Public Petitions Committee – a template for e-petitions

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

<table>
<thead>
<tr>
<th>Details of principal petitioner:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to.</td>
</tr>
<tr>
<td>Mrs Connie M Syme</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Text of petition:</th>
</tr>
</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>
</tr>
<tr>
<td>Petition by Connie M Syme calling for the Scottish Parliament to urge the Scottish Executive to ensure that traffic regulation orders are applied to all disabled parking bays to ensure that they are used by registered disabled users only.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Period for gathering signatures:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please enter the closing date for gathering signatures on your petition, which we would usually recommend is a period of between 4-6 weeks</td>
</tr>
<tr>
<td>Closing date:</td>
</tr>
</tbody>
</table>
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.

Where disabled bays outlined in white are situated in a street where there are only houses, this appears to be quite adequate as neighbouring residents respect that it is essential to have a parking place for a disabled person right outside his/her house. It is an entirely different scenario where these bays are positioned in lay-bys shared by commercial/businesses and residents. In other words these lay-bys should have the same status as car parks.

On writing to The Scottish Executive for assistance, they gave the information that Local Authorities do have specific powers to make a TRO (Traffic Regulation Order) which they can raise if they so wish, but it is at their discretion. I consider there is a loop hole in the system, if disabled bays not covered by TROs are situated in lay-bys which act as car parks for commercial areas adjoining residential areas on a shared basis.

The response I received on contacting our local authority was that they could not see the problem. They did not advise me what measures they had taken to arrive at that conclusion. It is obvious from my experience that disabled bays outlined in white situated in lay-bys sharing parking with commercial/businesses and residential properties and not covered by a Traffic Regulation Order (TRO) are going to be abused by able bodied drivers as they see the white lining as only an advisory measure and know that no law covers them. If the commercial area is extremely busy and operates during day time and evenings, then this reduces the chance of a disabled driver gaining the designated disabled parking bay. From my own experience, many of the public have no regard for the disabled persons needs. On many occasions when returning with the weekly shopping, there is a vehicle not displaying the Blue Badge in the window, parked in the disabled space. It is very distressing to have to park the car well away from the house until the able bodied driver returns which could be quite some time. The shopping has to then remain in the car.

On taking this problem up with the Police, their comment was that disabled parking bays outlined in white without a Traffic Regulation Order are not covered by the law and therefore they could not take action with any unauthorised drivers abusing them. It was left to the disabled person to deal with the situation on their own.

From my own experience, it is very daunting having to tackle able bodied drivers who park in disabled parking bays and their replies can vary from anger to very abusive indeed, when requested to vacate the space as they have no Blue Badge showing. Recently that very situation happened and the police had to be involved due to the level of abuse. It is distressing enough to have uncalled for comments or even swearing from these inconsiderate drivers but I dread to think if the incident turned really ugly. Even a near neighbour expressed her view on disabled bays having to be put in the lay-by thus cutting down space for other drivers. I could have responded that perhaps she would like to change places with me, then perhaps she would have understood the need to have designated spaces for disabled people and what a difference they made.

Other disabled drivers can also use the space if it is not require by me at anytime for shopping etc so it covers extra disabled parking as in a car park. Disabled drivers usually only require to use it for a very short time so this does not cause a problem. It is purely the able bodied public who are the problem.

From observation while using supermarket car parks, they mostly deal with the needs of the disabled by installing adequate proper marked car spaces for disabled persons only and regularly check that able bodied drivers are not using them. In my opinion the Local Authority fall down on providing proper parking where commercial/business and residents have to share the allotted space and do not take into account that it is the sharing of this space that is causing problems.

Having read other disabled peoples experiences, I have to agree that at times I feel like being a second class citizen and a proper nuisance. I would gladly change places with these fit and active people so that I do not need the preferential treatment but unfortunately this is not possible.
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.

Mrs Helen Eadie, MSP
Fife Councils Area Transportation Plan Team Leader (West)

Comments to stimulate on-line discussion:

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

Is it right to put disabled people at risk by being left to take the law into their own hands, all because their designated parking bay which is to enable them to park as near to their home as possible, happens to be situated in a lay-by also shared by commercial businesses, but their disabled bay is not automatically covered by a Traffic Regulation Order as in car parks, which the Local Authority have the power to do. They should not be put in that position as it is stressful enough living with disabilities.

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 ............................................. 23rd November 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
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

James MacLeod

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 James MacLeod, on behalf of Inverclyde Council on Disability Ltd, calling for the Scottish Parliament to urge the Scottish Executive to review the Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations to allow for speedier provision and enforcement of dropped kerbs and disabled parking bays to prevent their abuse, ensuring greater and easier access for disabled, elderly and other users.

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.

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cllr Alan Blair, Leader, Inverclyde Council (2005)</td>
<td></td>
</tr>
</tbody>
</table>

**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.

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

**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** 15th November 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 Dr Johnstone

Thank you for your letter of 8 February 2006 seeking comments on the issues raised in Petitions PE908 and PE 909. This letter is in response to Petition PE908 by Mrs Connie M Syme calling for the Scottish Parliament to urge the Scottish Executive to ensure that traffic regulation orders are applied to all disabled parking bays to ensure that they are used by registered disabled users only. A separate letter addresses the issues raised in Petition PE909.

The Scottish Executive very much sympathise with disabled people who are unable to make use of parking spaces set aside for them because of the selfish behaviour of able bodied drivers. However, legislation already contains sufficient powers to enable roads authorities to make special provision for parking for disabled people. This provision is enforceable by the police, or in areas where decriminalised parking enforcement has been introduced, by parking attendants when it is supported by a Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984 and where a space is identified by a sign or a road marking prescribed by the Traffic Signs Regulations and General Directions 2002 (the TSRGD). When this procedure has been followed, the designated bay can be used only by holders of a badge under the Blue Badge Scheme of Parking Concessions for Disabled and Blind people. Other drivers using the space would be committing a parking offence.

Although these powers are available to roads authorities, some choose not to use them. Instead, they simply identify disabled parking spaces by means of road markings but do not underpin them with a TRO. The spaces created for disabled drivers in this way are discretionary and there is nothing to prevent able-bodied motorists from using them, however inconsiderate this might be. Neither the Scottish Executive nor the Department for Transport in England support the use of these advisory markings because they cannot be enforced. For this very reason, they are not included in the TSRGD.

Unfortunately, even in the case of designated on-street parking spaces protected by the terms of a TRO, it is impossible to guarantee that spaces are not misused by an able bodied driver. It is a matter for the police, or parking attendant, in the light of their priorities, to enforce this parking legislation and to issue fixed penalty notices as appropriate. Additionally, on-street parking spaces are not normally for the exclusive use of an individual blue badge holder – any other blue badge holder could quite legally utilise such a parking space.
I hope that this information is helpful in responding to the issues raised by the Committee’s deliberation of this matter.

Yours sincerely

JACKIE McCaig.
Dear Dr Johnston

Public Petition PE908 and Petition PE909

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

MACS would like to thank you for your letter of 8 February giving us the opportunity to comment on Petitions PE908 and PE909. The Committee’s Services Working Group has considered the petition and I am replying as Chair of the Working Group on behalf of MACS.

