



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 21 September 2017

Session 5



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Pàrlamaid na h-Alba

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PUBLIC PETITIONS COMMITTEE

16th Meeting 2017, Session 5

CONVENER

*Johann Lamont (Glasgow) (Lab)

DEPUTY CONVENER

*Angus MacDonald (Falkirk East) (SNP)

COMMITTEE MEMBERS

*Michelle Ballantyne (South Scotland) (Con)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Elaine Smith (Central Scotland) (Lab)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament

Public Petitions Committee

Thursday 21 September 2017

[The Convener opened the meeting at 09:19]

Decision on Taking Business in Private

The Convener (Johann Lamont): Welcome to the 16th meeting in 2017 of the Public Petitions Committee. I remind members and others in the room to switch phones and other devices to silent.

Agenda item 1 is a decision on taking business in private. Do members agree to take in private at a future meeting consideration of our work programme and a note by the clerk on the general data protection regulations?

Members indicated agreement.

New Petitions

Local Authority Complaints Body (PE1659)

09:20

The Convener: Agenda item 2 is consideration of new petitions. As members will recall, the committee agreed at last week's meeting to defer consideration of six new petitions to today's meeting.

The first new petition is PE1659 by Bill Tait, which calls on the Scottish Parliament to urge the Scottish Government to create an independent body with a remit to make findings of fact in complaints involving local authorities. Members have a copy of the petition and a Scottish Parliament information centre briefing.

The background information to the petition outlines concerns relating to the manner in which different councils handle similar issues, and the petitioner suggests that that might result in a

"lack of equity in the treatment of the Scottish people."

The petition also comments that the current routes to making council complaints do not have

"the teeth to set in motion action to bring parity and justice"

to council complaints across Scotland.

Do members have any comments or suggestions for action?

Angus MacDonald (Falkirk East) (SNP): You will have to excuse me, convener—I think that I have come down with the lurgy or something.

I am sure that we have all been contacted by constituents frustrated with the way in which our local authorities operate, and the Scottish Public Services Ombudsman does not always provide a satisfactory route for addressing those issues. The petitioner reflects the views of quite a number of people who have contacted me in the past with regard to local authority complaints, and I am certainly keen to see the petition move forward.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I agree. This is someone who is challenging the status quo, and it would definitely be worth taking forward the petition to find out the opinion of the Government and various stakeholders. It is a really interesting petition, and we should take it forward.

Brian Whittle (South Scotland) (Con): I think that many of my constituents will be very interested in this petition.

Michelle Ballantyne (South Scotland) (Con): I think the same. The petition looks at what happens with outcomes, while others tend to

narrow things down. As a result, I would really like to take it forward.

The Convener: The petition raises an interesting argument about putting in place this kind of independent body versus having democratic accountability at a local level, which, inevitably, will mean that different places are different. There is also the fact that people's degree of satisfaction with a decision sometimes depends on the extent to which the decision was the one that they wanted. We are all like that—it is entirely natural—but I suppose that it would be interesting to identify the fundamental principles with regard to fairness in the treatment of complaints.

Michelle Ballantyne: I do not think that the process need necessarily be identical—I would not like to see it set in stone—but, as with common law, there would need to be a degree of consistency. If someone was not happy with something, the issue in question would need to be tested against what other people were doing. That is what this proposal is really about, instead of nailing it to an absolute and saying that everybody must do exactly the same thing. There needs to be checks and balances.

The Convener: The ombudsman process can often be frustrating for people, because it looks only at the handling of the complaint rather than at the fundamental underlying issues.

I think that it has been suggested that we write to the Scottish Government. I believe that you mentioned other stakeholders, Rona. Whom would you suggest?

Rona Mackay: The Convention of Scottish Local Authorities would definitely need to be consulted, along with the Equality and Human Rights Commission, Citizens Advice Scotland and anyone else who might have an interest.

Michelle Ballantyne: I do not know whether there is a specific advocacy support organisation that we could write to. Those sorts of organisations might have a view, as they often get involved in supporting this kind of thing.

The Convener: It would be useful to get the views of local government officials who manage the process and hear how they deal with complaints, but I do not know what the appropriate representative body would be. Obviously, there is COSLA, but I am just thinking about officials. It would not be the education body, but you know what I mean—it would be the body that represents not quite the chief executives but the folk who have to deal with complaints.

Rona Mackay: It might be worth getting the ombudsman's view, although I guess what it would have to say would be fairly predictable.

Nevertheless, we should consult it, given that we are talking about it.

