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>
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<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>
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<tr>
<td>Gav Strachan</td>
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<tr>
<th>Text of petition:</th>
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<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>
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<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 Gav Strachan calling on the Scottish Parliament urge the Scottish Executive to (a) investigate why there is no presumption of equal access/residence for children with both parents after separation in Scottish Law (b) investigate bias against fathers as equal parents in the Scottish Court System (c) investigate why contact orders are not enforced (d) investigate why parental responsibilities and rights are ignored by the medical, welfare &amp; governmental institutions to the detriment of children.</td>
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<th>Period for gathering signatures:</th>
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<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>
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<td>Closing date: 7 March 2006</td>
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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.

The Policy Memorandum to the Family Law (Scotland) Bill 2005 states that the objective is to promote fathers' participation with their families [and that] a child has two parents and is entitled to the loving involvement of both of them in his or her upbringing...even where a father is not living with the mother. Moira Wilson of the Scottish Executive Justice Department (Justice 1 Committee Official Report 16 March 2005) states that 'promoting the involvement of fathers in their children's lives is a key plank of the bill'. The Bill has failed in these objectives.

Written evidence submitted to the Justice One Committee regarding the Family Law Bill

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 MEPs. Details of those approached should be entered.

MSPs contacted by letter: Jackie Baillie 10/11/04 Ref: JB1
Scott Barrie 02/12/04 Ref: SB1
Rob Gibson 10/11/04 Ref: RG1
Annabel Goldie 7/02/05 Ref AG1
Christine Grahame 29/11/04 Ref: CG1
Cathy Jamieson 10/11/04 Ref: CJ1, 23/12/04 Ref: CJ2
Maureen Macmillan 10/11/04 Ref: MM1
Jim Mather 10/11/04 Ref: JM1
Jamie McGrigor 10/11/04 Ref: JM1
Nanette Milne 02/12/04 Ref: NM1
Brian Monteith 10/11/04 Ref: BM1
Irene Oldfather 1011/04 Ref: IO1
Peter Peacock 10/11/04 Ref: PP1
Keith Raffan 10/11/04 Ref: KR1
Mary Scanlon 10/11/04 Ref: MS1
Eleanor Scott 10/11/04 Ref: ES1
Tommy Sheridan 02/12/04 Ref: TS1
Margaret Smith 02/12/04 Ref: MS1
Jamie Stone 10/11/04 Ref: JS1, 11/01/05 Ref: JS2, 07/02/05 Ref: JS3

Letters from MSPs
Annabel Goldie 18/01/05 Ref AG1 replying on behalf of Nanette Milne
Patricia Scott 28/01/05 replying on behalf of Annabel Goldie
Cathy Jamieson 13/13/04 Ref 2004/0034554 through Jamie Stone
Keneth MacColl 25/11/2004 replying on behalf of Jim Mathers
Slobhan Ennis 17/11/04 Ref 2004/0030593 replying on behalf of Jack McConnell
Slobhan Ennis 30/11/04 Ref 2004/0030593
Nanette Milne 17/12/04
Margaret Mitchell 20/01/05
Irene Oldfather 16/11/04 Ref KC/01
Margaret Smith
David McGeowan 22/11/04 ref 0034553 replying to Jamie Stone on behalf of Cathy Jamieson
Jamie Stone 17/01/05

Letters to MEPs
Elsbeth Atwood 22/11/04
Ian Hudghton 22/11/04

a template for e-petitions, July 2004
David Martin 22/11/04
John Purvis CBE 22/11/04, 07/02/05
Alyn Smith 22/11/04
Struan Stevenson 22/11/04, 4/02/05
Catherine Stihler 22/11/04

Replies from MEPs
Elspeth Attwool 29/11/04 Ref EA/MEP/AN/PA
Ian Hudghton 23/12/04
David Martin 10/12/04
Judith Crawford 22/12/04, 22/07/05 on behalf of John Purvis CBE
John Purvis CBE 11/01/05, 15/03/05
Alyn Smith 10/12/04
Struan Stevenson (a) 30/12/04 copy of letter to F Frattini, European
Commissioner for Justice Freedom And Security (b) 1/02/05 copy of letter
from F Frattini, European Commissioner for Justice Freedom And
Security 1/02/05
Yvonne Thorpe 3/12/04, 26/01/05 ref 050016 on behalf of Catherine
Stihler

Emails
Callum Thompson, Justice One Committee 29/04/05
Catherine Stihler MEP 21/12/04, 22/12/04
Civil.Law.Policy@Scotland.Gov.Uk 19/12/01
Consult.ChildrensNeeds@Dca.Gsi.Gov.Uk 26/07/04
Matthew Harold, Family Justice Division, Department For Constitutional Affairs 28/07/2004
Justice.Committee@Scottish.Parliment.Uk 7/04/05, 18/04/05
Lewis McNaughton, Assistant Clerk, Justice 1 Committee, 10/05/05, 13/05/05 26/05/05, 07/07/05
Liam Rankin, Scottish Executive Justice Department, Civil Law Division 09/02/05, 11/02/05
Scottishministers@Scotland.Gsi.Gov.Uk 21/10/05
Sp.Info@Scottish.Parliment.Uk 06/05/05
Family.Law@Scotland.Gov.Uk 27/02/03
Adele.Heron@Scotland.Gov.Uk 09/09/05, 20/09/05
Debbie Headrick, Legal Studies Research Branch, 20/09/05
Carol M Duncan, Head Of Family Law Branch, Civil Law Division 26/09/05 29/09/05
Dougie Wands, Senior Assistant Clerk, Justice 1 Committee, 19/09/05
Kathleen Marshall, Commissioner For Children And Young People, 13/12/05, 15/12/05, 16/12/05,
11/01/06
Jamie McGrigor MSP 14/01/05, 8/12/05
Mary Scanlon MSP 8/12/05, 13/12/05, 14/12/05
Peter Peacock MSP 8/12/05, 19/12/05
Eleanor Scott MSP 8/12/05
Jim Mather MSP 8/12/05
Rob Gibson MSP 8/12/05
Jamie Stone MSP 17/02/05, 14/09/05, 19/09/05, 23/09/05, 27/09/05, 14/11/05, 8/12/05
John Thurso MP 9/11/05

Surgery meetings with Jamie Stone MSP, Rob Gibson MSP, and John Thurso MP

Written evidence submitted to the Justice One Committee regarding the Family Law Bill

Oral evidence given to the Justice One Committee regarding the Family Law Bill (1/06/05)
http://www.scottish.parliament.uk/business/committees/justice1/or-05/105-1802.htm

Meeting with Justice One Committee as part of the group Father and Families Matter (Scotland)
21/09/05

Copies of all correspondence available on request.
Children do not want to be forced to choose between parents and they are very keen to treat their parents equally. Both parents are equally important to their child and the fact that the parents may no longer be partners does not change this. Parents do not stop being parents just because they are no longer partners. As Children in Scotland say ‘children should not be disadvantaged as a result of the dissolution of the relationship.’ However, regardless of the parental problems, children depend on having a continuing relationship with both parents. Funder (1995) states that contact with both parents is in the best interests of the children. Unfortunately, access disputes, the mother’s undermining of the father’s ability to be a good parent or the mother discouraging the relationship between the father and his children often make the transition to a restructured father-child relationship very difficult. Wallerstein and Kelly (1980) comment that courts and hostile partners have done their best to impose severe restrictions and conditions on contact rights, and this has been detrimental to a father child relationship.

