
(Hon. Secretary)
Dr James Johnston  
Clerk to the Public Petitions Committee  
TG.01  
Parliamentary Headquarters  
Edinburgh  
EH99 1SP

February 2005  

Dear Dr Johnston,  

Re: Consideration of PE899

We enclose the following submission in respect of Petition PE899 for the consideration of the Committee:

Victim Support Scotland offers practical and emotional support for people affected by crime. In addition, VSS works to promote the rights of people affected by crime. We strongly support the rights of victims to be made aware of when those who committed crimes against them are released. For many victims, seeing the offender in the community – in the street or at the local supermarket – can be extremely traumatic and distressing. The intimidation experienced and fear of the offender are both valid and understandable reactions.

The Victim Notification Scheme is an important tool for victims of crime (and other qualifying connected people, depending on the circumstances). Victims are offered the opportunity to be notified when the offender will be released or temporarily released; will be transferred outside Scotland; has died or has escaped from custody.

Victims are, at present, only included in the Scheme when the offender has been sentenced to a period of 4 years or longer.

For some time, Victim Support Scotland has publicly called for a shorter period of time by which the scheme can operate. In our submission in response to the Criminal Justice (Scotland) Bill to the Justice 2 Committee (in 2002), we said that “Given the importance of notification and preparation to victims of crime, ideally information should be provided in cases where an offender has been sentenced to a year or more”. More recently, we made this view clear when giving evidence in response to the Management of Offenders etc. (Scotland) Bill (in 2005), and that the scheme should be extended in parallel with the Home Detention Curfew proposals.

Victim Support Scotland supports the call in Petition PE899, that victims of the prescribed crimes should be notified of the release of the offender regardless of the
length of the sentence imposed. We agree that the length of sentence, when considered as a benchmark for the operation of the Victim Notification Scheme, is arbitrary and not in the best interests of those affected by the crime.

The Criminal Justice (Scotland) Act 2003 allows for the variation of this length of time by Scottish Ministers (s16(4)(a), see below). Victim Support Scotland would support a reduction on this stipulation, or its removal.

It is our view that those affected by the prescribed crimes have a legitimate right to information provided by the scheme regardless of the length of sentence imposed.

We hope that you find these comments useful and constructive. If you require any further information, please do not hesitate to contact us at the address above.

Regards,

Barry Jackson
Policy and Research Officer
Victim Support Scotland.

Endnote:
Extract from Criminal Justice (Scotland) Act 2003

16 Victim's right to receive information concerning release etc. of offender

(1) Subject to subsection (2), the Scottish Ministers must, unless they consider that there are exceptional circumstances which make it inappropriate to do so, give any natural person against whom a prescribed offence (or, if they so prescribe, any offence) has been perpetrated such information as is described in subsection (3), being information in relation to any person who has been convicted of that offence and sentenced in respect of it-

(a) to imprisonment or detention for a period of four or more years;
(b) to life imprisonment or detention for life; or
(c) under section 205(2) (punishment for murder where convicted person under 18) or 208 (detention of children convicted on indictment) of the 1995 Act, to detention without limit of time,
provided that the person to be given the information wishes to receive it and has so intimated.

(2) Subsection (1) does not apply where the convicted person is released before attaining the age of sixteen years.

(3) The information mentioned in subsection (1) is-

(a) the date on which the convicted person is, under or by virtue of the 1989 Act or the 1993 Act, released (other than by being granted temporary release);
(b) if the convicted person dies before that date, the date of death;
(c) that the convicted person has been transferred to a place outwith Scotland;
(d) that the convicted person has, by virtue of the 1989 Act, become eligible for temporary release; and
(e) that the convicted person is unlawfully at large from a prison or young offenders institution.

(4) The Scottish Ministers may by order-

(a) amend subsection (1)(a) by substituting, for the period for the time being specified there, a different period; or
(b) amend subsection (3) by adding descriptions of information.
Dear Dr Johnston

Consideration of Petition PE899

Thank you for your letter of 14 December 2005 in which you invited comments on the petition submitted by Hazel Reid calling for the Scottish Executive to review the Victim Notification Scheme to provide for victims of serious violent and sexual crimes to be given the right to receive information about the release from prison of the perpetrator of the offence irrespective of the length of sentence imposed.