The Convener: Indeed. I think that the Society of Local Authority Chief Executives and Senior Managers is the body for the chief executives. It would be interesting to hear from it, given that its members have to manage complaints and the administrative process.

There are issues here that we can take forward and the committee clearly regards the petition as an interesting area to explore. Are members agreed?

Members indicated agreement.

Scottish Legal Complaints Commission (Review) (PE1660)

Legal Profession (Regulation) (PE1661)

The Convener: The next two new petitions are PE1660 by Bill Tait and PE1661 by Melanie Collins, both of which raise similar issues in relation to the current system for complaints about legal services in Scotland. Members have a copy of the petitions and the respective SPICe briefings.

PE1660 calls on the Scottish Parliament to urge the Scottish Government to review the operation of the Scottish Legal Complaints Commission to make the process of legal complaints more transparent and independent. PE1661 calls on the Scottish Parliament to urge the Scottish Government to reform and amend the regulation of complaints about the legal profession in Scotland, which is currently delegated to the Scottish Legal Complaints Commission, by creating a new independent regulator of legal services with powers equivalent to the Solicitors Regulation Authority, the Legal Ombudsman, the Bar Standards Board and the Solicitors Disciplinary Tribunal, all of which serve consumers and clients of legal service providers in England and Wales.

Do members have any comments or suggestions for action on the petition?

Michelle Ballantyne: First of all, I note that there is a review under way. However, although it was launched in April, it is not due to report until the end of next year, which seems an awfully long time.

I am concerned about a turkeys voting for Christmas arrangement with regard to oversight of this matter. There needs to be some clear water between lawyers and those who review them, and this feels a bit close for comfort. We should check where the review is going and what it is looking at, because if it has been launched, the question is whether we need to be doing something parallel alongside it.

Angus MacDonald: Both petitions are extremely timely. Bill Tait and Melanie Collins have highlighted serious issues with regard to the legal profession and the way in which the SLCC operates in respect of complaints. I agree with Melanie Collins that there is a strong argument in favour of creating a new independent regulator of legal services, and I agree with Bill Tait's call to make the process of legal complaints more transparent and independent.

In recent years, we have seen a degree of conflict between the SLCC and the Law Society of Scotland over the operation of the complaints system. I am sure that I was not the only MSP to receive representations from the Law Society earlier this year, stating frustration and disappointment at the increase in the SLCC levy to be paid by solicitors. It also stated that the complaints system was slow, complex, cumbersome and expensive. There is no doubt in my mind that this is the right time to look at this issue.

As Michelle Ballantyne has mentioned, the Scottish Government has acknowledged that the current process for people wishing to make complaints about their solicitor is too slow and complex, so I was certainly pleased to see the Scottish Government launch its independent review of the regulation. However, I take on board Michelle Ballantyne's point about the review not being due to report back until the end of 2018; the period seems quite lengthy, but clearly, we can contact the Government for clarification. Given the similarity of the two petitions, there is a strong argument for joining them together to help move them forward.

The Convener: First of all, does the committee agree to join the petitions together? It seems to me that they deal with the same issues.

Members indicated agreement.

Brian Whittle: Am I correct in thinking that the Law Society called for a change and was rebuffed?

Angus MacDonald: I am not entirely sure—it certainly was not happy.

Rona Mackay: It was about the levy. It was not happy with some of the SLCC's operation, but, as far as I am aware, it has not formally called for a change.

Brian Whittle: I thought that it was investigating this very point and was rebuffed. I might be wrong.

The Convener: It would be worth getting it clear in our own heads where all of this stands. We can obviously ask for that information.

The suggestion is that we write to the Scottish Government about the review's timescale and

remit, and I think that we should write to the relevant stakeholder bodies to ask about what issues they have. It does not feel that long since the legislation was passed, so it would be a natural time to look at and reflect on whether it has been effective and what the alternatives might be. My sense is that, when the legislation went through Parliament, we wrestled with the options—it did not go through without debate. Perhaps we should look at whether this is a bedding-in issue or an actual structural problem and whether, as the petitioner suggests, the issue needs to be revisited and a different kind of regulatory body put in place.

I think that we have agreed to write to the Scottish Government, the Scottish Legal Complaints Commission, the Law Society of Scotland and the Faculty of Advocates. Citizens Advice Scotland was mentioned, as was the Scottish Solicitors Discipline Tribunal. Are there any others?

Angus MacDonald: Would it be worth contacting the Judicial Complaints Reviewer? Although it deals with judicial complaints, as per the title, it would be good to get its view, if it has one. Of course, it is not compelled to reply.