**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...Gary Strachan..............................................................

Date ........23/01/05........................................................................

For advice on the content and wording of your e-petition please contact:

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

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

a template for e-petitions, July 2004
Dear James,

Consideration of Petition PE944

Thank you for your letter dated 4 April seeking comment on the issues raised in petition PE944 and in particular seeking an update about the commitments made during stage 3 of the debate on the Family Law (Scotland) Act.

Mr Strachan raises a number of issues in petition PE944 which relate to a father's continued involvement in his children's lives after the parents separate and as you know these issues were keenly debated during the passage of the Family Law (Scotland) Act.

The guiding principle, the heart of what Scottish Ministers are trying to achieve both with law reform and with the non-legislative measure which are accompanying the changes to the law, has been the best interests of Scotland's children. One of the most important reforms serves to strengthen the bond between fathers and their children. From 4 May a father whose name appears on the birth certificate will automatically have parental responsibilities and rights whether he is married to the child's mother or not. This is not about giving adults rights over children but rather recognising that marital status is a matter for the parents not the children. Children have two parents and are entitled to the loving involvement of them both in their upbringing. This reform maximises the chances of that happening.

Beyond that, there is a broad consensus about the need to ensure that, wherever it is safe and appropriate, children should have the benefit of regular and quality contact with both their parents. Parliament discussed at length the difficulties currently facing courts in enforcing breached contact orders, particularly with the child welfare principle in mind and Ministers listened carefully to the concerns which emerged during the passage of the Bill. While Parliament concluded that changes to the law were not necessary, Ministers made a commitment to undertake research into the extent of breaches of contact orders in Scotland and to pilot the use of contact compliance officers (now called family contact facilitators). The attached annex provides an update on progress in this area. I have taken this opportunity to provide you with details of progress on the other non-legislative measures underway to support implementation of the Act which are also designed to support continued family relationships after parental separation.
The petition also suggests that parental responsibilities and rights are ignored by medical, welfare and governmental institutions and you will be interested to know that both the health and education departments of the Scottish Executive will be issuing guidance to appropriate professionals to ensure that they are aware of these responsibilities and rights in law.

I hope you find this helpful.

Yours sincerely,

Craig Smith
Private Secretary & DCLO
Eileen,

Please accept my sincere apologies that this was not included when I sent our response in June. Please now find attached the Annex.

<<PE944 - Annex to letter.doc>>

Thanks,

Craig Smith
Justice DCLO
FAMILY LAW (SCOTLAND) ACT 2006
NON-LEGISLATIVE MEASURES

1. The following paragraphs provide an update on the progress made to date with the introduction of a package of non-legislative measures which will accompany the changes to the law made by the Family Law (Scotland) Act 2006. The documents mentioned can be accessed at the Scottish Executive website at www.scotland.gov.uk/familylaw.

Parenting Agreements for Scotland

2. Written by Alan Finlayson OBE in conjunction with the Family Law Stakeholder Group, this pack aims to help separating parents to set aside their own differences and focus on their children’s needs. The pack contains: a Guide with information for parents on key issues including health, schooling, holidays and time spent with family members; two copies of a Plan document that parents can both fill in and keep if they wish; a booklet listing useful sources of advice and help; and a copy of the Charter for Grandchildren. These documents will be available from a variety of sources and parents will be able to use them with support from a solicitor or other appropriate organisation, or, if they prefer, independently. We will work with the Family Law Association and Family Mediation Scotland to gather feedback on how these agreements have worked in practice and advice about any adjustments that may be necessary to further refine them.

Charter for Grandchildren

3. Written in conjunction with Family Law Stakeholder Group, the Charter reminds everyone involved in children’s lives, whether on a personal or professional basis, of the important role grandparents and the wider family can play in a child’s life, and how the wider family can be a source of support and stability in difficult times. It also reminds everyone that the focus should always be on the welfare of the children in a family. The Charter not only stands alone as a document in its own right, sent to a variety of professional organisations involved in children’s lives, but it is also included in the Parenting Agreement pack and it forms part of the information booklet for young people. This way, parents, professionals, children and grandparents are all reminded at all stages of the need to nurture and support these important relationships.

Information campaign

4. The rules which govern family law have changed as a result of this Act, but even without these changes it was apparent that people did not know clearly what their responsibilities and rights towards one another were. The Scottish Executive and the Equality Network have produced a series of booklets to explain more about family law. These booklets cover:
   - marriage;
   - civil partnership;
   - living together in Scotland; and
   - information about family law for young people.

5. The Scottish Executive is funding Parenting Across Scotland (PAS), a multi agency partnership led by Children 1st to try out new ways of getting information and web based support directly to parents and families. This includes a “gateway” approach where a single point of entry can access the support available from all of the partner agencies. The partner agencies involved in PAS are One Parent Families Scotland, Capability Scotland, Scottish Adoption Association, Couple Counselling Scotland, Family Mediation Scotland, Scottish Marriage Care, Stepfamily Scotland and the Aberlour Childcare Trust.
6. We have also set up an information portal at: the Scottish Executive website: [www.scotland.gov.uk/familylaw](http://www.scotland.gov.uk/familylaw) and are distributing a "flyer" giving an overview of the different publications and the helpline number.

**Ensuring future contact**

**Research**

7. Our basic data about contact in Scotland are not comprehensive and before coming to any conclusion about the way ahead we see a need to undertake research into post-separation contact arrangements. Amongst other things we see a need to scope the extent and shape of any problem, to understand what works and what doesn't and to examine the durability of arrangements. Once we have a clear picture of the Scottish position we can start to design solutions.

8. The Executive will shortly be putting out to tender a research project on court based contact. The project will collect and analyse data on the volume, nature and characteristics of child contact actions made within Scottish courts as a result of divorce, dissolution of cohabitation, or other dispute, over a defined period. We are also carrying out a small-scale survey of sheriff clerks to understand to what extent contact breach is an issue for them.

9. On 3 May in partnership with the Economic and Social Research Council (ESRC) the Scottish Executive held a seminar on private arrangements for parent-child contact. Two academic experts (Dr Fran Wasoff and Dr Bren Neale) delivered papers at the event. This seminar was the first stage of the Executive’s work to better understand private arrangements for contact.

**Pilot project**

10. However, this research will take some time to inform future policy and we were anxious to ensure that early action is taken to address these issues. In addition to this research we are therefore establishing two pilot projects operating within separate courts. In each court, a suitably qualified individual will work with sheriffs on family cases where contact breach is a risk. The main role of these individuals (named 'Family Contact Facilitators') will be to act as a facilitator helping to resolve disputes between estranged parents. But they will also act as 'research-practitioners' who will collect and analyse data to inform the wider research project. At present, officials are engaged in the process of procuring a host organisation which can manage the projects. The pilots will run for 3 years and it is hoped that they will be in place in the late summer.