I should first say that any decision to extend the Victim Notification Scheme to include the victims of offences which result in the perpetrator receiving a custodial sentence of less than 4 years will have little impact on the work of the Parole Board as, in the main, the Board deals with the cases of offenders who have been sentenced to a period of imprisonment of 4 years or more. I understand that the Scottish Executive Justice Department has an action plan which includes the following statement:

The Scottish Executive Justice Department recognises that victims should, if they wish, have access to information specific to their own case and so we will:
Work to extend the current system for providing information on the release of prisoners serving sentences of 4 years or more, to provide information on release from custody and eligibility for temporary release for all victims who wish to receive it.

Given the terms of the foregoing, it would appear that the Scottish Executive already has it in mind to extend the current Victim Notification Scheme.

Yours sincerely

Hugh P Boyle
Secretary to the Board
Dr James Johnston
Clerk to the Public Petitions Committee
Room TG.01
The Scottish Parliament
EDINBURGH
EH99 1SP

13 January 2006

Dear Dr Johnston

CONSIDERATION OF PETITION PE899 FROM HAZEL REID – VICTIM NOTIFICATION SCHEME

Thank you for your letter of 14 December 2005.

The decision as to whether the eligibility criteria for the Victim Notification Scheme should be extended is one for the Scottish Executive to take. I understand that the Executive has provided a commitment to extend the current system regarding notification about the release or temporary release of offenders to all victims who wish to receive it.

Officials of the Crown Office and Procurator Fiscal Service (COPFS) are represented on the Scottish Executive’s Victim Notification Scheme Implementation Group and will be involved in the evaluation of the existing arrangements. COPFS will continue to liaise and work with Executive officials to achieve the extension of the existing scheme.

I hope this is of assistance.

Yours sincerely

Norman McFadyen
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

Mrs Judith Hodgson

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......

Petition by Judith Hodgson calling for the Scottish Parliament to consider and debate the issue of financial compensation for individuals whose property values and businesses are affected by the construction of a windfarm development

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 previous enclosures.

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 / 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 5.2.05

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
Dear Member and Clerk

I refer to the responses sent to me for comment in connection with the above Petition. Those from the Scottish Executive and the DTI were to be expected. To date Scottish Ministers have shown a marked bias towards the wind industry. In addition, 11 out of the 18 advisers to the DTI are executives of renewable energy companies. The responses of both have failed to address the purpose of the Petition by arguing that there are unlikely to be any negative effects from living in close proximity to wind turbines. The petitioner however asked the committee to consider compensation payments to residents if they suffer financial loss.

Both the Scottish Executive and the DTI appear to have little understanding or knowledge of the prevailing views of various eminent organisations, including the Scottish Mountaineering Council, the Ramblers Association and VisitScotland, all of whom believe that tourism will be adversely affected. Even Highland Council admits by implication in its draft Renewable Energy Strategy that wind farms damage areas where they are sited, since they plan to zone them in order to reduce their impact over the area as a whole. Wind farms have also been voted Britain's most hated eyesore by Country Life Magazine. The Scottish Executive and the DTI have failed to address the fact that tourism is a significant employer in Highland Region and have ignored VisitScotland's prediction of a 28% fall in tourism in areas with wind turbines. The latter would be enough to result in the closure of many tourist businesses.

I will now respond to the comments in the order in which they have been raised:

Executive's Response

- Effect of wind farms on property prices – According to the Scottish executive 40% of chartered surveyors found no negative impact. This would however indicate that 60% disagreed with this statement. The comment regarding the normalisation of property prices within 2 years of a wind farm becoming operational has to be disregarded, since very few wind farms using the new breed of giant turbines 100+ metres high have been operating for that period of time. It should be remembered that until very recently turbines were 80 to 100% smaller than those of the present generation. Letters from estate agents, including Strutt & Parker and D M Hall, state that substantial diminution of property prices and very limited saleability of homes within 2-3km of giant wind turbines can be expected. This would quite clearly cause severe financial problems, including lack of mobility and possible negative equity, for many members of the host communities affected by these giant wind turbines. The Executives research on public attitudes to wind farms can be discounted, since the developments surveyed generally consisted of SMALL turbines sited away from properties. The majority of those surveyed lived well away from the turbines, thus the opinion of the smaller number that lived in close proximity was lost in the wealth of data.