The Convener: Do we agree to deal with both petitions in that way?

Members indicated agreement.

Driven Grouse Shooting (PE1663)

09:30

The Convener: The next new petition is PE1663, by Leslie Wallace, which calls on the Scottish Parliament to urge the Scottish Government to sponsor a comprehensive and independent study of the full economic impacts of driven grouse shooting. Members have a copy of the petition and a SPICe briefing.

The petition background information explains that there is a need for a study of the true economic value of grouse shooting that

"takes into account the latest research regarding grouse moor management and new factors, such as the role of potential natural flood alleviation work in the uplands and fully developed eco tourism initiatives."

Do members have any comments or suggestions for action?

Angus MacDonald: I declare that Les Wallace is a constituent of mine, and I have had brief discussions with him about the petition and the overall issue.

The petition raises valid environmental concerns. The petitioner has clearly done extensive research and rightly highlights that there

is no impartial study of the true economic value of grouse shooting. However, we know that the Scottish Government has announced that it is commissioning research into the costs and benefits of large shooting estates to Scotland's economy and biodiversity. That work may address the petitioner's concerns but, in the meantime, we should write to the Scottish Government asking for an update on where it is with its research and then look at the response.

The Convener: As part of that, we need to ask the Government for the timescale for the research. We have established that the Government is doing it, but we have not got start and finish dates.

Rona Mackay: That is right.

Michelle Ballantyne: Have we established that the Government is doing the research? According to the briefing, it was called for, but there is no evidence that it is being done.

The Convener: It says that Roseanna Cunningham has

"announced extra measures to protect Scotland's birds of prey. These measure[s] include that the Scottish Government will—

'Commission research into the costs and benefits of large shooting estates to Scotland's economy and biodiversity.'"

Michelle Ballantyne: Yes, it says "Commission research", but it then says:

"No further details are available about the research at the time of writing."

We do not know whether the research has been commissioned, so that is the first thing to check.

The Convener: So we want to establish whether the Government has acted on its commitment to commission research and what the timescale for that will be.

Brian Whittle: There seem to be a few petitions colliding on the management of grouse shooting estates. We have had one on mountain hares and one on raptors. There are quite a few flying through, and they all seem to be around the idea that the process is self-managed at the moment.

The Convener: They are also on the tension between large estates and concerns about the environment and the protection of wildlife. It was interesting to hear last week that the mountain hare is thriving because of grouse.

Brian Whittle: Also, having subsequently had a wee look at it, I have found that other environmental issues are driving down the mountain hare population. The planting of spruce and conifers is driving the ferret, weasel and fox populations, which is decimating the hares. There is quite a tension.

Michelle Ballantyne: It might be useful to bring together all the petitions and have a look at them. There is something about the unintended consequences and the impact of each issue on the other, which is what I think Brian Whittle is referring to. It would be useful to look at them together rather than at each one in isolation.

The Convener: I suggest that we deal with this petition now and establish whether the research has been commissioned.

Michelle Ballantyne: Yes.

The Convener: We will also write to Scottish Natural Heritage to ask for its view. The raptors petition has gone to what I call the rural affairs committee, although it is called something much grander these days. It might be interesting to ask the clerks to pull together the petitions that have tried to address the tension between the management of the land and the protection of the environment.

Do we want to do anything else on the petition in the meantime?

Angus MacDonald: Perhaps we should ask SNH for its views.

The Convener: Okay.

Blasphemy and Heresy (PE1665)

The Convener: The next new petition is PE1665, by Mark McCabe, which calls on the Scottish Parliament to abolish the common law crimes of blasphemy, heresy and profanity to the extent that they remain law. Members have a copy of the petition and a SPICe briefing. The committee has received one written submission in relation to the petition, from the Humanist Society Scotland.

The petition background information explains that blasphemy and blasphemous libel were abolished in England and Wales by section 79 of the Criminal Justice and Immigration Act 2008 and raises concerns that a similar change has not been made in Scotland.

Do members have any comments or suggestions for action?

Michelle Ballantyne: I would be happy to repeal the law. It is outdated and does not sit well with our modern laws. That is my position.

Rona Mackay: I agree. The law seems to serve no purpose at all. The only concern is that there is so much legislation and so much happening that the issue may not be urgent, but I definitely think that there is merit in abolishing it.

There is silence.

The Convener: I am looking for a profane or blasphemous response.

Angus MacDonald: Brian Whittle and I are blasphemers, obviously, so we are not commenting.

