

## **LINKING PARLIAMENT TO THE PEOPLE: THE PUBLIC PETITIONS PROCESS OF THE SCOTTISH PARLIAMENT**

*Peter Lynch and Steven Birrell*

### **INTRODUCTION**

The right of an individual to petition those in authority has been a facet of democratic and pre-democratic politics for centuries. It existed at Westminster as an extension of the right to petition the monarch recognised in Magna Carta and in the Bill of Rights of 1688, with a Committee for Motions of Grievs and Petitions established in 1571. The function also existed in the pre-1707 Scottish Parliament both formally and informally. Petitions were presented in the Scots Parliament from the fifteenth century onwards, with petitions presented in writing from 1581 and processed by the Clerk Register of the Parliament. However, this very traditional mechanism through which individuals sought to raise their grievances with governing bodies fell into disuse or perhaps even misuse within UK politics in recent times. There were petitions aplenty presented to individual MPs and Ministers, with some presented to the Prime Minister at 10 Downing Street, but their impact was difficult to assess within very obscure parliamentary procedures. Indeed, as often as not, petitions, even those containing thousands of signatures, were deposited in the bag behind the Speaker's chair in the Commons and

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effectively forgotten about - another example of Westminster's perceived remoteness and lack of connection to ordinary citizens.

The Scottish Parliament was designed to remedy the remoteness of government and parliament from the public. Not merely was devolution intended to provide a parliament closer to the people of Scotland in general; it contained a number of specific features intended to encourage public participation in the work of the parliament and engender the notion of civic engagement in the New Scotland - quite a tall order for a fledging institution. The legislative and consultative procedures of the parliament, the use of information technology, the parliament's information service, the hours of the parliament, the use of petitions, the openness of parliamentary proceedings, etc. (Consultative Steering Group 1999), all became aspects of Scottish parliamentary life post-devolution. Each was intended to make the parliament's activities transparent and accessible to the public. Similarly, the idea of a civic forum, citizen's juries and citizen's panels were all discussed as participatory mechanisms around the time of devolution. Concern for civic engagement also fed into discussions on the reform of local government decision-making and procedures (Commission on Local Government and the Scottish Parliament 1999).

The proposal for a formal public petitions procedure was therefore part of a much wider debate about linking the Scottish Parliament to the people, by reconstituting one of the most traditional parliamentary mechanisms derived from pre-parliamentary politics. Thus, after the devolved elections of May 1999, the new parliament was established with a permanent Public Petitions Committee and it quickly designed mechanisms for the lodging and processing of petitions. By the close of the parliament's first year, 242 petitions had been submitted by a range of individuals and organisations – one even before the public petitions process was formally established which dealt with the issue of religious ceremonies in the parliament itself. This article offers an assessment of the public petitions process and its capacity for involving individuals and groups in the parliament's work. It also seeks to assess the outcomes of public petitions and their impact on parliamentary activity.

### **PUBLIC PETITIONS AT WESTMINSTER**

The process for dealing with petitions at Westminster is obscure and contained within the standing orders of the Commons and Lords. Whereas information about petitions to the Scottish Parliament is publicly available and comprehensible – and there has been an attempt to publicise the process -

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the Westminster process is neither publicly available nor particularly transparent. Pressure groups present petitions unofficially to the Prime Minister at No 10, but the official process for dealing with petitions involves their direct presentation in the House of Commons by MPs and by Peers in the House of Lords. In the Commons, petitions are dealt with under Standing Orders 153-7, which set out the rules and procedures for petitioning Westminster (HMSO 2001, pp.123-5). Under these rules, members of the public can only petition through MPs, as opposed to directly. The MPs then present the petition to the House of Commons. This presentation may involve the MP reading out the petition on the floor of the House before the half hour adjournment debate at the end of each day's business or after prayers on Friday mornings. Alternatively, if not presented orally in the House, the petitions are placed in a bag behind the Speaker's chair and appear as an item on the daily House of Commons Votes and Proceedings. Once the petitions 'were presented; and ordered to lie upon the Table and to be printed', they are directed to the relevant government bodies who then respond to the petition some time later.