Compensation

- It is normal practice for compensation to be paid for blight caused by public works. The Scottish Executive is using private developers to achieve its renewable energy policy, thus depriving the public of fair compensation, despite the fact that a large amount of public money is financing this policy in one way or another. Less unscrupulous private developers such as the B.A.A are providing compensation, including the option of relocation for all those affected by the proposed airport expansion. The situation regarding wind farms cannot be compared to the other situations mentioned by the Executive. Never before has a large number of tourist dependent communities been threatened by a loss of income as a direct result of government policy. The plans of Highland Council to designate large swaths of Highland for massive wind farm developments consisting of hundreds of turbines will cause economic ruin to tourist dependent businesses. Visitors will not come to a land famed for its peace, quiet and unspoilt natural beauty to spend their holiday in a vast industrial site. The comment that compensation would be an impossible burden on developers and result in a severe restraint on economic development and regeneration is yet another indication of the Executive's apparent "cosy" relationship with the development companies. Perhaps more concern should be paid to those who are forced to live near wind turbines against their will and the fact that the developers are receiving large amounts of public money in one form or another. Forcing developers to pay compensation would ensure that they were more careful in their choice of siting for their projects and would avoid centres of population. In any event the development companies are well able to afford compensation as illustrated by the Edinbane proposal: it is estimated that AMEC will make well over £170m net profit over the 25 year life of its wind farm, should it proceed. It is estimated that AMEC could compensate or relocate all non-beneficiaries in the village for approximately £10m.

The Planning System

- The planning system is not, as claimed by the Executive, protecting communities from ill sited wind farms, as illustrated by the Edinbane Wind Farm proposal. If planning approval can be granted for a wind farm sited in prime location,
eagle territory on carbon storing bog in close proximity to a tourist dependent village in an AGLV, then very few constraints operate. Highland council appears to routinely fail to apply the correct procedures, including NPPG 6 and PAN 45 and to disregard numerous planning guidelines, yet the Executive refuses to become involved, making a mockery of its "so called" reassurances. The Executive also seems to continue to insist that redress may be available through the Courts, knowing full well that such a course of action is far too costly and unpredictable for any but the seriously rich.

Community Benefit

- It is generally acknowledged that many developers pay a mere pittance. AMEC has offered the residents of Edinbane the paltry sum of £19,000p.a. Since it has been predicted by Strutt & parker that bankruptcies can be expected and house price diminution of up to 40%, this will be no compensation for residents who suffer financial loss and a reduced quality of life.

Conclusion

- The Executive’s comments would appear to confirm that it is happy to ignore the plight of affected communities in order to achieve its renewable energy target at any cost. Many experts have made the Executive fully aware of the fact that wind farms will neither reduce carbon emissions nor produce a stable supply of electricity for the future and that money allocated for the development and operation of wind farms should be invested in the development of truly sustainable forms of renewable energy production. It seems patently clear to the discerning public that the Executive is prepared to support this useless technology in order to bolster the profits of big business and is unwilling to accept responsibility for the effects of this disastrous policy on the affected communities.

Comments - DTI

- The DTI has failed to address any of the issues raised in this Petition, arguing that no ill effects are likely to occur. It has failed to address the vital tourism issue or to recognise that to industrialise the Highlands and Islands is a very different scenario to the scattered small developments that have been erected to date in the UK. The comments of the DTI regarding who should be responsible for paying compensation is one for ministers, not the petitioner, to decide. However, where wind farms are concerned, the profits generated are so great that it would make sense for the responsibility to fall on the developer.