**Family Support Services**

11. The Executive values the work undertaken by voluntary sector bodies in the field of family support. The Executive offers grant assistance totalling over £1.2 million in 2006-07 under the Children, Young People and Families Unified Voluntary Sector Fund to family support organisations. In addition, £250,000 will be available this year to the 4 national organisations (Couple Counselling Scotland, Family Mediation Scotland, Scottish Marriage Care and Stepfamily Scotland) to continue with their Change Programme, to promote joint working and integrated practices, for which £500,000 has already been offered in previous years.
12. An additional £300,000 is being made available in 2006-07 for local mediation and
counselling services to bid for project grant, with the aim of promoting capacity building,
infrastructure development and joined-up working across these services. We have decided that this
funding should be passed to the national family support bodies for onward distribution to local family
relationship support services, on the basis of competitive bids for project grant assessed against strict
criteria which reflect the aims of the funding and in particular promote joined-up working across local
counselling and mediation services.

Scottish Executive
June 2006
To the Scottish Parliament

Local transport for Scotland's disabled people

"The Petitioners request that the Scottish Parliament require local authorities to ensure:

- that affordable, accessible transport (at least 3 return trips per week) is made available to disabled people who cannot use public transport

- and provide ring-fenced funding to allow local authorities and/or community transport groups to establish Dial a Ride projects for this purpose.

We refer to Section 69A of the Transport Scotland Act 2000."

Jan Goodall
DATAG

3 November 2003
Dear Mr. Farrell

Social Inclusion by provision of subsidised local transport for Scotland's disabled people

I understand that you will already have received from the International Teledemocracy Centre our E-petition Brief dated 31/10/2003. I now enclose the formal (e)petition text and contact information, together with the names and addresses of the e-petition signatories. We also collected paper signatures locally, by my count 433, and I enclose these together with the paper petition and copies of the relevant correspondence which is listed on the attached sheet.

I look forward to hearing from you what the next step in the petition process will be. Please note that the above address is my home and the Princess Royal Trust for Carers Dundee Centre is DATAG's office base.

Yours sincerely...

Jan Goodall
Convenor and Principal Petitioner
Dear Michael

Your clerk’s letter of 4 April requested, on behalf of the Committee, an update to my letter of 15 December 2005 about the Executive’s ongoing work on improving transport for disabled people, concessionary fares for the community transport sector and demand responsive transport.

Improving Transport for Disabled People

You know that the Partnership Agreement committed the Executive to assessing improved public transport concessions for disabled people. The Executive commissioned research to undertake this commitment and a report entitled “Improved Public Transport for Disabled People” was published on 19 May.

The focus of the research was to explore and assess a wide range of potential improvements to public transport for disabled people in relation to availability of transport, accessibility of transport, information needs, affordability, fear of travel and personal barriers to travel. By commissioning a research project into gathering disabled people’s views of travel and transport services in Scotland, the Executive has identified barriers and recommendations and set the challenge for improving transport for disabled people.

The report has revealed that older and disabled people can face barriers other than costs and there is a need for support in accessing public transport. The Executive is looking at ways to improve confidence in the system and to address the other challenges identified.

The findings from the National Transport Strategy consultation document along with the recommendations from the research report will guide strategies and initiatives to improve accessibility and opportunities for travel.
The Scotland-wide Free Bus Scheme for Older and Disabled People

The Scotland-wide free bus scheme for older and disabled people was introduced on 1 April 2006 and is being administered by Transport Scotland. Now older and disabled people who hold a National Entitlement Card can travel free by bus anywhere in Scotland on local buses and on long distance scheduled coaches throughout the day, including the morning rush hour. To date, over 860,000 older and disabled people have an Entitlement card which will allow them access to the free bus scheme and of these 108,949 cards (12%) have been issued to people who qualify for the scheme by way of a disability.

For the new Scotland-wide scheme, local authorities continue to be responsible for the reassessment and replacement of cards for existing card holders and the assessment and application process of new applicants.

Concessionary Fares for the Community Transport Sector

The position remains that operators of registered local bus services, which are available to the general travelling public, are obliged to accept concessionary fares. However, whilst Section 22 community transport services are registered bus services available to the general travelling public, most community transport services (covered by Section 19 of the 1985 Transport Act) are not available to the general travelling public.

A fair split of resources has been agreed with COSLA which ensures that local authorities continue to be resourced for concessionary travel on other modes and that resources used for supported bus services are protected. Therefore, where local concessionary travel schemes also offer additional modes, such as rail or ferry, or community transport these continue to be managed locally at the discretion of individual local authorities.

Demand Responsive Transport (DRT)

In the three years between 2003 and 2006 the Executive provided £3 million to support urban and rural DRT pilot projects in Aberdeen, Dundee, Edinburgh, Glasgow, Aberdeenshire, the Angus Glens, Argyll & Bute, Fife and Highland. The funding helped to provide DRT services mainly to assist disabled, elderly and frail people who are unable to use public transport and those living in rural areas where there are no public transport services or where they are very limited. Some of the pilot services were made available to the general public. Funding for the pilots came to an end in March, but successful pilot projects have been awarded funding for a further two years to continue the services offered under the pilot schemes.

During the three year pilot phase the Executive commissioned independent consultants to review DRT provision in Scotland including an overview of the pilot projects and to draw up guidance on planning and running DRT schemes. The review concluded that DRT cannot be planned in isolation from other transport services and recommended that DRT development should form an essential part of an overall transport and accessibility plan.
The consultants’ findings were published on 25 May and are available on the Executive’s website at:

http://www.scottishexecutive.gov.uk/Publications/Recent

I hope this update is helpful.

TAVISH SCOTT
To the Scottish Parliament

SEAGULL MENACE

We, the undersigned, declare that our area is overrun and threatened by seagulls during the spring and summer months when they nest and raise their young. These birds are literally terrorising the neighbourhood at that time. They swoop aggressively at people. On at least two occasions last year gulls deliberately struck residents, one of whom can reasonably be described as vulnerable. Injury was only avoided by luck. Older people and children are afraid to go outdoors at that time of year.

Our postal deliveries were suspended last summer and the postmen were eventually issued with sticks and protective headgear.

There are concerns at the health hazards associated with seagull fouling.

The gulls also prevent other birds from raising their young in our area.

The petitioners therefore request that the Scottish Parliament investigates the hazards caused by seagulls in urban areas and seek action by the Scottish Executive to minimise the danger to citizens' health and safety.

We the petitioners have already approached the following organisations and elected representatives for assistance in resolving the issues contained in our petition.

- Jack McConnell, First Minister
- Margaret Jamieson MSP
- Councillor Drew McIntyre, Leader, East Ayrshire Council
- Councillor Lilian MacLean, East Ayrshire Council
- John Crawford, Head of Protective Services, East Ayrshire Council

John Boyd
Chairperson

25 February 2003
Further to my letter of 22 March on PE616, by the Wellpark Action Group, I am pleased to be able to provide you and your Committee with the findings of research undertaken by BTO Scotland and the Centre for Conservation Science, based at Stirling University, to examine the problems posed by urban gulls in Scotland and to explore possible solutions. An Executive Summary of the many findings of the report is attached to my letter.