Michelle Ballantyne: Rona Mackay and I do not blaspheme, so we do not have a problem.

The Convener: I take silence as assent. The Government might consider doing what the petition asks for, but it will not make that a priority. It is worth asking the Government for its views. We have the Humanist Society Scotland response, but I do not know whether we should seek information from any other people. I cannot think who that might be.

Rona Mackay: We should get the Government's response for the moment. As I say, I cannot see the issue being made a priority, but there is no harm in asking for the Government's views on it.

The Convener: We should also ask how that fits with religious freedom and the right to express religious views and so on. Religious hatred is something that Parliament has discussed.

Michelle Ballantyne: There are other laws on the statute books that cope with the difficulties that might arise or the objections that might come forward.

The Convener: In that case, we are agreed that we will write to the Scottish Government and ask for its views not just on the law but on whether, if it were to do something about the issue, it had any timescale in mind.

Scottish Parliament Electoral Cycle (PE1666)

The Convener: The next new petition is PE1666, by Ian Davidson, which calls on the Scottish Parliament to urge the Scottish Government to prepare legislation revoking the terms of the Scottish Elections (Dates) Act 2016. Members have a copy of the petition and a SPICE briefing.

The petition background information explains that four-yearly electoral cycles should be reinstated for the Scottish parliamentary elections and Scottish local government elections; in other words, for the next Scottish parliamentary elections to take place in 2020 and the next Scottish local government elections to take place in 2021. The background information explains that the original purpose of the legislation, which sought to avoid clashing with the Westminster general election's five-year cycle, is no longer valid.

Do members have any comments or suggestions for action?

Michelle Ballantyne: It seems to me that the issue will be picked up anyway in the discussions at the end of this year, and I am not entirely clear about the benefit of making such a change at this stage.

The Convener: It is interesting that, when the Parliament was established, it had a four-year cycle. We have had one five-year session of Parliament, and we are having another one. Would the Scottish Parliament vote against that? There is almost a self-interest, from the Scottish Parliament's point of view, in just leaving it the way it is. The purpose of extending the period to five years was to avoid a clash, but that does not apply any longer. The underlying argument is quite strong, but I am not sure whether the Government or the Parliament, having made that decision, would revoke it.

Rona Mackay: It is pointed out that the Government can use secondary legislation to make the change but has no plans to do so. We could write to the Government to get further clarification, but I think that it has made its position clear. If we want to continue the petition, we could ask the Government to clarify its position again.

The Convener: The petition exposes an interesting anomaly, in that we were established with fixed-term Parliaments, which we have happily changed. That was for good reason, but—

Rona Mackay: There is no consistency.

The Convener: Yes.

Michelle Ballantyne: That is part of the problem with trying to decide in advance what to do in a political environment that does not necessarily conform to expectations.

The Convener: If we were to decide to extend the period to six years or whatever, people would clearly say that that was not acceptable.

Michelle Ballantyne: We might get a backlash.

The Convener: I can see the rationale for a five-year session, but it is worth while to at least ask the Scottish Government to reflect on the petitioner's views.

Rona Mackay: I think so.

Brian Whittle: I was thinking we might get time off for good behaviour.

Michelle Ballantyne: We live in hope.

The Convener: We need to establish where all this good behaviour is coming from. [*Laughter.*]

We are agreeing to write to the Scottish Government to seek its view on the petition and

further information on when it intends to launch its consultation on electoral law and whether it will include consideration of the date of the next Scottish Parliament election as part of that consultation. If that is agreed, we can move on.

Members indicated agreement.

Mental Health and Incapacity Legislation (PE1667)

The Convener: Our penultimate new petition is by W Hunter Watson. It calls on the Parliament to urge the Scottish Government to carry out a wide review of mental health and incapacity legislation and, in doing so, to take account of recent developments in international human rights law. Mr Watson is particularly concerned about the administration of medication and other treatments, in a covert fashion or otherwise, without consent.

With reference to changes in human rights law, Mr Watson considers that

“If legislation were enacted which took full account of recent relevant developments in the field of human rights then it is likely it would follow that: doctors could no longer prescribe that unwanted drugs be concealed in the food or drink of care home residents; care home residents could no longer be given potentially harmful drugs as chemical restraint; mental health patients could no longer be held down and injected with psychiatric drugs against their will; nor could they continue to be given ECT even though they resist or object to that treatment; and non-consensual treatment would be kept to an absolute minimum.”

Members should also note the submission from Mr Barry Gale, which is additional to the submissions in the clerk’s report and has been circulated this morning. Do members have any comments or suggestions for action that we may wish to take?