Summary

- Neither the Scottish Executive nor the DTI have put forward a convincing case for refusing compensation. The current iniquitous and undemocratic situation should not be permitted to continue and I therefore urge the Petitions Committee to recommend that compensation payments be made where financial loss occurs as a direct result of a wind farm development, with recourse to independent arbitration where agreement cannot be reached between the developer and the business/householder.

Yours faithfully

Judith Hodgson

24/02/2006
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.

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| Correspondence: The Secretary: |
| Contact: Mrs Ayres: |

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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.

Jack McConnell MSP, Paul Martin MSP, Sandra White MSP, Tom McKeown G.C. Councillor, Patricia Chalmers GC. Councillor, Marg Curren MSP (Former Communities Minister).
Michael Lennon, CEO Glasgow Housing Assoc. Margaret Crawley, Manager Keystone Housing.
Paul McNeil, Consultants to GHA Ltd. Communities Scotland
Others in Summery: All Scottish MP’s, MSP’s, Tony Blair, HRH the Queen, Prince Charles. All local Glasgow Councillors.
Other actions in Summery: Formation of a focused Association. Developed media interest, and provided for alternative systems.

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 [X]  
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 16-3-2005

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
The Scottish Parliament
George IV Bridge
Edinburgh
EH1 2SP

14 February 2006

Dear Petitions Committee,
Re: Petition PE829

We appreciate the time that the petitions committee has given to us. If after reading the enclosed information, we would be most grateful if you would consider keep this petition live. This, given that there are quite a number of outstanding issues we have raised, which clearly have not been resolved.

In that the existing position within our community, regarding the Winget housing issue appears to still remain quite fluid. We would ask the committee for your continuance with this matter in the meantime.

Yours Sincerely

Mrs Ann Ayres
Chairperson
Dear Petitions Committee
Re: Petition PE829

Thank you for your letter of the 12th January 2005, with related enclosures. After examination and discussion with my executive we wish to submit the following comments on each enclosure in this order. 1 Update. 2 Communities Scotland. 3 Glasgow Housing Association LTD. 4 Concluding with our comments and position at this time within our concluding summation.

Since our petition was first heard we have had meetings with Michael Martin MP, Margaret Curren MSP, Paul Martin MSP, and Pat Chalmers local councillor. Following our first meeting at our request Michael Martin MP arranged a meeting for us all with Michael Lennon Chief Executive GHA LTD.

We left our meetings very positive feeling in that we appear to have the full support of all politicians in attendance for this need to assist save our homes and community. We discussed with Mr Lennon the urgency of a pilot scheme to find true costings to bring our houses up to standard. This issue has dragged on for approximately eighteen months, engineers have negotiated and produced their work from every angle to satisfy requests from ALAN Balfour engineers hired by Hilland Ritchie whom GHA hired as consultants. We now understand that engineers have once again to go over all the work already given with THE Building Research Establishment. We now appear to have experts checking experts. With the question now being how many experts do we need to resolve this issue? We call this duplication of costs.

In our opinion fast sums of public money are being wasted and after two years the community continues to remain in the dark as to whether our houses will be saved and true costing regarding this project. We are of the opinion only the pilot project would be able to establish these facts.

One of the engineering companies involved in this project is Stuart Adams Consulting Engineers Ltd, one of the top engineering companies in Britain they have already worked successfully with Winget type housing and are of the opinion they can bring our houses up to standard for approximately less than twenty thousand pounds per house with no decantation.

Also at that meeting there was discussions on funding for Carntyne Winget Houses, and grants to help owners. All politicians left the meeting with their own task to try and gather all information which would help with this issue. The pilot scheme was classed as a very important and an urgent step forward which we felt everyone agreed
on and Mr Lennon GHA would hopefully get organised as was suggested, but sadly we are still waiting. We now been approached by deeply concerned Winget Residents in Marfield St saying that GHA Ltd have been informing them that their houses are to be demolished for a new build project costing approximately one hundred and five thousand pounds per house.