Thus petitions are solely directed towards Ministers and departments who respond on their own terms on their own timescale without any monitoring of the process by parliament. The Westminster process used to operate via the Select Committee on Public Petitions, which was established after 1832 but abolished in 1974. This committee merely established whether petitions were consistent with the procedures for petitioning and spent its time counting signatories. It did not actively pursue petitions and its functions were transferred to civil servants within Westminster from 1974 onwards. Furthermore, Ministers are under no obligation to respond to petitions at all and thus can ignore the petition completely. For example, in 1999-2000, Ministers replied to 54 of the 87 petitions presented, but made no response to 30 petitions at all (three still awaited replies). This latter aspect explains how petitions at Westminster disappear and are such a minor feature of parliamentary life. Indeed, a review of the petitions process at Westminster commented that the petitions process operated for the convenience of the Government and Ministers rather than the petitioners themselves (Select Committee on Procedure 1992, p.xiii). Overall, the processing of petitions at Westminster contrasts with the more rigorous efforts of the Scottish Parliament to breathe life into the petitions function discussed below.

## **THE PUBLIC PETITIONS COMMITTEE OF THE SCOTTISH PARLIAMENT**

The Public Petitions Committee is a permanent body comprising seven MSPs: the convener John McAllion (Labour), Helen Eadie (Labour), Rhoda Grant (Labour), Winnie Ewing (SNP), Dorothy Grace Elder (SNP), John Scott (Conservative) and John Munro (Liberal Democrat). The membership of the committee has relevance to the processing of petitions beyond the Public Petitions Committee itself due to the patterns of dual committee membership. For example, the petitions committee convener, John McAllion, and committee member Dorothy Grace Elder are also members of the Health and Community Care Committee. Helen Eadie is also a member of the European Committee, Rhoda Grant is also a member of the Rural Development Committee and John Farquhar Munro is also a member of the Transport and Environment Committee. In addition, as there has been some turnover in the committee since its foundation in 1999, there are other MSPs within the parliament with petitions experience. Conservative MSP Phil Gallie was a member of the committee in 1999-2000, as were SNP MSPs Christine Graham and Sandra White. Moreover, two committee conveners were also Petitions Committee members: Liberal Democrat Margaret Smith is convener of the Health and Community Care Committee, whilst Labour's Pauline McNeil is convener of the Justice Committee II.

Such overlapping memberships are of considerable benefit to the public petitions process. First, they mean that the Petitions Committee has resident expertise on which committees should deal with certain petitions and how they square with committee agendas. This reality is particularly important as the vast majority of petitions are sent to the parliament's other sixteen committees for processing. Second, public petitions sent to the aforementioned committees have a 'friendly' face on the committee sympathetic to the petitions process who takes petitions seriously, with expertise on the manner in which petitions should be handled. In this regard, MSPs from the Public Petitions Committee can be seen to act as ambassadors for public petitions in other committees. Also, as is the case with all committees of the parliament, MSPs have the right to attend and speak at any committee meeting. MSPs have exercised this right at the Public Petitions Committee and spoken on different petitions such as Fergus Ewing (SNP) over land use in Glencoe and Allan Wilson (Labour) on the Isles of Cumbrae petition on Caledonian MacBrayne ferry services. Similarly, a number of MSPs attended and spoke at the committee's own inquiry into the petition from the Glasgow North Action Group (PE48) over Greater Glasgow Health Board's consultation procedures over the proposed secure unit at Stobhill

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Hospital. Therefore, a wider number of MSPs are dealing with public petitions than those on the Public Petitions Committee alone.

## **THE PUBLIC PETITIONS PROCESS OF THE SCOTTISH PARLIAMENT**

The public petitions process is based around the principle that any individual or organisation has the right to petition the parliament directly. The broad outlines of the petitions process were laid down in advance of the parliament's establishment and involved the publication of clear rules on the form and content of petitions; public information on how petitions will be handled; and the commitment to ensure that all petitions and responses are in the public domain (Consultative Steering Group 1999, p.78). Thus, individuals could petition the parliament as well as groups – meaning that a petition signed by one person would be dealt with in the same way as a petition signed by 10,000 people – and the public nature of the process would prevent petitions disappearing into obscurity as they had at Westminster. Furthermore, the Public Petitions Committee was given the task of considering and processing all petitions and keeping track of them within the parliament itself. Disappearance behind the Speaker's chair was not therefore an option within the Scottish Parliament, with mechanisms to monitor the progress of petitions built into the process and employed at every meeting of the Public Petitions Committee.