I believe this to be a significant and invaluable study, which, to my knowledge is the first of its type and detail in the UK, if not in Europe. The Report provides up to date information on the ecology of gulls, the problems they can cause in urban areas, and solutions which can help to deal with these problems. The conservation status of gulls is fully explained together with the legality of certain seagull control measures and the wide range of powers available to Local Authorities to deal with the problems and threats caused by gulls.

I know that you, your Committee and other MSPs were keen to see the Report published as quickly as possible and I would welcome your views on its findings. Subject to any comments you may have, I would propose that my officials should meet with senior local authority representatives once they have had time to consider the substantial amount of information provided in the review, to discuss their response and whether, for example, there are any issues on which further guidance from the Executive would be helpful.

I appreciate the patience which you and your Committee have allowed me to conclude this work and hope you will agree that the wait has been worthwhile. I believe it is a work of some considerable importance and has been taken forward with the problems raised by the original Petitioners very much in our minds. Both the Research Team at Stirling University and my officials have met with the Wellpark Action Group on a number of occasions and I hope that they too will welcome the outcome of this work.
REVIEW OF URBAN GULLS AND THEIR MANAGEMENT IN SCOTLAND

EXECUTIVE SUMMARY

1. The Review of Urban Gulls was commissioned with the following aims:
   - To review the size and distribution of the urban gull population in Scotland
   - Assess the ecology of urban gulls and why they were attracted to Scottish towns
   - Review management practices
   - Establish the extent of perceived problems associated with urban gulls in Scotland
   - Review current legislation and powers related to urban gull issues
   - Advise on best practice for Local Authorities
   - Make recommendations for further research projects

2. How was the Review conducted?
   - The Review made use of literature searching, face to face consultations with LAs and gull experts, and a questionnaire for LAs
   - Of the 32 Local Authorities that completed the survey 28 reported known populations of urban gulls and 26 reported problems associated with urban gulls

3. Gull Populations
   - The evidence suggests that urban nesting populations of Herring Gulls, Lesser Black-backed Gulls and Common Gulls in Scotland have all increased in the last decade
   - The degree of scientific evidence available is insufficient to confirm any hypotheses for the attraction of gulls into urban areas
   - However, the reasons are likely to be complex and vary between geographical areas and species of gull

4. What problems do gulls cause?
   - The presence of large colonies of urban gulls within towns and cities is increasingly being flagged up as a problem for residents, tourism and businesses
   - The most common problems associated with gulls are:
     (i) Removal of litter from bags and bins
     (ii) Fouling with droppings
     (iii) Noise from gull activities
     (iv) Aggressive behaviour to people in the breeding season
   - In the survey of Local Authorities, aggressive behaviour of gulls scored highest in terms of both the frequency and severity of the incidents of complaints, with noise, littering and fouling making up the next three highest scoring problems
5. **What is the conservation status of gulls?**

- Of the five species of gulls occurring in urban areas in Scotland, four species are listed on the Amber list as ‘medium concern’ conservation status. One of these, the Herring Gull, has seen such decline that it has been recommended by some parties for the Red List, ‘High Concern’

6. **Where do gulls stand in Law?**

- All wild birds in Scotland are protected under the Wildlife and Countryside Act 1981
- However, derogations may be granted under Section 16 of the Act. These derogations include Health and Safety
- Two species, the Herring Gull and the Lesser black-backed Gull, are covered under General Licences, which enable Local Authorities or private individuals to control these species without specifically applying for a licence
- However, anyone using a General licence must be able to prove, if challenged, that it was for the purpose of Health and Safety
- The Scottish Executive may also grant licences to control other species of gull on a selective basis

7. **What mitigation measures do Local Authorities use?**

- Two forms of mitigation are used most commonly by Local Authorities. These are egg/nest removal, and the proofing of buildings through netting

8. **Where does the responsibility lie?**

- While some Local Authorities carry out proofing and nest removal on Council owned buildings because of health and safety at work legislation, they are under no obligation to pay for these activities on privately owned ground
- However, Local Authorities may give advice on this or refer enquiries of this nature to specialist companies that carry out gull control work
- It has been noted that some pest control firms carrying out such work are better than others. It has therefore been suggested that training programmes to pass on best practice to those involved in ‘hands on control’ would be beneficial

9. **Gull Ecology**

- Six species of gull commonly occur in Scotland, they are: the Black headed Gull, Common Gull, Great Black-backed Gull, Herring Gull, Kittiwake and Lesser Black-backed Gull
- All breed colonially and forage and roost communally
- Apart from the Kittiwake which feeds mostly at sea, all gulls that breed in Britain can forage within a range of Habitats including agricultural land, coasts and estuaries, at sea, garbage tips and other areas where edible refuse is discarded
- Gulls’ breeding distribution is limited by (i) suitable, secure nesting areas and (ii) suitability of available food within a foraging range that does not normally put either the birds or their breeding attempts at risk
- A secure nest site is one which is relatively inaccessible to ground predators
10. SPECIES BY SPECIES ACCOUNT

Black headed gull – *Larus ridibundus*

- The majority of black headed gulls in Scotland nest at inland sites
- This gull is on the amber list of birds of conservation concern in the UK due to its 25-49% decline in breeding population over the past 25 years

Common Gull – *Larus canus*

- The majority of Common Gulls are found in Scotland
- About half breed inland and half on the coast
- The Common Gull is on the amber list due to a decline in its overall population and also its ‘unfavourable’ status in Europe

Lesser Black-backed Gull – *Larus fuscus*

- The majority (86%) of Lesser Black-backed Gulls in Scotland breed on the coast
- For some colonies that have been monitored annually, peaks were reached in the 1990s and there is some evidence of recent decline
- The Lesser Black-backed Gull is on the amber list, principally because the UK holds the majority of the global breeding population of the race *Larus fuscus graelsii*

Herring Gull – *Larus argentatus*

- A predominantly coastal breeding species in Scotland
- The observed nests of this species on the coast in Scotland have declined from 159,237 in 1969-70, to 71,659 for 1998-2002. Based on similar declines across the UK, this species is currently on the amber list, and recent trends may now qualify it for the red list of ‘high concern’

Great Black-backed Gull – *Larus marinus*

- This species has an almost exclusively coastal breeding population
- This species is on the green list of birds of conservation status in the UK
- The number of pairs observed breeding in Scotland in urban areas in 1998-2000 was 21

- **Kittiwake – Rissa tridactyla**

- Breeds exclusively on the coasts
- Based on its recent decline (282,213 observed nests in 1998-2000 compared to 359,425 in 1985-88) this species is on the amber list
11. Ecology of Gulls in Urban Areas