2. Communities Scotland

We note the first two pages refers to idealistic reasoning for moving with the housing stock transfer, which they are to be commended for. However the experience of the Winget residents within Carnetye does not give credence to that commentary. Since the introduction of Keystone Housing as the Social landlord, all this community has experienced is fear and instability to and for their continued housing needs.

On page three, Communities Scotland make references to “significant research shows” overall community satisfaction both for tenants and home-owners. Yet they fail to include factual information supporting this view. Nor do they give any indicators as to when or where this research was carried out or with whom. We would therefore, in light of our front line experience with this community, consider their statement to be unsupported and far to sweeping a statement to be realistic. That this unsupported statement has been made to support their own housing ideologies and should not be considered as factual

Within the final paragraph on page three, Communities Scotland make particular reference to the role of GHA Ltd as factors for owners of ex-council properties, who bought under the terms of right to buy. It is our submission that GHA Ltd have, by also being home-owners themselves, a conflict of interest in this role. That this perceived conflict is clearly been demonstrated in a way that they have handled this Winget Housing issue.

While we commend Communities Scotland’s concluding statement. We again feel this to be quite misleading when applied to the Carnety Winget community and the behaviours of both Keystone Housing and GHA Ltd. We request that you note their failure to work with all the representative groups touched by this issue, with a preffered option of working only with the ones whom they have chosen or appointed at their behest. Clearly this demonstrates a disparity of fair and honest community representation and not in keeping with the aspirations of Communities Scotland’s concluding statement.

3 Glasgow Housing Association Ltd.

For the purpose of clarity, we reference in particular to their note in paragraph three “Deemed as defective in terms of part 14 of the housing act 1987” and ask that it be noted that this is a category classification of this type of building and no single Winget property in Carnetye has been deemed as individually defective or dangerous. Of the one found to be problematic GHA Ltd part owners of the four-in-a-block building, will not reveal to the community the outcome of any report instructed by them as to the root cause of the problem. In fact one private owner instructed and paid for a structural survey and report on the four houses in his block. A forty seven page report taking in chemical analysis done in a laboratory also camera footage of inside walls. The report states that there is no structural damage in those properties.
We note that GHA Ltd not unlike Keystone Housing appear to have a preferred option for appointing groups of which membership is gained by selection or non democratic appointment by them. Not elected or selected by the persons or community they are reported to be in place to represent. It would appear that they do not favour democratic elected representatives and also have a dislike of public meetings on matters such as the Winget issue which effects a full community such as Carnynte.

We make mention of their dual role as factors and landlords and believe there to be a real conflict of interest. This was demonstrated when a senior officer alined herself with a article in the Glasgow Evening Times about the condition of Winget Houses. The sweeping comments attributed to this person with that article was to become the starting point of serious concern for all Winget residents in the Carnynte area. That this single action by this person had the effect of creating fear and instability for all tenants and home-owners who lived in Winget type houses

3 Keystone Housing
To their comment “we have not formally refused anyone membership,” Yet it is documented that they do have a selection and exclusion process. For example non-resident home owners and their private tenants are excluded from all discussion groups, and are not allowed to become a member of any focus or housing organisations. For example two of our executive applied for membership as residents, one was ignored, the other was asked to appear before their committee. It appears certain applications are vetted for suitability. Therefore we feel that this type of statement only serves to hide the truth behind selection and exclusion policy.

Like GHA Ltd, it would appear that Keystone Housing’s preferred option is also to provide forums Focus and/or fragmented residents meetings. This against having no record for providing for public meetings and indeed failing to attend any when invited to do so. In our opinion using this small appointee group discipline does not full-fill the requirements of openness, transparency or accountability to the community, placed on them by Community Scotland. That it does not fit the criterion set out for them by Communities Scotland in these areas and there-fore breaches those duties incumbent on them. That they appoint -non elected members and are select only those elements of the community they chose to communicate with.