The role of the Public Petitions Committee in dealing with petitions was limited in its first year, in order to protect the petitions process itself, though this situation has changed from 2000-2001. For example, the committee is responsible for determining whether petitions are admissible but the criteria for admissibility are limited to format, language and the responsibilities of the parliament itself. The committee cannot rule petitions as inadmissible because MSPs disagree with them or feel the subject of the petition is unimportant. The rules on the admissibility of petitions require that petitions must include the name and address of the petitioner, and the names and addresses of other supporters of the petition; the petition must be in English and refrain from using offensive or inflammatory language. The exact format for petitions has varied. Initially, the committee received some handwritten petitions, which were indecipherable and so the committee ruled that petitions had to be typed on A4 paper and signed. Subsequently the petitions web site provided a pro forma for petitions that could be printed out and submitted. This mechanism was extended following committee discussion and approval for the submission of petitions by electronic mail. Using advice from Napier University's Centre on Teledemocracy, the committee developed a means to

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receive electronic petitions though not one suitable for large petitions with multiple signatories. As a security precaution, it is necessary that electronic petitions be accompanied by paper copies of the petition with relevant signatories sent to the committee to prevent fraudulent use of the petitions process. However, those petitioners who use the e-petitioner system (<http://www.e-petitioner.org.uk>) can sign the petition electronically.

Petitioners are also encouraged to produce petitions which included short titles and clear aims and objectives. Thus, the petitioner is asked to make it clear what they want parliament to do in terms of action, legislation, inquiry, etc. This stipulation was a clear attempt to avoid long and rambling petitions which confused the clerks and MSPs alike, but was also of assistance to petitioners in terms of encouraging them to focus on parliamentary action. The committee is required to write back to the petitioner to acknowledge receipt of the petition within one working day of the petition being received. Furthermore, the committee must write to the petitioner to inform them of the action taken by the parliament following consideration of their petition. Therefore, petitioners are not left firing off petitions to the parliament without any official acknowledgment by the parliament and notification of progress.

The Public Petitions Committee has a limited number of routes open to it for dealing with petitions, though it must consider all petitions it receives. The committee has six options open to it when dealing with petitions (Scottish Parliament 1999a):

- It can take no further action – but must inform the petitioner of this.
- It can forward the petition to the relevant parliamentary committee or institution such as the Presiding Officer or Scottish Parliamentary Corporate Body.
- It can forward the petition to any body outwith the parliament such as the Scottish Executive, local authorities or quangos such as Scottish Natural Heritage.
- It can recommend to the Parliamentary Bureau that a petition be debated at a meeting of the parliament.
- It can invite petitioners to appear before the committee or provide additional information on the petition.
- It can take any other action it considers appropriate.

Most of these actions were adopted by the Public Petitions in its first year of operation as will be explained below, though the majority of petitions were referred to the relevant committees for action. By 2001, however, the

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Petitions Committee began to handle some of the petitions itself rather than simply forward them to committees, though this was not the case in 1999-2000. What the committees did with these petitions will be discussed below.

Public petitions have been submitted on a wide range of subjects. However, there are three types of subject restrictions on petitions which will lead the committee to recommend no further action on a petition. First, the committee is wary of individual cases involving legal action, court appeals, tribunals, etc., though may well recommend parliament takes action to remedy some of the legal issues arising from individual petitions (Scottish Parliament 1999). In terms of petitions outcomes, a number of petitions were suspended from consideration due to legal blockages in 1999-2000 (see Table 3 below). Second, there is a requirement that petitions do not promote unlawful activity or disclose information that is legally protected such as details subject to court orders, commercially sensitive information or the names of individuals involved in criminal accusations (Scottish Parliament 1999). Third, in January 2001, the committee adopted new procedures for dealing with petitions that fell outwith the powers of the Scottish Parliament. The committee now discusses the admissibility of petitions by subject in a way that it didn't in the past. This mechanism is intended to filter out issues over which the parliament has no competence, so that the parliament's committee system can deal with 'competent' petitions much more effectively. From 2001 onwards, each meeting of the Public Petitions Committee involves a brief discussion of inadmissible petitions. And, if the committee agrees the petition is inadmissible, that fact is communicated to the petitioner.