- Urban and non-urban populations of gulls do not appear to be different populations
- Breeding success is higher for gulls in urban areas than for those in non-urban areas
- Urban areas potentially offer additional sources of food, such as garbage (litter, waste tips, scraps from shops, fish docks etc)
- Street lighting may allow gulls, which are normally diurnal feeders, to scavenge at night
- Gulls can travel from ‘secure’ nesting sites to traditional food sources provided these are within an acceptable foraging distance for the species concerned
- Gulls nesting in urban areas do not necessarily feed in urban areas
- The relative importance of garbage for gulls’ diets is unknown
- It is difficult to analyse gull pellets for garbage due to its high digestibility, although a study of pellets from Lesser Black-backed Gulls in Dumfries during May-July suggested that surrounding agricultural land provided more important foraging areas than the town itself

12. Causes of change in gull populations

- For much of the 20th Century most populations of breeding gulls in Britain increased, possibly due to reduced exploitation and persecution, increased protection and increased food availability
- Declines in Gull populations in the last two decades may be due to organised culls, reduced food availability through changes in refuse disposal and fishery discard management, predation by mink (unlikely) and ingestion of toxins via botulism (evidence unclear)

METHODS OF CONTROLLING URBAN GULLS

13. NON-LETHAL DISTURBANCE, INTRODUCTION

- Once adult gulls have selected a nest site, they can show marked attachment to it regardless of disturbance
- For deterrence to be successful, intensive application over a long period of time is generally thought to be required
- The effectiveness of scaring techniques may though lessen over time, as birds become habituated to them

14. Broadcasting sounds

- The playing of the recorded distress calls of gulls has been used successfully to reduce the numbers of gulls roosting on open water
- Some breeding gulls in America have been deterred by a combination of broadcasting distress calls, using shell crackers and tethered raptors
- Such scaring techniques have not been universally successful
- The broadcasting of other sonic deterrents, such as bangs, is considered less effective than distress calls as gulls readily habituate to these
15. **Use of birds of prey**

- Only considered an effective deterrent if flown at least daily
- However, gulls may become habituated
- Effigies of predators appear ineffective as the gulls readily become habituated
- There have been no rigorous studies of the true effects of the flying of hawks or falcons on breeding gulls or gulls using urban areas

16. **Manipulation of nesting areas**

- Suspended monofilament lines have successfully prevented gulls from occupying established nest sites
- The effectiveness of such approaches can be influenced by the colour and visibility of the nylon lines used
- A problem with lines or wires is that gulls or non-target specie may become entangled in them
- Lines can be marked with small flags to make them more visible to birds
- When used in urban areas, the effectiveness will depend on whether arrays of wires or lines can be attached securely in areas where gulls nest or might potentially nest
- Spikes have also been used successfully, but must be placed in areas where they will have good effect
- On being excluded from one building, gulls may simply move to a neighbouring building
- For such techniques to be effective across even a small town, gull exclusers may need to be erected and maintained to cover all potential gull nest sites

17. **Manipulation of food sources**

- The elimination of garbage as a food source for gulls in urban areas is likely to be effective only in the absence of suitable alternative food supplies

18. **Restriction of breeding Success**

- Such methods include: removal or destruction of eggs and chicks, puncturing, shaking eggs, injecting the eggs to kill the embryo, coating eggs with oil to suffocate the embryo
- Methods that result in the death of the embryo within the eggs largely eliminate the problems associated with gulls laying fresh clutches

19. **Introduction of predators**

- Has dangerous implications for non-target species
- Likely to be ineffective in urban areas where birds are nesting in areas largely inaccessible to existing predators such as cats and foxes

20. **Contraception**

- Possible in theory via baits, but this is an undeveloped technology

21. **Live removal of adult birds**

- Likely to be ineffective as birds will return to areas of capture
LETHAL METHODS

22. **Use of narcotics**

- Only possible where access is possible for placing the baits
- Access to sites needs to be restricted to prevent disturbance and to maximise the proportion of birds that die whilst sitting on or close to nests
- Carcasses need to be removed and properly disposed of
- The above criteria are unlikely to be met in city centre areas but may be practical on some industrial sites with restricted public access

23. **Shooting**

- Shooting has proved effective on some small islands and possibly on moor land
- Issues of access and safety are obviously likely to limit the use of shooting within urban areas

24. **BEST PRACTICE**

- It is difficult to recommend best practice given the following knowledge gaps:
  
  (i) Lack of rigorous studies of mitigation techniques  
  (ii) Lack of information on the ecology and demography of urban gull populations  
  (iii) Lack of key information on non-urban gull populations  

- However, guidance for Local Authorities can be provided detailing the pros and cons of the various methods of control

25. **Further Research**

The report recommends:

- Further research into the ecology and demographic distribution/movements of gull colonies in Scotland
- Adaptive management studies to assess effectiveness of mitigation techniques
- Research into the perception of urban gulls as a problem in Scotland
- Further study of the legislative powers available to deal with problems caused by urban gulls
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>
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<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>Rev Neil MacKinnon</td>
</tr>
</tbody>
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<th>Text of petition:</th>
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<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 Reverend Neil MacKinnon, calling for the Scottish Parliament to urge the Scottish Executive to review the long term planning, social, economic and transportation issues surrounding the creation of &quot;new towns&quot;, such as Cumbernauld.</td>
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<th>Period for gathering signatures:</th>
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<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>
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<tr>
<td><strong>Closing date</strong>: 26 August 2005</td>
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</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.
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 and MSPs. Details of those approached should be entered.

Cathie Craigie MSP
Andrew Wilson (Defeated candidate for Parliamentary elections.)
William Homer – Councillor
Barry McCulloch - Councillor
Mr Porch – Director, Environmental Services
Mr Jukes – Director, Community Services
Mr MacKenzie – Customer Services Manager, NLC
Mr Watson – Manager, Roads Department, NLC
Secretary to the Chief Executive - NLC
Open letter to the Cumbernauld News
40 years of complaints from the town-centre community falling on deaf ears.

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

Cumbernauld Town Centre has attracted some of the most humiliating comments made about any peacetime centre of population anywhere in the world. Compared invariably with war-torn Afghanistan, Beirut and Eastern Europe, Cumbernauld town centre suffers enormous damage to its image and reputation in the world of business, tourism and commerce. Millions of pounds are lost in revenue to the town each year because designer-label shops and high street brand names, company headquarters and hotels refuse to locate in the town centre. Indeed, their question is, “Where is there a “town centre” in Cumbernauld?” There just isn’t a town centre! With the additional embarrassment of having not just: one, but two motorways cutting a swath of unnatural barriers to the integration of its several districts into one complete whole; Cumbernauld town centre’s future prospects is irredeemably prejudiced. Incomprehensible planning decisions have determined that 4 lanes of fast-moving traffic and a retail park dominate the heart of our town centre land where our most prestigious buildings, open-air town squares and designer-label shops ought to stand.

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 . 30th June 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
10th June 2005

Mr Michael McMahon MSP
Convener of the Public Petitions Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

Dear Mr McMahon,

Cumbernauld Town Centre

It is with a sense of deep frustration that I appeal to your committee to visit Cumbernauld town centre to see for yourselves at first hand the reasons why there is unremitting anger and disappointment in this community.