We note the social survey which they instructed did not give them the result they wished for and subsequently they have devalued the survey in itself by using the words “what we had expected” If this was so one would question their wisdom about instructing the survey in the first instance, given the costs attached to providing for same

Funding. We note with interest Keystone’s synopsis about the available of funding to community groups and the information contained there in. We also note the derisory comments about how this association is funded and wish comment on these. Their synopsis sublimely suggests that funds was available to this association through the public purse, which had not been taken up. That our preferred option for funding was to hold collections (or beg) at public meetings. In response to this we have to say even although our Constitution was lodged with GHA Ltd two years ago, that at no time were we ever made aware of the availability of any public funding by Keystone or
any others. We therefore view that part of their response as seriously misleading. The association is funded by both private and public donation. Those who do so, do this freely in that they are incensed by the insensitive manner both Keystone and GHA Ltd have handled this issue. Further, all office bearers of the association and those providing help or exterior administrative assistance do so at their own expense, without any reward or payment.

In Summery
Despite all our hard work, our meetings, and all the support we received from our local and parliamentary politicians, we have seen little or no progress on any of the key issues. We have not as yet received any requests or invites from Keystone Housing. We have had one meeting with GHA Ltd at senior level. A meeting which only took place after Mr Michael Martin MP the speaker of the house intervened on our behalf. The promised pilot, to look at the possibility of restoring and saving the houses has now been delayed for over eighteen months. This while there is a company (Stuart Adams Consulting Engineers) standing by to commence the necessary work. We have watched administration duplication, discussion and debate after debate take place at horrendous costs to the public purse. Yet see little or no progress towards our ultimate goal, to save our homes and this mature and good community.

We can rightly conclude that the elements of transparency and accountability are in very short supply for the Carntyne Winget residents and believe the transfer of the local authority stock to a social landlord has failed dismally in this instance. The tenants and owners of Carntyne Wingets are just as fearfull about the loss of their homes and community to-day as they were two years ago, when this issue was first raised. Our front line evidence on this issue shows that GHA Ltd, Keystone Housing have seriously failed to meet the standards expected of them by Communities Scotland. That they have broken the duties incumbent on them as social landlords.

We quote an elderly Carntyne Winget resident “I don’t know what they are doing, but I know what you are doing. Trying to save the houses. You just keep on fighting for us because I am not leaving my house, there is nothing wrong with my house the only way I will leave is in a box, anyway with the time they are taking to decide anything with all the worry and stress I will be dead anyway. Perhaps these words better than any describe how local residents feel about GHA Ltd and Keystone Housing as social landlords. Carntyne to-day is a confused community in fear and despair. Many of those effected by this issue are elderly and now wishing away the twilight years of their life, instead of enjoying them after many years of hard work.

In conclusion. Evidence shows nothing has changed since our original petition to the Scottish Parliament and we can only conclude that any benefits which were to be derived from the housing stock transfer has not been fulfilled for the Winget residents of Carnyntne. Therefore the government’s social housing policy in this instance continues to fail this community.
Yours Sincerely
Ann Ayre(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.

<table>
<thead>
<tr>
<th>Details of principal petitioner:</th>
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<tr>
<td>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</td>
</tr>
<tr>
<td>Mrs F.C. Bowman</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Text of petition:</th>
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</thead>
<tbody>
<tr>
<td>The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.</td>
</tr>
<tr>
<td>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</td>
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<th>The petitioner requests that the Scottish Parliament.......</th>
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<tr>
<td>Petition by Mrs F.C. Bowman calling for the Scottish Parliament to urge the Scottish Executive to review the use of chloramine disinfectant in the treatment of drinking water.</td>
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Have sought the assistance of locally elected representatives below:

Jamie Stone MSP, Caithness, Sutherland & Easter Ross

Lord Thurso MP, House of Commons

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 / 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 .... 18/4/05

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
Dear Michael

Thank you for your letter of 26 January 2006 inviting comments on the Friends of the Earth response to Public Petition 842 on the use of Chloramines and also to the issues raised in the course of the Committee’s discussion.

In the substantive response provided by the Drinking Water Quality Regulator (DWQR) on 13 September 2005, the reasons for disinfecting water were explained along with why Scottish Water had changed its method of disinfection in some cases from ordinary chlorination to chloramination. The response also made it clear that chloramination is not new, that it has been used to disinfect water supplies in England (for example London) for many years and that it is also common practice in the USA and Canada.