### **THE PATTERNS OF PETITIONS AND PETITIONERS**

At the outset in May 1999, the pattern of petitions and the nature of petitioners was not immediately obvious. Indeed, conceivably, the petitions process itself could have been a failure - seldom used and little known. Alternatively, petitions could have been so popular as a grievance mechanism that the process became overloaded and ineffective as everyone submitted petitions and the process ground to a halt. However, neither of these eventualities came to pass, and the petitions process moved from a relatively slow start over the summer months of 1999 into a fairly regular flow of submissions and committee meetings to process petitions business. In the parliament's first year from May 1999 to 4th July 2000, 242 petitions were submitted and considered by the PPC (but only 241 in reality as PE1 was submitted and dealt with before the petitions process was actually up and running). The first PPC committee meeting was held on 29th June 1999 and

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the first petitions were considered on 31st August 1999. In total there were 18 PPC meetings in the Parliament's first year of existence.

The first issue of interest in assessing the petitions process itself concerns the identity of those actually submitting petitions. The process was established to allow all sorts of individuals and organisations to air their grievances via petitions with the rules for submission giving parity of admissibility to a petition from one individual as to a petition from all five million Scots. However, the identity of the petitioners was key to one fundamental question about the public petitions process: was it actually effective as a mechanism to link individuals to the political process or were the 'usual suspects' of Scottish politics - the pressure groups (Lynch 2000) - using petitions as an additional mechanism for lobbying and activity. At first glance, the most obvious statistic to emerge from the data in Table 1 - and also the most encouraging - is that the majority of the petitions submitted in the first year (50.6 per cent) came from individual members of the public - a clear indication that the Public Petitions Committee was used by those it was intended for. Business organisations, local authorities, political parties and elected representatives seldom used the petitions process, whilst community groups and pressure groups were the other main users of the petitions process, though many of the pressure groups involved were small, voluntary organisations rather than the 'big guns' amongst Scottish pressure groups. For example, though the National Farmers Union of Scotland, Friends of the Earth and Age Concern are major pressure groups with permanent staff and offices and considerable resources, organisations such as the Scottish Homing Union, Skye and Kyle Against Tolls, the Carbeth Hutterers Association and the Melrose Traders Association are a different type of pressure group altogether.

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**Table 1**  
**Sources of Public Petitions 1999-2000**

Source	No of Petitions	Percentage of Total
Political Parties	2	0.8
Elected Politicians	3	1.2
Local Authority	3	1.2
Individuals	122	50.6
Pressure Groups	58	24.1
Community Groups	38	15.8
Business	10	4.2

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Other	5	2.1
Total	241	100

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However, the figures in Table 1 showing the extent of individual involvement in the petitions process are potentially misleading, as one member of the public, Glasgow pensioner Mr Frank Harvey, was responsible for 34 of the total number of petitions submitted from 1999-2000. Harvey was responsible for sending 27.9 per cent of all petitions received from individuals in the parliament's first year and 14.1 per cent of all petitions, making him the most prolific petitioner of the Scottish Parliament (see Table 2). This influx of petitions from Mr Harvey was a cause for concern and also a source of mild irritation for several members of the Public Petitions Committee. At a meeting of the Social Inclusion Committee on the 16th February 2000 where one of Mr Harvey's petitions (PE53) was being discussed, John McAllion, the Convener of PPC, remarked:

An individual has the right to petition the Scottish Parliament. However, if every individual did what Mr Harvey does, the work of the Parliament would grind to a halt.