It hurts that we are seen as one of the worst town centres in Britain, but it hurts even more when we see the disastrous planning decisions of the past repeated in this present day, to add insult to injury. My enduring hope still is that there is in a devolved Scotland a forum where the voice of the hurting is heard and social wrongs can be put right.

Cumbernauld has been my home-town now for almost 6 years as I serve the Church of Scotland town centre Parish of St Mungo’s. Having lived in and served the town centre community over this period and having listened to the views of many of them on this issue, I am convinced that no amount of “taking up” of the Cumbernauld town centre will alleviate the genuine, deep unhappiness and sense of embarrassment many people feel over the design and state of the town centre.

The public comments of some elected representatives increase and aggravate the sense of anger, betrayal and helplessness many people feel.

How many of us over the years have listened in embarrassment as someone in the “town centre” asks for directions to a shop and we see the look of understandable puzzlement on their faces when they are told, “Oh, it’s in Phase 4.” There is no road or street to locate the destination but a long-past phase of “development” to identify an approximate location. This is just one frightening example of the “Year Zero” thinking which led to the creation of a town centre which has no streets, no roads, no open-air public squares, no hotels, nothing remotely resembling a town centre!

Since its establishment, the “town centre” has been the single most enduring disappointment for the kindly people who volunteered to pioneer this resettlement community. This is a grievance which will not go away. Enormous damage is being done to the reputation of this town in the world of business, tourism and commerce throughout the United Kingdom.

- In 2001 Cumbernauld town centre won the Carbuncle Award for the most dismal place in Scotland, described by the judges as “a rabbit warren on elitte” and “soulless and inaccessible, something like Eastern Europe before the Wall came down”.

- In 2003 The Idler’s Book of Crap Towns, named Cumbernauld the second-worst place to live in the UK — beaten only by Hull — said of it: “Town planning students visit Cumbernauld as an example of what not to do.”

- WHEN the makers of a new Channel 4 series on Britain’s ugliest buildings invited viewers to nominate the eyesore they would most like to see demolished; Cumbernauld town centre’s residents were among the first to contact the programme, begging for dynamite and bulldozer to deliver them oblivion.

- A recent local election campaign had as its number one priority, "No motorway though Cumbernauld."
Cumbernauld needs more than a pat on the back and words of promise or of "comfort." There have been too many such patronising, alien encounters in the past. The state of this town centre, in such a strategic central belt area is an enduring, national shame and disgrace.

I have spoken to elected representatives and with directors and staff of council departments, to ask them if they were willing to tackle some of the issues which cause many people to feel that they can be ignored and left to "like it or lump it."

One is met with incomprehensible levels of indifference and apathy. There is no vision, there are no discernable standards of quality control, no evident standards of excellence to ensure that repairs and maintenance are of the highest degree and that planning decisions do not repeat the mistakes of the past. What is discernible among the most forthcoming of council staff is an evidence of low morale and a genuine understanding that Cumbrnauld town centre's problems are not merely cosmetic.

No elected representative of this community is willing to champion the longstanding grievance of this community over the town centre. There is instead the "talking up" of the Asda and Tesco superstores and the planned Antonine Shopping Centre which occupy prime town centre building land, all set in acres of asphalt, as if any or all of this could compensate for the lack of a town centre. That in itself is a betrayal of trust and bodes ill for the future peace of this town. The next generation of people in the town centre will not remain as acquiescent as the proud and decent people who first settled this place in the early sixties and who have maintained their respect and dignity in the midst of such crushing disappointment.

An honest reappraisal of what it is that constitutes a "town centre" might lead us to some fresh and realistic consensus. Clearly one can find a consensus of opinion across the world on what the defining features of a town centre are.

It seems to require an open-air public area which is often a square, where people can mingle or sit quietly for a while if the weather permits. The popular design of the main square invariably features some centre-piece attraction whether of a subtle nature or of public buildings which exude considerable aesthetic prominence and architectural significance.

Leading off from the main square the pattern consistently requires there to be a main street featuring the most prestigious buildings of architectural quality and substance, housing business offices and shops for all the leading companies and consumer brand names. Quality hotels with accommodation geared to attract business people and tourists alike are seen as an essential part of the social amenity. There are restaurants where business people can meet for a working lunch and where shoppers can relax and indulge their tastes. The town centre spreads outwards through adjoining streets with squares, offices, cafes and shops for every consumer need and for every level of income to complete the beating heart of a town.

Prime residential property is sited close to the town centre and is skirted by more affordable residential estates. Retail outlets are grouped together in a retail park on the edge of town, and at the perimeter of town, the industrial park. Ring roads link the town centre streets to motorways providing good air and sea links as well as fast commercial routes to the business market.

It is clear that the experiment which placed a tiny proportion of these features inside a small "concrete bunker" building on the edge of a motorway, has been an inexplicable lapse of collective judgment with incalculable consequences. It beggars belief that there were no checks and balances at any level to prevent such a bizarre design, the use of such poor quality building materials and the dissection of the new communities with 4 lanes of motorway traffic where one would expect to enjoy pedestrianised main streets and town squares.

The 1960s introduced an era where every existing convention was challenged. The design of the town centre sadly has to be seen in that context. The planners decided to put a town centre inside a small building. The town centre would have no roads or streets. Indeed they decided that the shopping centre was the town centre. We can see, as many said at the time, that they have been proven conclusively wrong. It was a reckless, badly designed experiment using inferior materials. It now stands as a decaying monument to the futility of thinking that a new town can be built on the cheap.

North Lanarkshire Council are faced with an inherited problem in Cumbernauld town centre which is considerably more complex than one of maintenance. What can the Council do with the shopping centre that is uniquely also a town centre? The answer clearly seems to be, nothing! It is simply not a town centre by any known definition. Someone summed up a similarly intractable problem with these words, "You can shorten and sharpen the ears of a donkey, but that will not make it a racehorse!" That is the problem for the people of this town and, the Council's dilemma.
The Council's inherent problem has undoubtedly been compounded by their own subsequent policy decisions to extend the existing and unforgivably wrongly located retail park to occupy all the prime, town centre land with fast-food retail outlets and car parks where one would expect to see our most prestigious buildings and impressive public squares.

The A80 and the A8011 motorways which run through the heart of Cumbernauld, serve to prevent the development of a single identity for this town. Cumbernauld has not in its 40+ years of existence been able to develop a single identity or a community spirit. The A80 and A8011 motorways form unnatural physical barriers to the important shaping of a "one community" society in Cumbernauld. Whatever political representatives say to the contrary, there is a reluctance among people in the prestigious districts of Dullatur, Westerwood and Balloch and indeed Condorrat to identify themselves with Cumbernauld. That is in large measure because of the sense of embarrassment felt over the town centre and equally because of the way that motorways dissect this town into nothing more than unconnected villages. For as long as we have the districts of Cumbernauld divided into separate communities in this way, the town will lack the sense of pride and unified vision which could drive it to a broad-based prosperity.