You may also wish to note my written response of 26 September 2005 to the Parliamentary Question raised by Mr Mark Russell, MSP on this same issue. I explained that this is a matter for SEPA, in the first instance. Current practice in Scotland reflects the results of the SEPA risk assessment.

I hope the above has been helpful.

RHONA BRANKIN
Dear Sirs,

At the meeting of the Public Petitions Committee on the 18th January, in the consideration of my petition PE842, you are seeking my comments on the responses received.

Firstly, Scottish Water’s response. The taste and smell is not such an issue, although the animals still will not drink the water, not to mention the people. What we are really worried about is the number and nature of the Disinfectant By-Products (DBP’s) produced by chloramine treatment.

This is a direct quote from a research scientist in the USA:

‘A recently discovered disinfection byproduct (DBP) found in U.S. drinking water treated with chloramines is the most toxic ever found, says a scientist at the University of Illinois at Urbana-Champaign who tested samples on mammalian cells’. The discovery raises health-related questions regarding an Environmental Protection Agency plan to encourage all U.S. water-treatment facilities to adopt chlorine alternatives, said Michael J. Plewa [PLEV-uh], a genetic toxicologist in the department of crop sciences. "This research says that when you go to alternatives, you may be opening a Pandora’s box of new DBPs, and these unregulated DBPs may be much more toxic, by orders of magnitude, than the regulated ones we are trying to avoid."

Scottish Water also have made the comments that ‘water that contains chloramines is totally safe to drink’ and that the digestive process neutralises the chloramines before they reach the bloodstream. This is a very strong statement; do they have experimental results to back up this statement?

Secondly, considering the Drinking Water Quality Regulator (DWQR) for Scotland’s response. Again they have not addressed the issues of by-products in chloraminated water. A fair bit of research has been done in America. The reply I received from the Regulator, on the research, was that ‘I would not take much notice of the American Research’ I think it speaks for itself. A lot of what the DWQR is saying is mirroring Scottish Water’s reply.

Thirdly, The Scottish Executive appears content with the DWQR’s response.

Fourthly, SEPA’s reply on carrying out a risk assessment using the toxicology data available for both disinfectants concluded that this work showed that the environmental risk from the use of chloramines, is comparable to that from chlorine. This does not take into consideration research that has been done throughout the world, also the mention that chloraminated water presents no additional risk to the health of freshwater fish, as long as the hygiene code of practice for the control of planned releases of water from the distribution network. As the pressure in the pipes is higher since chloramination, and a lot of the pipes are old and some still have asbestos linings. And living in rural areas with low population, the leaks are often not located until the damage is done and the de-chloramination agent will not have been used. Chloramination does kill some plants, and the flora and fauna of some sensitive areas where major leaks occur will be affected.

Fifthly, Scottish Centre for Infection and Environmental Health say that ‘chloramination is favoured over other methods in some circumstances’. However, use of chloramination also produces a new and, as yet, toxicologically untested number of DBP’s, some of which may be extremely hazardous. Consequently chloraminated supplies can not be considered totally safe to drink.

Finally, the sixth comment received from Friends of the Earth, which is the only independent body you have consulted since the above are more or less mirroring their responses.
Twice in their response, they support the proposal of a review. We also concur with their statement that they had received a number of calls from concerned individuals regarding this issue, and on contacting Scottish Water they appeared unconcerned, and as I have mentioned in the fourth comment, as we live in a very depopulated area the leaks are not detected until the damage has been done, and the de-chloramination agents cannot be incorporated.

All we ask is that reviews are implemented to minimise the use of chloramines and that the current research is fully evaluated and more research is called for to ascertain the toxicological profiles of this new breed of DBP’s which are the result of chloramination.

I should also hope that in the future the reviews could be extended to England since chloramination does not appear to have been fully investigated throughout the UK.

Thank you for your time and consideration of these comments.

Yours sincerely,

F. Bowman.

P.S. Hardeopy on its way.