(Social Inclusion Committee minutes, 16th February 2000)

Fortunately for the Parliament and the PPC, Mr Harvey is the exception rather than the rule - the next highest individual petitioner, John R.D. Stewart, sent only three petitions in the parliament's first year (see Table 2). The vast majority of individuals have submitted only one petition with nine individuals responsible for sending two. For the most part, members of the public have used the process sparingly. Without wishing to dwell too much longer on the petitions of Frank Harvey, it is interesting to see what happens to the percentage totals for each category of petitioner when the figures are recalculated after Mr Harvey's petitions have been 'removed'. Albeit no longer the majority source of petitions, individual members of the public remain the largest user of the petitions process, responsible for 88 (42.5 per cent) of the petitions submitted and still considerably more than the second highest category, pressure groups, on 28 per cent. Although Mr Harvey's petitions may have exaggerated the figures, this recalculation confirms the general point that the committee is largely being used by its intended 'consumers': individuals, community groups and local pressure groups. Another encouraging sign for those who hoped the Public Petitions Committee may be one way of involving ordinary citizens in the decision-making process of the

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Scottish Parliament is the amount of petitions (38 - 15.8 per cent) submitted by what we have termed 'Community Groups'. This category predominantly consists of Community Councils such as Penicuik and District Community Council (PE21), residents associations such as Bridge of Allan Public Interests Association (PE26) and Almondell Terrace Residents Association, Livingston (PE30), but also includes various churches and local school organisations from Gardenstown Free Presbyterian Church (PE161) to St Mary's Episcopal Primary School in Dunblane (PE122) and St Vigeans Primary School Parents in Angus (PE230).

Of course, when looking at the motivations behind why petitioners use the petitions process, we must consider reasons for petitioning other than the traditional redress of grievances and complaints that form so many of the petitions themselves. For example, many petitions were intended as a means of generating publicity or increasing awareness of a particular issue or group itself as well as attempting to influence the political agenda - the case with the National Farmers Union of Scotland, Keep The Clause and Age Concern petitions. The Public Petitions Committee has proved to be a popular mechanism for various categories of pressure groups to pursue their aims and interests. Pressure groups were the second largest source of petitioners and accounted for 24.1 per cent of all petitions submitted and processed in 1999-2000 (see Table 1). Reflecting the broad spectrum of pressure groups generally, petitions have been sent by small, localised groups such as Troon Against Pollution (PE70) as well as international ones such as Greenpeace (PE232). Petitions have also been received from single issue organisations such as Save Wemyss Ancient Caves Society (PE23), sectional groups such as the National Farmers Union of Scotland, and groups that are often referred to as promotional or cause groups such as the World Wildlife Fund Scotland (PE128). In short, the Public Petitions Committee is attracting petitions from a diverse range of pressure groups.

Despite being responsible for two of the first three petitions officially submitted to the Scottish Parliament, only another eight petitions were received from business organisations or interests in the first year. Petitioners within this category mainly include various traders' associations and Chambers of Commerce as well as a few individual companies such as Scottish Tomatoes Ltd (PE199) and the Dunfermline Press Group (PE210). The lack of interest in the committee by larger corporations, industry and commerce suggests that it may be perceived as 'small beer' by these actors and an inadequate forum in which to exert influence over the policy process. That these groups are generally ignoring the PPC should be of little concern as it was not designed with these organisations in mind.

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In 1999-2000, three petitions came from elected representatives, two from local councillors and a joint petition from George Lyon MSP and Ray Michie MP (PE240). Two political parties, the Scottish Socialist Party (PE52) and the Scottish Green Party (PE60), have submitted petitions. In both cases, these petitions received considerable public support and were accompanied by 3600 and 3222 signatories respectively. Although they are not instigating the petition, these cases reveal another, less direct way in which the public are being involved in the petitioning process: as signatories and supporters. Although any individual has the right to petition the Parliament, a possible consequence of politicians submitting petitions is that it may be motivated by self-promotion, increasing their profile in their constituency or seeking publicity for one of their initiatives rather than any desire to become involved in the process (it should be noted that this criticism is not exclusively related to elected representatives).