The Working Group support and agree with the views of the petitioners that traffic regulation orders need to be reviewed and applied to prevent the misuse of parking bays for disabled people and the obstruction of dropped kerbs to ensure greater and easier access for everyone. Speedier provision of dropped kerbs is also important, as these affect the mobility, confidence and safety of disabled people. Dropped kerbs also obviously benefit others and in particular parents with small children in buggies or prams, shoppers with trolleys or travellers with trolley luggage.
The Working Group sympathises with the petitioners and recognises the difficulties they are experiencing are not restricted to their local area and do indeed happen in many other areas of Scotland. It is particularly important that disabled people feel confident that they can access, use facilities and get the appropriate support where necessary without experiencing harassment or abuse from others who do not appreciate the difficulties and upset their actions may cause. Raising awareness within the workplace and the local communities therefore also plays an important role. Although written with transport operators in mind the MACS publication 'Recommended minimum training standard for staff assisting disabled people' equally applies to the provision of other services and to staff who are involved in the planning of these services. I enclose a copy of the publication, which is also available at: http://www.macs-mobility.org/docs/pubs/training/index.htm.

Councils will of course need to take account of requirements of Section 3 of DDA 2005, which will come into force in December 2006. Details can be found at http://www.opsi.gov.uk/ACTS/acts2005/20050013.htm. This Section imposes a new statutory duty on public authorities to have due regard to the need to eliminate discrimination and harassment against disabled people and the need to promote equality of opportunity between disabled and non-disabled people. The design of highways and pavements is an example of where the public duty might have an impact on disabled people.

You may already be aware that the Scottish Executive Transport Department, has recently commissioned research into tackling the abuse of off street parking for disabled people. Although specifically looking at off-street parking you may wish to approach Helen Cameron, TD 2:3, 2-F at Victoria Quay for further details on the scope, progress and estimated completion of this project, which might give an insight into the level of abuse being encountered and also possible suggestions to remedy the abuse.

SE Planning Advice Note 76 - New Residential Streets, issued in November 2005 also provides advice on good practice in relation to the provision of dropped kerbs and parking and is available at: www.scotland.gov.uk/resource/doc/76169/0019017.pdf.

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

Yours sincerely

Jane Horsburgh
Chair of the Services Working Group
Your Ref:

Our Ref: 122b/AC/06

Date: 14 March 2006

Dr James Johnston
Clerk to the Public Petitions Committee
The Scottish Parliament
TG.01
Parliamentary Headquarters
Edinburgh
EH99 1SP
By email: james.johnston@scottish.parliament.uk

Dear Dr. Johnston

CONSIDERATION ON PETITIONS PE908 AND PE909

I refer to your correspondence dated 8 February 2006 in connection with the above subject, which has been considered by members of the Road Policing Business Area and can now offer the following by way of comment.

The difficulties experienced by disabled persons who have had to suffer the consequences of selfish and inconsiderate motorists who choose to disregard, often clearly marked, disabled parking bays are fully acknowledged and the Public Petitions Committee can be assured that the Scottish Police Service will, wherever possible, deal with such abuses.

It is regrettable that many of the disabled bays found on public roads are not ‘enforceable.’ The bays are courtesy bays appealing to the better nature of other, able bodied, motorists. As the petitioner correctly points out, to be enforceable the bays require to be supported by a local traffic regulation order – the absence of which prevents officers from charging drivers with a relevant offence.

The introduction of the Transport (Scotland) Act 2001, allows alleged violations relating to the use of blue badges to be investigated by police officers, traffic wardens and local authority parking attendants. As a result of that legislation it is now an offence to fail to produce a blue badge when requested to do so by any of these authorised persons.
The Scottish Executive guidance entitled ‘The Blue Badge Scheme,’ published in 2003, was produced after consultation with, amongst others, ACPOS, COSLA and Capability Scotland and it succinctly summarises all aspects of enforcing blue badge violations. Within paragraph six of the guidance it states – “Obviously the power can only be exercised when the person is leaving the vehicle after parking or returning to the vehicle which is displaying a badge.”

This is indeed the case and in many cases it is neither possible nor sensible, to await the return of all drivers to investigate the use of every blue badge.

Where, however, there is evidence of a clear abuse of the conditions of such a badge then any of the aforementioned authorised people can investigate. Scottish Executive guidance on the matter states that – “Under no circumstances should an authorised officer seek justification from a badge holder regarding the disability that resulted in the blue badge being issued.”

This part of the guidance is clearly highlighting the simple fact that many disabilities are not always apparent. It is essential to remember that the absence of an obvious disability is not an effective guide as to whether a person is entitled to hold a blue badge. Therefore, blue badge violations are not obviously apparent to either enforcing officers or indeed other members of the public.

The issuing authorities for blue badges are the local authorities and it is for them to decide who obtains badges and indeed how violations are dealt with. The only exceptions to this are where a person, other than the holder, is misusing the badge or where the badge is stolen or fraudulently altered. In these circumstances the guidance is clear. The police will be contacted, all available evidence will be gathered and a criminal prosecution will be considered.

I trust this information is of assistance to you.

Yours sincerely

Chief Constable
(Hon. Secretary)
Dr James Johnston  
Clerk to the Public Petitions Committee  
Scottish Parliament  
Edinburgh  
EH99 1SP  

10 March 2006  

Dear James  

**Consideration of Petitions PE908 & PE909**  

Many thanks for your letter of 8 February. I would like to frame my comments on both petitions in light of the Disability Equality Duty (DED) and statutory functions provisions in the Disability Discrimination Act 2005.  

Public bodies are currently preparing for the DED, which comes into effect in December 2006. The Duty is divided into six parts:  

- the need to eliminate discrimination  
- the need to eliminate harassment of disabled people  
- the need to promote equality of opportunity between disabled and non-disabled people  
- the need to take steps to take account of disabled people’s disabilities, even where that involves treating disabled people more favourably than other people  
- the need to promote positive attitudes towards disabled people  
- the need to encourage participation by disabled persons in public life.  

Local authorities and Scottish Ministers amongst others will have a specific duty to prepare and publish a Disability Equality Scheme setting out how they will meet these duties. This includes setting out how they will monitor and assess the impact their policies and procedures will have on promoting disability equality. In essence,
the duty requires public authorities to design out discriminatory practices at the start of any policy planning process. A range of legal sanctions are in place for authorities deemed to be failing in meeting the requirements of the duty.

At the same time the 2005 Act removes any current ambiguity as to which functions of public authorities are covered by the DDA. At present it is possible to argue that only those functions which can be described as the provision of goods, facilities and services are covered. However, from December 2006, all statutory functions will be covered by the DDA.

The DRC has received a number of queries regarding misuse of blue badge parking bays and local authorities’ responsibilities in relation to features such as dropped kerbs. It could certainly be argued that, in light of the DED and the new statutory functions provisions of the DDA 2005, which come into force in December 2006, both local authorities (in relation to PE908) and Scottish Ministers (in relation to PE909) may need to consider reviewing policies around the application and enforcement of traffic regulation orders, where these affect disabled people.