Without doubt a quality town centre would create a common focal point and a living "heart" for a community which presently feels that we are the only town in the world without a town centre. It would end the trend of people doing their shopping in Falkirk, Stirling and Glasgow; a trend which is costing this town hundreds of thousands of pounds of retail business every year. No designer-label company or leading, high street brand name is presently prepared to locate in Cumbernauld! That is a unique distinction which shames us.

The official acceptance of a depressed ambience for the town centre is reflected in the current minimalist approach to council maintenance services. Decay and neglect characterise every visible public amenity. Even council staff who have known Cumbernauld for many years admit that they see a gross deterioration in the state of the town centre.

The "town centre" building, with its battleship grey painted walls looks from the front like an east-European cement factory and from the rear, like a dockside container depot. There is nothing anyone can do with that construction which will make residents, shoppers or the occasional visitor feel better about it. The sister monstrosity and "temporary" Inland Revenue building, when viewed from Fergusson Road, looks like an industrial plant.

The decision to grant planning permission for such a building in the town centre is a shameful wrong that needs to be put right. Although it is a most welcomed major employer and provider of good quality jobs, the Inland Revenue offices are yet another disgraceful example of the attitude, "Anything will do for Cumbernauld." This Government Department should have a quality building which reflects its status in society, rebuilt in the town centre on land reclaimed from a re-routed A8011 motorway and a relocated retail park.

Within 200 yards of the "town centre" we have people living in appalling conditions in the flats known as "Block 5," Fleming Road. The address sounds Stalinist, and the condition of the flats justify the association. Residents tell me they are ashamed to have family visit them there. This is the reality of Cumbernauld Town Centre! Tons of badly laid granite setts, rejected by Glasgow Corporation 50 years ago, still form many "features" of this town centre. Recent developments are of the cheap, aluminium, prefabricated construction type, sitting amidst acres of asphalt. The degradation of the "new town centre" of opportunity and of dreams goes on.

My own Church which is undergoing a £1M refurbishment sits in the hear of the town centre with no vehicular access, no parking space for staff, visitors and even more importantly, no vehicular access for the disabled.

There is not one building of architectural quality design and construction in Cumbernauld town centre which has been built since 1960. The development of this town centre has attracted architects and planners who have made it a playground for unbridled, schizophrenic behaviour.

North Lanarkshire Council are clearly impotent to effect adequate change in restructuring the Cumbernauld town centre. It is a responsibility which can only be addressed at national level. Every plea for action has fallen on deaf ears, every cherished hope has been dashed. There is currently no vision, no expertise, no interest, no will to tear down the concrete edifices, re-route the motorways, relocate the retail park and to reshape our town centre.

Is it possible after so many hurtling pleas for action, so many broken promises and dashed expectations that a new national, rainbow coalition can be formed? Can we gather together a group of well qualified people who will commit themselves to a bold, unremitting and energetic initiative to fund the design, development and construction of a new Cumbernauld town centre along conventional lines?
The scale of the problems require an approach to the Scottish parliament, the Westminster parliament and the European Union to:

- seek architectural design services and re-development funding.
- re-route the A8011 motorway traffic away from the designated town centre area.
- re-route the A80 and A8011 to allow a merging of the district communities of Cumbernauld.
- relocate the retail park to the edge of town.
- appoint approved architects and contractors for the construction of a new town centre.

Cumbernauld town centre’s biggest asset at the moment is its people whose restraint, sense of humour and eternal hope, keeps them believing that something can be done, and will eventually be done.

Our greatest triumph on their behalf will surely be if we use our collective influence to source help for a betrayed community. This community needs to hear the Scottish Parliament saying that the existing town centre, which holds back the development of a prosperous future for this town in a new millennium, will be reshaped with quality buildings, open-air town squares, pedestrianised streets with designer-label companies locating, business company headquarters offices, quality hotels and restaurants to attract business people and tourists alike.

Cumbernauld is a town of strategic importance in the central belt. It needs a heart transplant! It needs a vigorous scrutiny of the levels of amenity and maintenance services for all its residential, business, retail and commercial areas. It needs some compassionate, inspired thinking to rescue it from its concrete and asphalt straitjacket, from its motorway intrusion, from its anaemic existence without a single building of quality.

Mr McMahon I appeal to you and the ladies and gentlemen of the Public Petitions Committee, you are probably our only hope to get a remedy for our plight! While we languish in this present state, we are becoming a prey to drug and crime interests from outside who recognise the vulnerability of Cumbernauld. I dare to believe that you will show us why we can rejoice in our own parliament and in the traditional common sense, compassion and resolution of the Scottish nation.

Everything in life exacts a price! This is surely a worthy cause, Cumbernauld can have a "real" town centre. It must take its place among other central belt towns with pride in its buildings, its town squares, its social, cultural, business, recreational and retail amenities.

The “People’s Parliament” can end the embarrassment and shame of a proud and decent community. I believe with all my heart that you have the compassion ate will and the authority at your disposal to end so many years of wrong. Many of those excited young people who arrived here in the early 1960's with light in their eyes and a spring in their step still live with such a dream, despite so many disappointments. We cannot disappoint them, because of such is the strength of a nation.

Yours sincerely,

Rev Neil MacKinnon
03 May 2006

Ms Aileen Martin
Public Petitions Committee
Parliamentary Headquarters
EDINBURGH
EH99 1SP

Dear Ms Martin,

Scottish Parliament Public Petitions Committee – Consideration of PE887

Can I apologise to the Public Petitions Committee for not responding within the timescale set out in your letter. I was unwell over a four week period and my work fell behind. There was no disrespect intended and I hope that the Committee will accept my apologies.

I want to thank you and the Public Petitions Committee for the manner in which you have handled my petition. The function of Parliamentary democracy is undoubtedly enhanced by the role of the Public Petitions Committee.

The responses are in the whole encouraging in that there is no attempt to conceal the degree of problem attached to the Cumbernauld town centre. There seems to be unanimous agreement that the town centre of every town is the civic and corporate identity of its community. In our case, it is broadly acknowledged that a substantial degree of embarrassment rather than pride reflects the public mood.

I would like to comment on the responses in the sequence they appear in your letter dated 10th March 2006 if I may.

Scottish Executive Development Department
I found this response encouraging in that it would appear that the Scottish Executive currently have the legislative authority to intervene in the on-going problems associated with Cumbernauld Town Centre. It is essential that those powers are now used urgently and decisively for the relief of a suffering community.

The Business Improvement Districts legislation may further extend the possibilities of sourcing imaginative solutions to our town centre problems, although it is not likely to identify a primary source of funding.

What I do find disturbing in this response is that NPPG 8 sets out in clear terms the Executive’s commitment to the protection and enhancement of town centres and yet, in the North Lanarkshire Council response we see that the Scottish Executive, unforgivably, granted planning consent for the Tesco development on prime town centre land.