**Table 2**

**The Public Petitions League Table 1999-2000**

Position	Petitioner	No. of Petitions	Petitions Submitted
1.	Frank Harvey	34	PE49,50,53,57,58,59,73,75,76,79,80,81,84,91,92,93,98,103,104,105,106,108,109,111,112,120,121,143,144,172,179,218,219,220
2.	NFU	9	PE24,61,62,63,64,65,66,67,68
3.	John R.D. Stewart	3	PE177,197,226
4.	William H. Watson	2	PE181,182
5.	J McNeill	2	PE165,170
6.	Ronald Rose	2	PE157,158
7.	Julia Clarke	2	PE114,115
8.	James Strang	2	PE47,116
9.	Kevin Hutchens	2	PE42,43
10.	Maurice Frank	2	PE5,6
11.	R H Guild	2	PE7,9
12.	Steve Ratcliffe	2	PE20,180

## **THE NATURE AND SUBSTANCE OF PUBLIC PETITIONS**

The issues on which petitions were submitted to the parliament in its first year of existence were extremely varied. However, they can be categorised by issue to some extent in two ways. First, some were clearly 'reactive' petitions to government proposals and parliamentary debates. Second, some were 'agenda-setting petitions' which sought to get the parliament and Executive to pay attention to a particular issue or concern. For example, in relation to 'reactive' petitions, the Scottish Executive's proposals to transfer Glasgow Council's housing stock out of council control brought about a seven month inquiry into the issue by the parliament's Social Inclusion, Housing and Voluntary Sector committee in addition to eight public petitions from tenants organisations and community groups in opposition to the stock transfer proposals. Therefore, the committee was considering the petitions in tandem with investigating the stock transfer - a form of pressure politics on the committee itself.

Similarly, the Scottish Executive's proposal to repeal clause 2a preventing the promotion of homosexuality in schools through the passage of the Ethical Standards in Public Life (Scotland) Bill brought a range of petitions. Six different petitions opposed to repeal were sent to the parliament, from local churches, individuals and from the Keep the Clause Campaign itself. Thus, petitions were part of the armoury of anti-repeal campaigners alongside protest activities, letter-writing, appearing before parliamentary committees investigating the relevant legislation and Keep The Clause's sponsorship of a referendum to retain the clause in March 2000 (Lynch 2001, p.96). Significantly, the petitions were referred to the committees responsible for investigating the Executive's proposals and offered some demonstration of public attitudes to the issue. The third major example of petitions reacting to Executive and parliamentary proposals involved eight petitions submitted on the topic of research into the effects of fox-hunting. These petitions were largely identical and emanated from the scientific community in Scotland, but fed into the general debate on fox-hunting associated with Mike Watson's Protection of Wild Mammals (Scotland) Bill.

There were also various examples of 'agenda-setting' petitions intended to promote an issue and pressure the parliament into adopting certain actions or

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recognising the importance of distinct issues. The Borders Rail Campaign petitioned the parliament with a petition signed by over 17,200 local people. The size and importance of the petition led the committee to hold its first meeting outside of Edinburgh, with a special meeting in Galashiels on 27th March 2000 to receive the petition. The proposal for a Borders rail link had been subject to extensive local campaigning, political pressure from MPs and MSPs and Borders Council and the establishment of a cross-party group within the Scottish Parliament. Other petitions involved community groups concerned at the lack of planning controls for telecommunications masts, which dovetailed with an inquiry by the Transport and Environment Committee of the parliament (Lynch 2001, pp.81-2); petitions seeking to avoid the closure of rural sub post offices; and a range of petitions protesting about the imposition of car parking charges at hospitals in Fife.

Finally, it is possible to view some petitions as having a direct agenda-setting role on behalf of pressure groups and other organisations; perhaps in the absence of other effective links. The National Farmers Union of Scotland was responsible for nine separate petitions from 1999-2000 which were directed at setting the agenda of the parliament's Rural Affairs Committee. The topics included opposition to the introduction of a pesticide tax (PE24), aid to compensate pig farmers over BSE (PE64), action over taxation levels for road haulage (PE65) and exemptions from the climate change levy for the agricultural sector (PE68). Notably, eight of the NFUS's petitions came in a consecutive sequence and were considered at the same meeting of the Public Petitions Committee on 18th January 2000, before being referred for debate to the Rural Affairs and Transport and Environment committees. Significantly, these were the only occasions on which the NFUS petitioned the parliament. Given its established, resource-rich status as a pressure group, public petitions would seem an unusual route for the NFUS to put pressure on its main parliamentary link. It would have seemed more fruitful for the NFUS to use individual links with MSPs as well as participation in evidence sessions within the committee as relationship-building exercises with the Rural Affairs Committee, rather than the 'outsider' route of public petitions.