I hope this information is of use to the committee. Please do not hesitate to get in touch if you would like to discuss any of this in greater depth.

Yours sincerely

Adam Gaines
Director, Scotland
Hough R (Richard)

From: Greig, Neil [Neil.Greig@TheAA.com]
Sent: 27 April 2006 10:30
To: Hough R (Richard)
Subject: Consideration of Petitions

Richard

Thank you for your recent letters – I apologise that you have had to write twice to elicit a response from the AA Trust. The AA Trust has no objection to its views being made public.

Petition PE921

We believe that this petition has now been superseded by events eg the Toll Bridges Review and we have no further comments to add.

Petition PE908/PE909

The AA Trust believes that these petitions highlight the fundamental problem of lack of resources available to enforce traffic regulation orders. There are a plethora of traffic regulation orders produced by Councils on a daily basis and often with little regard for the ultimate ability of the police or the Councils to enforce them. De-criminalisation of car parking was supposed to allow for greater enforcement of traffic orders and better traffic management but there is little concrete evidence that this has happened in any area other than paid for parking.

The AA Trust sympathises with the plight of disabled drivers but would not support any changes to the current system of traffic order production until resources can be shown to be available to enforce them.

Neil Greig
Head of Policy, Scotland
The AA Motoring Trust
Dr James Johnston  
Clerk to the Petitions Committee  
TG.01  
The Scottish Parliament  
Edinburgh  
EH99 1SP 

17 May 2005 

Dear Dr Johnston, 

**Consideration of PE908 and PE909** 

Thank you for your letter asking for our views on the above Petitions, which call for all disabled bays marked on the carriageway to be covered by a Traffic Regulation Order (TRO). 

Contrary to the advice which petitioner Mrs Syme has received from the Scottish Executive, we believe that the Traffic Signs Regulations and General Directions 2002, which set down the rules for the use of the roadmarkings and signs used to implement these disabled parking bays, do require councils to promote a TRO. 

The use of the roadmarking and the sign both require to be covered by "...an Act, order regulation, byelaw or notice ("the effect of a statutory provision") which prohibits or restricts the use of the road by traffic". In other words, where a disabled parking bay is provided in the carriageway, it should always be covered by a TRO, regardless of its location. 

In spite of this requirement, we understand that some local authorities have not been promoting TROs for every disabled parking bay for the following reasons: 

- Sheer number of requests for disabled parking bays could overwhelm staff if a TRO were to be promoted each time. 
- There would be a significant delay in being able to provide the bay, due to legal processes and consultation, which may prove unacceptable to some residents. 
- When the space is no longer required, the local authority is rarely, if ever, informed and the space can remain unnecessarily unused and unusable by non-disabled people. 
- Enforcement is not required in the majority of cases. 

While these reasons do not exempt the local authority from the technical requirement to promote a TRO, they allow many more bays to be provided where and when they are needed. Our experience is that these are generally accepted by neighbours and the public at large, so enforcement is rarely needed.
There is little doubt that if local authorities were forced to promote TROs for every disabled space, the service to those requiring spaces would suffer. Indeed, we believe it would be helpful if the Committee were to consider seeking a means to formalising existing practice whereby councils would have the discretion not to promote TROs, as the Scottish Executive has suggested is the case at present.

I trust this is of assistance to the Committee in its consideration of these petitions. Please accept our apologies for the time it has taken us to consult with our members and to respond to your query.

Yours sincerely,

Hannah Reeve
Policy Officer
MOBILISE ORGANISATION
Formerly The Disabled Drivers' Association and The Disabled Drivers' Motor Club

The Scottish Parliament
Public Petitions Committee
RG.01
Parliamentary Headquarters
Edinburgh
EH99 1SP

21 March 2006

Dear Dr Johnston

Petitions PE908 and PE909

Thank you for writing to the Disabled Drivers' Association. It has recently merged with the Disabled Driver’s Motor Club and the newly merged charity, registered as Mobilise Organisation, has approximately 26,000 members throughout the UK. Mobilise Organisation owns the campaign known as Baywatch and continues the tradition of campaigning on issues related to the personal transport needs of individual drivers or passengers.

The situation described in both petitions, PE908 and PE909, are well known to the Mobilise Organisation.

Mobilise Organisation campaigns for the right of disabled people to park as close to their destination as possible. The car is a necessity not a luxury for a disabled driver or passenger. If a designated public car parking space is not available the disabled person has to go home and return to the space later or on another day. The disabled driver has no choice but to drive because he or she has restricted mobility and this is the only or the best method of transport.

Petitions PE908 Mrs Connie Syme
The subject of the petition brought by Mrs Connie Syme is common to many disabled drivers. It is common for a space outside a disabled person’s house to be designated for use by that individual and to be marked using white lines. The white lines are advisory. Sometimes the house or flat number is marked within the box. Mobilise opposes this practice as it stigmatises the disabled person and may make them a more vulnerable target in the area. In busy commercial areas abuse of the space is commonplace. Without a Traffic Regulation Order (TRO) parking by non-disabled people is not enforceable. Not being automatically enforceable, the disabled person is left to tackle abusers themselves. This puts the disabled person in a vulnerable position and may be discriminatory; non-disabled drivers do not have to tackle drivers of motor bikes if they park in a car-parking bay.
Our Members relay stories of having abuse hurled at them and many have experienced situations that have made them feel vulnerable to physical attack when
they have tried to explain to people that they are parked in a space designated for a disabled driver. It is iniquitous that disabled people do not have the law on their side.

**Abuse of disabled parking spaces and Blue Badges**

Disabled people all over Scotland, indeed all over the UK, have difficulty parking close to their destination for a variety or reasons including:

1. Non-disabled driver abuse of disabled parking bays
   a. People know that the marking is advisory and know that they will not get a fine.
   b. Bay abusers often only want to use an ATM or buy a single item from a shop which is adjacent to the space. Their belief is that they will be quick and therefore not inconvenience a disabled person. The result is that a succession of drivers occupy the space throughout the day only for a few minutes at the time; the accumulated effect is to deprive disabled people for hours on end.

2. Fraudulent use of a badge
   a. People use badges that do not belong to them either because they have acquired a stolen badge or they have continued to use a badge of a relative who has died.
   b. Some non-disabled people also use the badge of a relative or friend, for whom they legitimately drive, but at a time when the disabled person is not accompanying them or who remains in the car.

The badge is allocated to a person not a car and in these cases the driver is ‘impersonating’ a disabled person (if they display the badge) which is an offence and which carries a £1000 fine.

There are two types of disabled parking space

1. A space marked disabled with white lines and which is advisory
2. A bay designated for disabled parking that carries a TRO

**A solution - TRO linked to residents parking**

Neither of these cater for the space required by an individual who lives in a busy commercial area and who competes for the space on a daily basis with non-disabled drivers. Designating the space with a TRO would have the affect of allowing any holder of a Blue Badge to use the space. This could be counter-productive. Mobilise Organisation therefore would like to see Mrs Syme’s space and similar spaces clearly separate from the loading bay, marked for use by disabled residents and subject to a TRO. Mobilise Organisation believes that the practice of marking the house or flat number in the space makes the disabled person vulnerable in the community and should be discontinued. Mobilise Organisation also believes that the parking privileges accorded to non-disabled people should apply to disabled people and it observes that currently disabled residents in commercial areas cannot benefit when residents parking is not allowed.