The Executive also gave planning consent to Asda for a similar development earlier. Both developments are absurd in a prime town centre location and are destructive of the social and visual amenity of the town centre. These two decisions do not suggest that the commitment to protect and enhance town centres was safe in their hands before now. It is now questionable as to whether they view their previous decisions with as much horror as we do, and whether they have any proposals to move these developments to a retail park where they properly belong.
It is disappointing that the Scottish Executive seem to have nothing to say on the A8011 which is one of the principle obstacles to creating a town centre in Cumbernauld. If, as they say, NPPG8 provides effective machinery to provide "health checks" of town centres it is inconceivable that any Executive involvement under these terms should ignore such a primary impediment to re-development.

The hope engendered by this response is tempered by the consequences we have to live with of the appalling Executive decisions to approve the location of the Tesco and Asda stores in the heart of our town centre. That is a unique abrogation of trust and responsibility. I have asked several Architects who travel extensively, if they have seen a Tesco and Asda store in the heart of a town centre anywhere else in Britain and the answer was a unanimous NO! Can the Executive leopard change its spots?

North Lanarkshire Council
The NLC response is encouraging in two respects.
1. They agree that the town centre mega-structure they inherited from the Cumbernauld Development Corporation has proved a failure. The general public, major retailers and the commercial sector have, they agree have been singularly unimpressed by it and have taken their business elsewhere.

2. NLC acknowledge that they cannot provide Cumbernauld with a comprehensively redeveloped, attractive town centre through its own efforts.

What is disappointing is that they do not acknowledge the primary cause of the failure of Cumbernauld town centre; the 4 lanes of dual carriageway through its heart. This is worrying when they state that they are not of the view that Scottish New Towns should be taken out of the democratic control of local authorities.

When one considers the exciting plans brought forward recently by South Lanarkshire Council for the redevelopment of East Kilbride town centre it is clear that there is a manifest lack of vision and skill and commitment within North Lanarkshire Council to deal with the mess that is Cumbernauld town centre.

The self-congratulation of the NLC response is sad when one looks at the appalling state of the centre of Cumbernauld and its surrounding areas. Never in the history of local council government has so much harm been done to so many by so few.

The Tryst Sports Centre they say they have spent £2m on recently is an ugly, battleship grey corrugated shed. Cumbernauld town centre, under the NLC has become a village of grey sheds around 4-lanes of carriageway. The "I see no ships" attitude which prevails in NLC and among elected representatives over this issue has brought the system of public representation and local and national government democracy to its knees. There is no politician or elected public representative in this constituency who has any credibility in the eyes of the people of Cumbernauld on the issue of the town centre. The breakdown of trust is total.

The only hope for Cumbernauld lies in the slim chance that the Executive will realise that not only is there a problem with the mega-structure and the A8011, but also with the Council itself.

The statistics quoted on the North Area are virtually meaningless. It is claimed that 403 people were interviewed in an area which takes in the town of Kilsyth and its surrounding areas as well as Cumbernauld. The claim that those interviewed were "satisfied" that the NLC is not ignoring Cumbernauld is quite clearly bogus in that this survey was not carried out exclusively in Cumbernauld.

How many people from Cumbernauld were canvassed one might ask? They don't say for very good reasons. I can assure the Committee that the town centre communities of Carbrain and Seafar were not canvassed. These are the people who have made their hurt, frustration and embarrassment known through the reader's letters in the Cumbernauld News for 40 years. That is the truest survey of public opinion in Cumbernauld on the town centre. That is a survey NLC are not prepared to accept despite the fact that the successive "Worst town centre in Britain" awards seem to independently confirm the resident's complaints.

Campsies Holdings are far from serving a key role in developing the town centre and are instead seen as a secretive, obstructive, self-serving company who put their own financial interests before the good of a suffering public. The bizarre involvement of NLC councillors in this company explains a lot about the reasons why this town centre problem has endured for 40 years.

If there is the possibility that "new towns" can be taken out of the control of local authorities then it is inconceivable that there should be any delay in taking such action over Cumbernauld.
Architecture + Design Scotland
It is sad that this company chose to ignore the request for their comments on the petition. The function of the Public Petitions Committee depends on the co-operation of public bodies and in this case it was substantially withheld.

The claim that Architecture + Design Scotland are the national champion of good architecture and urban design is a ludicrous and unsubstantiated example of self-acclaim. This company, by their own admission admit that they belonged to a consensus for the retention of the town centre mega-structure on a Channel 4 TV programme.

No one who lives in this town sees the mega-structure as "...a significant and potent image of the town."

One would expect a certain sensitivity to the hurt of the people who have had to use this embarrassing mega-structure for 40 years. It's decay and decline is a fitting judgment of the work of the brainless stooges who designed and built it.

No outside agency should ride rough-shod over the hurt of the people of Cumbernauld and say to us, "You are going to have to live with this." This is tantamount to a doctor saying to a cancer patient, "I am not going to do anything. I think this cancer is very impressive and should be allowed to remain in your body."

The one redeeming feature of their anaemic response is that they acknowledge the success of other British towns and cities in transforming their centres. How that success elsewhere in transforming town centres is reconciled with this response is not self-evident. The contrary desire of Architecture + Design Scotland to retain the offending concrete bunker in Cumbernauld town centre is yet another example of the schizophrenic thinking that has blighted the hopes and dreams of 66,000 people for 40 frustrating years.

Surely the views of the townspeople and of the retail and commercial sector are worth considering if we are ever going to end the cycle of mistakes.

The Royal Incorporation of Architects in Scotland
I was surprised and encouraged beyond words by the clinical way in which Gus Macdonald analysed the planning and design mistakes made in the early and more recent development of Cumbernauld town centre. As one who lives in Cumbernauld he knows the town better than any other person who has contributed in this consultation. His personal experience of the town centre as it is, makes his comments the more relevant.

It is encouraging to see Mr Macdonald strip bare the arguments advanced for the retention of the mega-structure and his clear objection to the Nelsonian thinking of some who ignore the necessity of removing the A8011 from the town centre before a town centre can ever be built.

It is significant that this response states that Cumbernauld town centre serves as an "out of town shopping centre." This is as close as you can get to saying that the NLC have created a retail park where the town centre ought to be. It is not just the mega-structure that has blighted the town but what Mr Macdonald describes as the "sporadic development" NLC have carried out and which is now virtually impossible to redeem. This work shows neither architectural cohesion nor co-ordination and is of the cheapest construction materials used in the building industry.

Incredibly, there is not one single building of quality design or construction in the entire town centre of what is the largest town in the whole of North Lanarkshire. That miserly policy of "anything will do for Cumbernauld is one that NLC should be held to account for by the Executive if their claim of serving the aim of "......sustaining and enhancing the viability and design of town centres...." is to have one shred of credibility. There is no evidence that the Executive have served that noble objective at any stage in the past.

The recent history of construction in Cumbernauld town centre is in itself sufficient justification for taking this particular new town out of local government control.

I would like to hope that this consultation will now lead to decisive and urgent action by the Executive to put in place a restoration and redevelopment scheme to give us a town centre. If that were to happen, it would be in large measure due to the vigilance of the Public Petitions Committee and the way in which you give voice to the cry of those who have no other advocate.
With sincere appreciation,

Neil MacKinnon (Rev)