### **THE OUTCOMES AND IMPACT OF PUBLIC PETITIONS**

The major function of the Public Petitions Committee involves judging the admissibility of petitions and then allocating them to the other committees of the Scottish Parliament. It is therefore the subject and mandatory committees of the parliament which actually decide on petitions and choose whether to act on a petition or not. The committees have dealt with petitions in a variety of ways in the parliament's first year. Most petitions raise issues which are

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then directed towards either the Scottish Executive (66 cases) or other public organisations such as local authorities and quangos such as Scottish Natural Heritage (51 cases). This particular activity involves the parliamentary committee writing to such as Ministers or public agencies asking them to respond to the issues raised in the petition. The committee then considers the responses and determines whether further action is necessary. This type of activity may sound quite minimalist and more in keeping with the use of MSPs' letters to Ministers on behalf of constituents, but it does involve actions with the full authority of parliament as well as follow-up action where necessary. Besides referring petitions to other bodies, committees also consider petitions under planned legislation and within existing committee enquiries. For instance, 29 petitions were dealt with in conjunction with existing committee inquiries such as the Transport and Environment Committee's inquiry into telecommunications developments (Lynch 2001, pp.81-2) and the former Social Inclusion Committee's inquiry into housing stock transfer. Similarly, some petitions were to be considered in line with planned legislation. Thus, the petitions on clause 2a (PE161, PE162 and PE183) were discussed at the time of the stage 1 and stage 2 committee debates on the Ethical Standards in Public Life Bill and petitions dealing with fox-hunting (PE211 and PE215) were to be considered by the Rural Development Committee when it debated the Wild Mammal's Bill. Finally, it is significant that committees decided to take 'no action' on only 30 petitions (12 per cent of the total), whereas all other petitions received some level of committee response and activity.

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**Table 3**

**Outcomes of Public Petitions 1999-2000 in Committees as at 16th March 2001**

1	Refer to other public organisation	51
2	Initiate Committee Report/Enquiry	14
3	Contribute to Committee Report/Enquiry	29
4	Seek More Evidence	5
5	No Action on petition	30
6	Consider under planned legislation	26
7	Legal Blockage to Petition	4
8	Committee to debate more	8
9	MSP's Motion	2
10	Refer to Scottish Executive	66

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11	Plenary Debate in the chamber	2
12	Write to Petitioner	3
13	Petition withdrawn	2
	Total	242

*Note: PE14 from Carbeth Hutterers Association appears twice in this table as it brought about an inquiry by the Justice and Home Affairs Committee as well as a plenary debate and is the reason for the total number of outcomes equalling 242 when there were only 241 petitions in 1999-2000.*

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The more prominent examples of committee activity in relation to petitions involves inquiries and reports undertaken by individual committees. For instance, public petitions sparked 14 different committee enquiries and published reports on issues such as the effect of birds of prey on homing pigeons (PE8), genetically-modified crops in Scotland (PE51), the environmental impact of salmon farming (PE96), fuel poverty in Scotland (PE123) and assistance for victims of hepatitis C (PE185). Some of these inquiries fed into committee-sponsored debates within the plenary of the parliament itself as well as MSPs' motions for debate on the petition, though most produced detailed reports based on evidence sessions and considerable work by the committees and their members. For example, deficiencies in the consultation process over health service provision were at the heart of the investigation into PE48 which was critical of the decision-making procedures by Greater Glasgow Health Board into the siting of a secure unit at Stobhill Hospital. The unit was intended to provide secure accommodation for mentally ill offenders on the Stobhill site and provoked a very negative public response - a classic 'Nimby' issue (not in my back yard). The proposal provoked the establishment of the Glasgow North Action Group, with support from local MSPs concerned about the issue.