Abuse of disabled bays is thoughtless. Mobilise recognises that clear rules and enforcement is necessary but believes that these measures should be accompanied by a public awareness campaign and training for parking enforcers about the issues
facing disabled drivers. Mobilise Organisation would welcome the opportunity to discuss how the charity and the Scottish Executive could work together to develop such a campaign.

Mobilise calls on the Scottish Executive to eliminate the need for disabled people to tackle non-disabled driver abuse of designated parking spaces:

- by urging Local Authorities to use their discretionary powers, in busy commercial areas, to make disabled parking spaces subject to a Traffic Regulation Order with a pavement-mounted plate that stipulates that the bay is restricted for use by **disabled residents only**.
- by ensuring, in busy commercial areas, that loading bays end before a disabled bay starts.
- by encouraging adequate disability awareness training including how to read a Blue Badge.
- By mounting a public awareness campaign

**Petition PE909 Mr James McLeod**
In his petition, PE909, Mr James McLeod, referred to the problem of lack of and slow enforcement of dropped curbs. This point did not appear to be discussed at your meeting when both petitions were heard. Drop kerbs are essential for people with restricted mobility and who use a wheelchair. Our members constantly complain about being ‘stranded’ because they are unable to get across a road because there is no dropped kerb near by or it is blocked by a vehicle. As a result they often have to retrace their steps some distance to find an alternative crossing point. Some people find it difficult to negotiate pavements with steps and also prefer to use drop kerbs. Mr McLeod’s point is that if one plans and designs for all, many sections of the community benefit for example the elderly, those with disabilities, and those with double buggies.

Mobilise calls on the Scottish Executive:

- to help increase public awareness of the need to park well away from dropped kerbs
- to review current practice and instruct enforcers to issue, speedily, a parking ticket to vehicles parked in front of dropped kerbs
- to ensure adequate disability training to ensure parking enforcers are aware of the problems faced by disabled drivers.

Yours sincerely

**Pamela Morrissey**  
Chief Executive  
Mobilise Organisation  
Registered charity number 1111826

Cc Mrs Syme, Mr McLeod, MSPs and Councillor Alan Blair Leader Inverclyde Council.
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

Catriona Leslie

On behalf of Portree Community Council

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

Petition by Catriona Leslie, on behalf of Portree Community Council, calling for the Scottish Parliament to urge the Scottish Executive to review its policy on public libraries to ensure appropriate provision in rural areas.

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.
We have approached our MP, Mr Charles Kennedy, our MSP, Mr John Farquhar Munro, and Highland Council

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 ......................................................................................................................

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
PORTREE COMMUNITY COUNCIL

To the Scottish Parliament Petition

Policy on Public Libraries in Schools

We have been told by Highland Council that it is Scottish Parliament policy to incorporate Public Libraries within schools. While this may be a good policy in some places we feel it should be applied according to the circumstances of each individual town/village and not be applied on a ‘one size fits all’ basis. Here in Portree the proposed new High School is to incorporate the Public Library which is currently in the middle of the village. The road from the town/village centre to the school is very exposed to the elements and great numbers of current library users have said that they will cease to use the library once it is in the school. In addition many people have expressed anxiety about having to go to the school and share facilities with large numbers of teenagers who can be very intimidating. Parents have expressed anxiety about the security aspects of such shared facilities. While we can appreciate that it is a policy that can save money, we feel that libraries should be designed to serve the whole community and should therefore be placed where the greatest possible number of people can access them easily. In Portree the Public Library is much used by Tourists as well as Residents: it is close to the Tourist Office, is central and convenient. People use it as a meeting place and somewhere to spend time sheltered from the elements. It gives a valuable service to the community as well as helping to keep the centre of the village alive.

We therefore ask the Scottish Parliament to review the current policy and give Councils more choice on the location of Public Libraries and, where necessary, access to funds to enable them to have a real choice.

We have written, at length, to various Highland Council officials, our MP, and our MSP.
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

Catriona Leslie

On behalf of Portree Community Council

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

Petition by Catriona Leslie, on behalf of Portree Community Council, calling for the Scottish Parliament to debate the use of Public Private Partnership funding to build new schools and to urge the Scottish Executive to provide adequate public sector funding for local authorities, who are better placed to meet the needs of the local community, to build new schools.

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.
We have spoken to our MSP, Mr John Farquhar Munro, about our concerns and have also approached Highland Council to object to current plans for PPP funded schools in our area.

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 .................................................................................................................................

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
PORTREE COMMUNITY COUNCIL

To the Scottish Parliament

PPP Funding for schools in Scotland – Reasons for our Petition

From our experience here in Skye we feel that this method of funding is only a ‘quick fix’ way of building new schools without proper regard to the long term viability of the building. Because the contract with the chosen company (if indeed there is a choice!) lasts for only 30 years the company has no incentive to build attractive, well built schools that will serve the community for generations, be an inspiration to the pupils, and be a credit to their surroundings. Here in Portree the proposed building is in a very high profile position and will replace a dreadful, ugly building. However the design of the proposed building is of a design that does not blend with existing architecture in the area, will not be, visually, a great improvement on the current building and is not favoured by the public. It appears that the Community has no choice in the matter as we have been told that PPP is the only way to get a new school and that no changes, other than in relatively minor matters, can be made. The proposed school in Portree is just one of a much larger contract with the same company.

The Petitioners therefore request that the Scottish Parliament reconsiders this policy and makes funds available, either directly or by making provision for loans, for Councils to build schools using their ‘in house’ architects who have a knowledge and feeling for the areas they serve.

We have already approached our own Council to object to the current plans for such schools in our area. We have spoken to our MSP on the subject.
Public Petitions Committee - PE831 and 832

February 26th 2006 Dear Eileen Martin, Thank you for your letter of 12th January. Unfortunately I was unable to respond before leaving home for an extended holiday so hope that a rather brief, electronic response will suffice. PE831: 1) Together with Portree Community Council I would like to agree wholeheartedly with No 4 of the SLIC's observations on the Portree Petition. Existing library users are deeply concerned about the prospect of the shared facilities and about the accessibility of the proposed new facility. The views of the Community in this respect appear to have been ignored. We also agree with No 5 and feel that, in our case, the Public Library has indeed been an 'afterthought to the schools estate' – possibly also a means of attracting additional funding for the school and making the whole contract larger and therefore more attractive to any bidders. 2) With regard to Bruce Robertson's letter; i) Ardnamurchan's success is a very poor example to give! We understand that the school role there is considerably lower than in Portree and it is hardly surprising that the Community is pleased with new 'in school' provisions given that, according to our information, there was no Public Library previously! The other examples mentioned are all, as far as we are aware, in much smaller schools than Portree and the Public Libraries in these instances are replacements for totally inadequate, or non-existent – facilities. Portree, on the other hand, has one of the best used libraries in the Highland Region! ii) The displays and meetings mentioned were extremely badly publicised and were therefore very poorly attended. The Public Meeting in the School did not allow for any discussions of library facilities and no Library representative was included in the steering group. iii) Disabled parking at the existing Library consists of two parking spaces immediately in front of the door. The disabled parking at the proposed new High School will be considerably further away from the entrance to the Library than is currently the case. PE832 Portree Community Council continue to be extremely concerned about the funding and plans for the proposed new High School. The starting date for the building has been delayed several times already. We understand that one building firm (Tullochs) withdrew from tendering for the project because of the problems involved in building a new school on the existing site and keeping the school in use during the works. We have also heard that one of the companies involved in financing the scheme has withdrawn. None of this is reassuring in any way and we, and the Community as a whole, are extremely worried. Yours sincerely, Catriona Leslie Please do not send any reply to the email address that this will come from as it is only temporary. I can access my email from my normal email address at the top of this message.
Scottish Library and Information Council response to
Scottish Parliament Public Petitions Committee – Consideration PE 831

Introduction
The Scottish Library and Information Council is the advisory body to the Scottish Executive and Scottish Ministers on library and information matters. The Council was established in 1991 to create an organisation to support and lead strategic development for all library and information services in Scotland. SLIC members include all local authority, higher education, further education organisations, NHS Trust library services as well as other specialist library and information organisations, including the National Library.

SLIC’s Mission Statement:
To provide leadership and act as the primary focus, co-ordinator and promoting agent for all library and information services in Scotland, and to support their work for the benefit of the nation and the development of its cultural life.

Legislation
The Local Government (Scotland) Act 2003 charges local authorities with responsibility for “community well being” under which public library legislation could be re-enforced. Under the current legislation delivery of public library services are not the responsibility of the Scottish Executive, it is the local authority which decides how they wish to run their services within the context of community planning strategies as outlined in this Act.
Public Libraries, funded from local taxation for the benefit of all, were created by the 1853 Public Libraries Act and combined with the Public Libraries Consolidation (Scotland) Act 1887 provides the current base library legislation. The legislation charges local authorities to provide a free public library service giving access to books and information. Subsequent library legislation and local government legislation includes the provisions of the 1887 Act. The weaknesses are the lack of definition of the term “adequate” and the lack of enforcement.

Public Library Standards
COSLA first published Scottish Public Library Standards in 1987 with the Scottish Library Association and the establishment of SLIC was one of the key recommendations. The Standards were revised and developed in 1995. In 2001, The Scottish Executive and COSLA discussed revisiting Standards with SLIC but it was agreed that the time has not been right to revisit Standards until recently as the People’s Network had brought a huge change in services. Two other important developments which will have a significant impact on public library services is the Local Government in Scotland Act 2003 and the introduction of Community Planning strategies. In 2004 the Scottish Executive asked SLIC to develop a 3rd generation of standards taking on Board the significant service change. The Public Library Quality Improvement Framework is in development with a view to pilot implementation in Autumn 2005. In the 1995 COSLA public standards it agreed with the findings of a
1992 report on rural library services, "that problems rural libraries face are principally resource linked". Whilst there have been improvements in buildings, opening hours and easier access to information through the Internet and People's Network, there remains an issue of limited resources in terms of proximity of service funding, staff and access.

**Cultural Commission**

The Cultural Commission was established by Frank McAveety MSP, the Minister for Tourism, Culture and Sport in April 2004 to undertake a review. A review, which presents a "generational opportunity, to look seriously and maturely at our culture and decide the framework for its support in the future". Its remit is:

- the consideration of cultural rights and entitlements
- the responsibilities of public sector agencies and local authorities
- guidance for the private and voluntary sectors
- an assessment of the current institutional infrastructure
- comment and advise on the wider cultural sector including: the arts (including drama, dance, literature, music, the visual arts, crafts, film and all branches of these); the creative industries; museums and heritage; libraries; archives; architecture and relationships with events, festivals and sport.

In its interim report in October 2004 the Commission suggested that libraries that might be co-located with schools, and elsewhere arranged in 'hubs'. The final report is expected to be submitted to the Scottish Executive in June 2005. Its recommendations will be considered by the Minister for Tourism, Culture and Sport and make, new legislation may follow as a result.

**Scottish Executive Policies**

The Scottish Executive has identified that inclusion, access and lifelong learning for individuals are key priorities for both national and local government. At the same time their drive for efficiency savings and Best value from local government has similar if not higher priority. The Public Private Partnership finance programme in schools has led local authorities to gain maximum impact from that capital investment. Some authorities have considered co-location of schools and public libraries.

**SLIC's observations on the petition from Portree Community Council.**

1. Whilst responsibility for libraries museums and archives are devolved to the Scottish Parliament, under current legislation responsibility for delivering public library services rests with the local authority, not the Scottish Executive or the Scottish Parliament.
2. Whilst there are policies on efficiency and best value, there is no Scottish Parliament or Executive policy or direction to incorporate Public Libraries within schools.
3. The Local Government in Scotland Act 2003 charges local authorities with working with the wider community to develop services in consultation with all. It would be reasonable to expect that any capital building projects such as PPP in schools would go through due process under this legislation.

---

1 Public Library Provision in Rural Scotland, by Arthur Midwinter, Colin Mair and John Moxen, SLA/LISC(S)
4. SLIC would advise that – as demonstrated in the petition, the public value libraries as social spaces at the “heart” of their communities. There is a delicate balance between the provision of a safe, neutral public space and co-location in a more formal environment with a different ethos. The current schools PPP programme is a possible option, but co-location with formal education, whilst cost effective as part of capital and revenue programmes, may create barriers for some users. It is crucial that libraries and other cultural services need to be sited where the public can access them easily as part of their daily life. This approach should be an intrinsic to the community planning process. SLIC would expect that full consideration should be given to views of the community and that co-location should be as a result of expressed need, rather than solely financial considerations.

5. The design of any joint service provision buildings is crucial, not just with site itself or security. In the very few instances we have of co-location, it is our experience that the space allocated to the public library is not always sufficient to provide quality space for the delivery of diverse services within the available budget. In a library, at any one time, multi-stranded activities take place; storytimes and children’s activities, exhibitions, family history research, use of reference sources by local businesses, internet and email research, communication, reading of newspapers, more formal learning and skills development happen as well as serendipitous browsing by book borrowers. Quite simply - the public library should not be an afterthought to the schools estates.

Scottish Library and Information Council
18th May 2005
Petition by Margaret Scott calling for the Scottish Parliament to urge the Scottish Executive to resolve the current critical problems in the provision of wheelchairs and specialist seating services within the NHS by both an immediate increase in funding and through a review, which in consultation with users, will address minimum standards, the scope of equipment provided and the delivery of services.
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

Margaret Scott,

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....... Resolve the current critical problems in the provision of wheelchairs and specialist seating services within the NHS by both an immediate increase in funding and through a review, which in consultation with users, will address minimum standards, the scope of equipment provided and the delivery of services.

Recommend a strategy for the integrated provision of all equipment for people with physical disabilities

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.