Significantly, this petition was investigated with an evidence session by the Public Petitions Committee itself on 15th February 2000. Then the Petitions Committee and MSPs from outwith the committee questioned the Chair and Chief Executive of Greater Glasgow Health Board over their approach to consultation over the Stobhill proposals. This investigation received considerable media coverage from TV, radio and newspapers. The issue was then subject to an inquiry by the Health and Community Care Committee which appointed Dr Richard Simpson as its reporter on the issue. Simpson, the MSP for Ochil, is a former GP and psychiatrist. He undertook 22 hours of interviewing with local authority officials over planning and consultation procedures, met with local MSPs, the clinical directors of Stobhill, officials

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from Greater Glasgow Health Board, local community groups, and the trades unions active at Stobhill, and also examined thirty emails and letters from individuals about the secure unit proposal. Simpson's report recommended that the Scottish Executive produce clear guidelines for public consultations within the NHS which would be monitored and enforced by the parliament, with the Executive asked to examine the issue of democratic accountability within the health service as a whole. Specific recommendations included improvements in staff and public consultation by Greater Glasgow Health Board and a parliamentary debate on the issue of consultation within the NHS (Health and Community Care Committee 2000).

The Carbeth Hutters' petition (PE14) was examined by the Justice and Home Affairs Committee in 1999-2000. The Carbeth issue had been subject to an extensive public campaign as well as considerable media coverage. The Stirlingshire hutters had protested against the landowner's decision to increase their rents and found their unique status left them unprotected by the law. The hutters responded by holding a rent strike and petitioning the parliament. The issue also came to prominence as several huts were destroyed in mystery fires, which made it appear as if there were attempts to burn them out. The committee took evidence from the hutters, the Scottish Executive and the legal representatives of Carbeth estate. It recommended that the Executive examine statutory measures to provide security of tenure and access to rent control procedures for the hutters. The Executive was also asked to produce legislation to protect the hutters and to see whether such proposals could be included in forthcoming land reform legislation (Justice and Home Affairs Committee 2000). The committee also sponsored a plenary debate on the Carbeth Hutters' petition in the parliament on 4th October 2000. At that debate the Executive indicated that it was undertaking consultation on the situation of the Carbeth hutters with a view to producing legislation.

The significance of these types of activity is that petitioners have raised issues which committees have investigated in detail. Thus committees have adopted the interests of the petitioner, let the petition set committee agendas and activities, and pursued the concerns of a petitioner through the parliamentary process. Though only 14 of the 241 petitions in 1999-2000 led to committee inquiries, the fact that committees investigated the petitions at all can be seen as evidence of an effective mechanism. It would be presumptuous to expect that petitions would lead directly to new legislation and significant policy changes. Rather, the petitions are part of the political grievance procedure in Scotland, which lead to grievances being addressed and taken seriously rather than being ignored or avoided. The publicity associated with some petitions and the treatment of petitions by some committees means that they form a

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pressure function on the Scottish Executive and other public agencies through the medium of parliament.

#### **CONCLUSION**

Though the petitions process is only at the end of its second year of existence a number of conclusions can be made about the operation of one example of the parliament's 'new politics'. First, the figures produced in relation to the types of petitioners and the outcomes of individual petitions indicate a device and process which has been used by those it was intended for and which has had an impact on parliamentary activity. Unlike Westminster, petitioning has not been a symbolic and unimportant mechanism for airing grievances. Rather, the Scottish Parliament has taken grievances seriously and pursued them through the parliamentary process with some petitions subject to extensive committee inquiries, plenary debates and motions. Second, it can be argued that public petitions have provided some level of 'connectivity' between citizens and public institutions, through linking individuals and organisations into the parliamentary process in a meaningful way. Petitioners are able to petition their parliament, attend committees to address their petition and generally discover that, in the vast majority of cases, the parliament takes their petitions seriously and seeks to act on them. In addition, though the petitions process is relatively young, it is adaptable. When it became clear that there was a growing number of petitions being lodged that were not the responsibility of the Scottish Parliament, but threatened to flood the agendas of the parliament's committees, the Public Petitions Committee tightened up its rules on the admissibility of petitions to sift out petitions that the parliament simply could not act on. This change will make petitions more manageable for committees and should enable them to spend more time on relevant petitions and give them more detailed attention. In addition, in 2001, there are signs that the Petitions Committee has become engaged in more of the investigative spadework on petitions rather than simply passing petitions onto committees. Finally, and perhaps most fundamentally, the petitions process is a clear improvement on Westminster practice yet also offers an example of how both Westminster and the other devolved institutions in the UK can adopt procedures to link themselves more effectively to the very people they are supposed to serve.

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