1. Initiated independent Scottish survey on children's wheelchair provision—(1998)
2. Carried out consultation with young wheelchair users (Playback) 1998
3. Results of both of these presented to Health Minister 1998
4. Presentation carried out to 25 MSP's by young wheelchair users highlighting issues (2001)
5. Collection of stories of individual circumstances presented to Scottish Executive May 2003
6. Many contacts by parents throughout Scotland with Individual MSPs

Request to speak:

All petitioners are given the opportunity to present their petition before the Public Petitions Committee. The Convenor 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

*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: 7/12/04

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
Thank you for your letter of 26 January 2006, regarding petition PE798 and seeking an update on the independent review of the NHS wheelchair service.

The Steering Group, whose membership was provided in Rhona Brankin’s letter to you dated 19 April 2005, finalised the specification for the review and NHS QIS put it out to tender. Following QIS tendering regulations, Frontline Consultants were appointed in May 2005.

As you are aware, as part of the consultation process, five regional events and a national conference were arranged for June and September 2005. Three events were held in each of the five wheelchair centre areas during the day and evening to allow as many people as possible to attend. The national conference, which I attended was held on 12 September 2005. Feedback from these events has been positive. Users and carers particularly welcomed the opportunity to be consulted and included in the review process.

Frontline Consultants produced a draft report detailing the evidence they have gathered through visits to the wheelchair centres, stakeholder events, one-to-one and telephone interviews, and investigation of wheelchair services abroad. A consultation paper was also written which summarised the evidence and offered options for change. The draft report and consultation paper were put out to public consultation between 19 November 2005 and 27 January 2006 seeking views on the options around the design and future delivery of the wheelchair service. NHS QIS is currently collating the responses to the consultation and will report on the outcomes.

The process from here is that Frontline Consultants will now write their final report to submit to NHS QIS. NHS QIS will add the responses from the public consultation and then submit them to the Steering Group. Recommendations will then be developed by the Steering Group which will be forwarded to Ministers with Frontline’s report by 31 March 2006.

LEWIS MACDONALD
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>
</tr>
</thead>
<tbody>
<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>George Packwood</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Text of petition:</th>
</tr>
</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>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td><strong>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 EUROPEAN 0.05 FOR LEAD IN DRINKING WATER.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>I have written or phoned - Scottish Written Secretariat of State</th>
<th>Council and All Councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>MP CHAIN STRANGE</td>
<td>Jack McConnell</td>
</tr>
<tr>
<td>MSP SUSAN DEACON</td>
<td>COSLA</td>
</tr>
<tr>
<td>MSP KENNY MACASKILL</td>
<td>Law Society</td>
</tr>
<tr>
<td>Procurator Fiscal</td>
<td>Evening News</td>
</tr>
<tr>
<td>Lord Advocate</td>
<td>Chartered Surveyors NS.P.</td>
</tr>
</tbody>
</table>

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: 12/12/05

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
CONSIDERATION OF PETITION PE929

I write in response to your letter of 7 March seeking the Scottish Executive’s comments on the issues raised in Petition PE929, regarding the implementation of the European 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.

Implementation of the Drinking Water Directive
We are committed to reducing lead content in drinking water, addressing the risk that this poses to health and fully implementing the Drinking Water Directive. However, the Directive does not set a target of zero lead in drinking water: it sets a limit of 25μg/l and that limit is reduced to 10μg/l from 25 December 2013. The Executive is not aware of any plans to reduce this limit to zero nor whether this would be feasible in all circumstances or provide a measurably greater degree of protection than the limits currently set in the Directive.

The Drinking Water Directive was implemented for the public water supply, which serves around 97% of Scotland’s population, through the Water Supply (Water Quality) (Scotland) Regulations 2001. The Directive will be implemented as regards private water supplies later this year through the forthcoming Private Water Supplies (Scotland) Regulations 2006.

Water supplies in housing
The Executive uses the “tolerable standard”, which applies to all housing whether public or private sector, to identify the elements of a dwelling that are fundamental to its functioning as a home and to condemn housing that falls below this standard. One of the criteria for meeting the tolerable standard is that there is “an adequate piped supply of wholesome water available within the house”. The Housing (Scotland) Act 1987 (“the 1987 Act”) places a duty on every local authority to close, demolish or improve each house in its area that does not meet the tolerable standard.
At the moment there is no statutory definition of the tolerable standard criteria, but the Housing (Scotland) Act 2006 ("the 2006 Act"), once implemented, will require local authorities to have regard to guidance issued by Ministers on the interpretation of the tolerable standard. This guidance will align the "wholesome water" requirement with the drinking water regulations which transpose the European Drinking Water Directive, thus setting maximum acceptable levels of various substances, including lead, in drinking water. This will address the issue of lead in the water supply in a more effective way than a blanket requirement to replace all lead piping.

The 2006 Act will also place a duty on each local authority to include in its local housing strategy a strategy for dealing with houses that fail to meet the tolerable standard. This will strengthen the local authority's duty to deal with houses below the tolerable standard, including those that fail on grounds of water quality. The ending of the requirement to provide grant (which is replaced by mandatory assistance) when a statutory notice is served will also make it easier for local authorities to deal with such cases, because there will not be an automatic call on their funding whenever enforcement action is taken. The new scheme of assistance will allow them to provide advice, information, loans and other forms of assistance as well as grants.

Currently, under the 1987 Act, local authorities also have discretion to give grants for works to improve houses beyond the tolerable standard criteria. Such works include the replacement of lead water pipes. If a local authority decides to make a grant for the replacement of lead plumbing, it will cover at least half of the cost of the works. The 2006 Act continues local authorities' power to act in such cases, and provides that their assistance can be through advice, information, loans, grants and other forms.

Furthermore, the 2006 Act strengthens the repairing standard for private landlords. That standard includes a requirement to ensure that the house is "reasonably fit for human habitation." A house that failed to meet the tolerable standard would also fail to meet this requirement. If a landlord fails to comply with the repairing standard, the 2006 Act will enable the tenant to make an application to the Private Rented Housing Panel for a repairing standard enforcement order. This will be a more accessible means of seeking redress than the present situation, where a tenant must go to court to enforce the repairing standard.

The 2006 Act also includes powers to require that a person marketing a house provide potential buyers with information about the house, including a single survey. The Executive's intention is that the single survey will report on the existence of visible lead pipes and lead water tanks. This should encourage their replacement with safer and more suitable alternative materials.

The provisions of the 2006 Act are expected to come into force between 2006 and 2008.

Work by Scottish Water to reduce lead in drinking water

Scottish Water's investment programme for the period 2006-2014, Quality and Standards 3, is based on advice on its investment requirements identified by the Quality & Standards Board which was made up of Scottish Water, its regulators and other stakeholders in the water industry; the responses made to two formal public consultations on water services in Scotland; Scottish Water's Initial Strategic Business Plan; and the findings of detailed customer research conducted on behalf of the Executive.
This programme includes measures to improve drinking water quality for 1.5 million people across Scotland. The programme is split into two parts, the period 2006-2010 and 2010-2014. Work to reduce lead in drinking water is focused in the second period, given that ongoing work to optimise plumbosolvency will help ensure that communication pipe replacement is properly targeted. In 2006-2010, Scottish Water has been required to replace 35,000 lead communication pipes as a result of customer requests. In 2010-2014, Scottish Water has been required to programme the replacement of 130,000 lead communication pipes and replace a further 35,000 lead communication pipes as a result of customer requests. In the same period, Scottish Water has been required to install and optimise plumbosolvency control to water supplies serving 500,000 people to meet tighter standards for lead in drinking water. We have also said that it would be desirable to accelerate the removal of lead piping by replacing an additional 90,000 lead communication pipes during that second period, 2010-2014, and this will be considered when Scottish Water's charges for that period are set.

I hope this is helpful.

RHONA BRANKIN
14 April 2006

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

Dear Dr Johnston

Scottish Water response to petition PE929


Lead levels detected in the water supply at customers’ taps are as a direct consequence of there being lead plumbing from the water main up to and within the customers’ premises. Lead dissolves from the walls of the pipework into the water supply – known as plumbosolvency. Whilst there will be little or no lead content in the water in the mains, by the time the supply has passed through the lead plumbing it will have picked up a lead content.

The current strategy to achieve compliance with the lead standards set out in the legislation is to dose treated water with orthophosphate. This provides a coating on lead pipes, reducing significantly the plumbosolvency effect, which minimises the amount of lead at the customers’ tap. The dosing level of orthophosphate is currently being optimised to determine the lowest lead level that can be achieved at customers’ taps using this method. Further survey work will be required once the optimisation programme has been completed, to determine whether further work will be required to achieve the 10μg/l standard by 2013. This is the approach being taken by all water companies across the UK and is supported by the respective regulators (DWQR and DWi).

For small water supply zones (less than 400 properties) Scottish Water replaced communications pipes as an alternative to orthophosphate dosing. This approach was agreed with the Drinking Water Quality Regulator as orthophosphate dosing was impractical on these small supplies. In such cases we replaced all lead communication pipes in the water supply zone. To date lead communication pipe replacement has been completed in 74 zones, predominantly in the North West of Scotland.
Scottish Water is responsible for the water mains and communication pipes up to and including the stopcock at the boundary of customers' properties. The property owner is then responsible for the supply pipe from the stopcock into the property and all of the indoor plumbing. If a customer replaces their internal lead plumbing and lead supply pipe then we must replace the corresponding lead communication pipe as soon as possible, but within 6 months of receiving notification from the customer that they have replaced their lead pipes. In addition, we replace all lead communication pipes encountered, as part of mains rehabilitation work. Within our 2006-10 investment programme there is an allowance for customer driven lead communication pipe replacement at up to 35,000 properties.

When lead communication pipes are replaced by Scottish Water, the owner of the premises concerned is notified and advised to replace their own lead pipes both internal and external.

If you require any further information regarding our lead programme please contact George Ponton (Water Regulation Manager).

Yours sincerely

Geoff Aitkenhead
Asset Management Director
For logging please

Jim

-----Original Message-----
From: Stuart Hay [mailto:shay@foe-scotland.org.uk]
Sent: Thursday, April 20, 2006 3:47 PM
To: Johnston JD (James)
Subject: Petition PE929

Dear James

Petition PE929
Duncan McLaren passed your letter of 7th of March to me to respond to. I apologize for the delay in getting back to you.

In the early nineties FOES looked into the issue of lead pipe replacement and called for changes in the law to facilitate the removal and replacement of pipes by councils. Unfortunately it is some time since we did this research and all the members of staff with expertise and knowledge in these matters have moved on to another organization. Since then our only engagement with issue concerned the use of lead solder to join pipes in new premises following the results of the Scottish New Homes Lead Survey study funded by the Scottish Executive.

The survey investigated the extent and impact of the illegal use of lead solder in the plumbing of new houses. The first stage of the survey found evidence of excess lead in drinking water, in between 10% and 30% of a sample of houses built between 1997 and 2000. Stage 2 confirmed that the lead detected in affected houses was associated with the use of leaded solder. The study also identified that the proportion of houses affected was probably as much as twice as high as originally estimated in stage 1.

Investigation of residents living in affected houses did not identify that any had a significantly elevated blood lead level. However the study showed that there was a significant association between lead in the drinking water and lead levels in the blood of the residents, confirming that they were absorbing lead even at relatively low levels of water contamination. The potential for exposure to harmful amounts of lead due to the use of leaded
solder was therefore demonstrated. The importance of eliminating this potential source of lead toxicity, especially for pregnant women and young children, was therefore underlined. At the time FOES pressed for better enforcement of building standards, writing to a number of government bodies.

I am therefore unable to offer much in the way of additional information. I did however have a brief discussion with the petitioner, who seems to have amassed a lot of information and been persistent in his investigation. In this respect I would be interested to see the responses of local authorities to his accusations and what assurances they can provide regarding the effectiveness of their replacement programmes. The committee maybe interested to learn about the funds available for this work with regard to the size of the problem.

Once again apologies for the slow response and the fact that I can be of only limited assistance on this occasion.

Yours

Sincerely

Stuart Hay

Head of Policy & Research
Friends of the Earth Scotland
0131 554 9977

-------------------------------

Stuart Hay
Head of Policy and Research
Friends of the Earth Scotland

-------------------------------

*******************************************************************************
How you can help Friends of the Earth Scotland

ACT: take part in simple email actions
http://www.foe-scotland.org.uk/cyberactions

INFORM: sign up for free email updates
http://www.foe-scotland.org.uk/contact/contact_signup.html

SUPPORT: Join Friends of the Earth Scotland
http://www.foe-scotland.org.uk/join/join_index.html
*******************************************************************************
Dr. James Johnston  
Clerk to the Public Petitions Committee  
TG 01  
Parliamentary Headquarters  
EDINBURGH  
EH99 1SP  

Our Ref: B430385  
Year Ref:  
Date: 27 March 2006

Dear Dr Johnston

Consideration of Petition PE929

I am writing in response to your letter of 7 March to the Drinking Water Quality Regulator for Scotland on the issues raised by the above petition.

Current and Future Regulatory Standard for Lead

The requirements of the European Union Drinking Water Directive (Council Directive 98/83/EC) have been transposed into Scottish Law via the Water Supply (Water Quality) (Scotland) Regulations 2001. Under these Regulations, the current prescribed concentration or value (PCV) for lead in public drinking water is 25 microgrammes per litre (µg/l). This will be reduced to 10µg/l on 25 December 2013 in accordance with the requirements of the Directive. Regulations currently being developed to deal with private water supplies will include a similar requirement.

The petitioner implies that the Directive requires a zero or 0% lead content in drinking water. This is not correct. The standard of 10µg/l set by the Directive is based on that proposed by the World Health Organisation in their “Guidelines for Drinking-Water Quality, 3rd Edition” as being acceptable based on the current medical evidence.

Work by Scottish Water to Achieve the Current and Future Standard for Lead in Drinking Water

Scottish Water is responsible for ensuring water it supplies complies with the Regulatory standard for lead at consumers’ taps as set out in the Water Supply (Water Quality) (Scotland) Regulations 2001. Scottish Water achieve compliance through plumbosolvency control, which reduces the tendency of water to dissolve lead from pipes.

There are no lead water mains in Scotland. The bulk of the remaining lead pipework can be found in domestic plumbing and service pipes, which connect properties to the main in the street. This is mainly in the ownership of private individuals. Where Scottish Water discover lead pipework in private ownership, they will inform the owner and give advice on the steps that can be taken to minimise any risk. The property owner is responsible for deciding whether or not to replace this pipework as Scottish Water has no powers to ensure this is
done. Where a consumer replaces their part of this service pipe, Scottish Water will replace any lead for which it is responsible.

The Drinking Water Quality Regulator is monitoring compliance in Scotland with the current and future standards for lead, and he will continue to do so. Where further guidance is necessary to enable Scottish Water comply with the regulatory standard, this will be provided by Scottish Ministers.

I hope this response is of assistance to the Committee.

Yours sincerely,

Matthew Bower
For and on behalf of the Drinking Water Quality Regulator for Scotland
Dr James Johnston  
Clerk to the Public Petitions Committee  
TG.01  
Parliamentary Headquarters  
Edinburgh EH99 1SP

Dear Dr Johnston

CONSIDERATION OF PETITION PE929

Thank you for your letter of 7 March 2006 seeking SEPA’s views on the above petition.

Our response is as follows:

1. Background

1.1 SEPA is a non-departmental government body and, as such, we determine our approach to delivering our functions in the context of duties defined by statute and with reference to guidance provided by Scottish Ministers.

1.2 Specifically in relation to water its functions are defined by the Water Environment and Water Services (Scotland) Act 2003, which implements the EC Water Framework Directive in Scotland and has as its overall purpose the “protection of the water environment”.

2. Comments on Petition

2.1 SEPA’s functions do not extend to the specific quality of drinking water and consequently is unable to consider the main focus of the Petition. The specifics here would normally fall to be considered by The Drinking Water Quality Regulator for Scotland (DWQR).

2.2 Lead is a highly hazardous substance which bioaccumulates within the environment. Some of the lead which is lost from lead distribution pipes will end up being discharged from sewage works into the environment. Consequently, it will have environmental benefits if lead is removed from the water distribution network and recovered. Most of the rest will end up in sewage sludge, and may be of a sufficient concentration to curtail the otherwise beneficial uses for which that sludge may be used.

2.3 SEPA regulates the quality of (treated) sewage effluents. The lead in sewage comes from a wide range of sources, but now that it is excluded from petrol and industrial uses are curtailed, lead piping is an increasingly significant source. SEPA does not hold information about where sewage treatment works catchments have housing with or without a significant proportion of properties with lead piping - this is again not within our remit. SEPA is consequently not able to investigate whether the nature of local plumbing arrangements has influence on the level of contaminants in the subsequently treated sewage effluents arising.

Cont’d/...
CONSIDERATION OF PETITION PE929

We trust that these comments will be useful to the Committee. Should you require any further information, please do not hesitate to contact Martin Marsden, in the first instance, or me, at the address shown on the previous page.

Yours sincerely

Campbell Gemmell
Chief Executive
Dear Committee Members,

In furtherance of the petition PE 929, I hereby add some further information to assist your deliberations on the Lead in drinking water situation.

1. Europe has a zero figure for lead in drinking water.
2. This country was given a starting limit of 55 micrograms of lead per litre of drinking water.
3. The housing stocks were checked and those houses above that limit should have been cleared totally of lead, and the supply tobies or control valves in the street changed out at the same time.
4. The councils were only partially replacing the lead pipes by putting a piece of copper pipe from the tap in the kitchen to the lead pipe under the floor or to the lead riser pipe in a tenement building.
5. The councils were not removing the underground pipework.
6. The water authorities were also not replacing the control valves, for example when I asked them to replace the control valve at my house they quoted me a timescale of four and a half years!
7. When I raised this matter with the councils and pointed out that I believed the policy of partial replacement was wrong and that they should be totally clearing out all the houses above the then existing level required by Europe’s reducing requirements, they totally ignored me.
8. I had firstly raised my concerns with the Edinburgh district council in 1988 who eventually claimed that they were from 1998 allowing grants to replace the underground pipework.
9. He was proof positive that they knew they were wrong with their policy of partial lead pipe replacement.
10. When all the housing stock in Edinburgh was checked for lead in water, the Council Housing was found to contain the lowest levels of lead in the Drinking water. The council made them a priority. However they carried out the work on the same ad hoc basis of partial Pipework replacement and left all the underground pipes.
11. When you join lead pipes to copper pipes you cause an electrolytic action that immediately draws lead from the water and also from the lead pipes.
12. This means that in due course the new copper pipework will become fully lead lined and it will be as if the lead pipes had not been changed.
13. All the houses with partial lead pipe replacement will not be able to comply with a zero lead in drinking law.
14. Europe reduced the level from 25 micrograms to 10 micrograms of lead per litre in drinking water in 1998 and this has a 15 year lead in period so that by 2013 no house should be above this level.
15. The city of Edinburgh council is presently working on 25 microgram level.
16...It will not just be a case of digging up the underground pipework and tobies as all the replaced copper pipework will have become contaminated as will the drinking tap and all will require replacement to achieve a lead free situation.

17...I have been lead to believe that all the councils have followed Edinburgh’s example.

18...Edinburgh is preparing to withdraw grant aid next month for lead pipe replacement and give advice only.

19...Water is an unusual substance in that when you take a glass of water from the tap it has to be of Potable quality, however if you take the same water and use it to cook with, the water becomes a food!

20...The water authority are adding phosphates to the water to reduce the plumsolvency of the water that is to reduce the lead being drawn of the pipework. This has been done with no research as to its effects on an indigenous Population used to soft acidic water, SEPA and the water board confirmed the lack of any reasearchin this matter.

21...The food standards agency was not asked about this policy.

22...With history as my witness it is reasonable to expect that Europe will reduce the 10 microgram limit downwards before 2013.

23...Time is off the essence and I would urge everyone to implement an urgent Policy to resolve a situation that has put the health and wellbeing of the Nation and most importantly the children whose development is greatly impaired by lead.

Yours Sincerely

George Packwood

15-02-06
Mr G Packwood

Dear Sir

LEAD IN WATER

I refer to your recent telephone call regarding the above subject.

It is my understanding that the Council is due to withdraw all grant aid for any works carried out to replace lead pipes next month and thereafter, should any water test indicate levels higher than the existing levels of 25 micrograms per litre, advice only will be given.

Assistance is available to owners to organise the work required through the Edinburgh Stair Partnership on 0131 529 7234.

The 25mg limit is set in the UK Water Quality Regulations.

Yours faithfully

S Graham
Head of Section
Public Health

COPY OF LAST CORRESPONDENCE WITH COUNCIL.
PUBLIC PETITIONS COMMITTEE

11th Meeting, 2006 (Session 2)

Wednesday 14 June 2006

The Committee will consider the admissibility of a proposed petition by Brian McKerrow in relation to the Family Law (Scotland) Act.