Michelle Ballantyne: I have concerns about the Mental Health (Care and Treatment) (Scotland) Act 2003 and its implementation. I would very much welcome a review of it. The Millan principles, which underpin it, have not always been adhered to. There are guidelines on how the legislation should be enacted. We have seen a rise in the use of care and treatment orders. The legislation needs reviewing urgently, so I very much support the petition, which needs to go forward.

Rona Mackay: This is a huge and complex issue that affects many people. I agree with Michelle Ballantyne, but we must always remember that the clinicians, medical staff and carers do a very difficult job. The last thing that we want to do is make their job more difficult. It is definitely worth exploring the issue and getting the views of all the people involved. This is a huge petition.

Brian Whittle: The petition throws up issues that have been underlying for a while around the mental health legislation. I agree that the petition is well worth pursuing, as it would give us a chance to investigate the situation.

09:45

Angus MacDonald: There is no doubt that the petitioner presents a well-argued case in the papers. It has certainly convinced me that we need to take this further.

The Convener: The petitioner and the submissions, including the one from Mr Gale, highlight the concerns and the anxiety that, when the care sector is under phenomenal pressure and is managing difficult circumstances without the resources, this is where it ends up. People are well intentioned, but they are dealing with difficult circumstances. Outlining the principles that should be involved is really useful.

We agree that the petition is serious and important. Do we agree to write to the Scottish Government and the Mental Welfare Commission?

Angus MacDonald: And the Scottish Human Rights Commission.

The Convener: In the light of Rona Mackay’s comments about the pressure on carers and staff, would it be worth speaking to them?

Rona Mackay: We need to have a view from them.

The Convener: We could contact the professional organisations, and maybe the unions, that are most directly affected. It might be worth while to ask the clerk to look at what the relevant organisations are, which we can agree later.

The general principle is that we want to get a sense of the extent of the problem. The patient’s rights are of paramount interest, but we need to know the circumstances in which such challenges arise.

Do we agree that we recognise the petition’s importance and that we will contact the bodies that have been identified?

Members indicated agreement.

Independent Vaccine Safety Commission (PE1669)

The Convener: The final new petition is PE1669, by Bill Welsh, which is on a proposal for an independent vaccine safety commission. Members have a copy of the petition and the SPICe briefing.

The petition calls on the Scottish Parliament to urge the Scottish Government to establish an

independent vaccine safety commission. The background information explains the petitioner's view that there is evidence that the presence of solid contaminants in human vaccines has been linked to autoimmune disease and leukaemia. The petitioner has provided supplementary information, which is available on the petition web page, including the routine immunisation schedule that is published by Public Health England and Scottish schools' annual pupil census information, which is published by the Scottish Government.

The petitioner provided feedback on the accompanying SPICe briefing that called for the responsibility for vaccine safety to be clarified. Members may wish to be aware that the briefing has been updated since our papers were circulated to clarify that no single body is responsible for the safety of vaccines. In addition to the Joint Committee on Vaccination and Immunisation, which the briefing originally referenced, details of the role of the Medicines and Healthcare Products Regulatory Agency and the European Medicines Agency have been added.

Do members have any comments or suggestions for action?

Brian Whittle: The petition is relevant for me because a constituent of mine came in this week to explain that her opinion is that two of her three sons have developed neural issues around the measles, mumps and rubella vaccine. I have written to the Government to ask whether any research has been done on the link between the MMR vaccine and neural conditions. The petition is quite timely, and we should definitely write to the Government to at least have its view on the petition.

Michelle Ballantyne: I was struck by the fact that the JCVI, which was created as a committee, does not have any real statutory footing. There is a question mark about where advice is coming from, whether bodies such as the JCVI should get recognition and whether they have been assessed as suitable to be recognised.

Vaccinations are an awfully complicated subject, because they are not tested in the same ways as drugs are before approval. There is a lot of conversation across the board about the safety of vaccinations and the processes by which they are tested and come on to the market.

The petition sits within a big subject that is already being raised. We should definitely not ignore it—it definitely needs to be taken forward—but I wonder how we sit it in the bigger conversation.

The Convener: Confidence in the immunisation programme is an issue; by definition, there has to be confidence in it. We have seen the MMR issues, which were very alive in the Parliament's

early days. One might argue that there have been consequences when people have stepped out of the immunisation programme.

I do not know whether Angus MacDonald was on the committee in session 4 when the subject was discussed. The committee sought views from the various organisations and closed the petition at that time. The petitioner is entitled to bring such a petition back but, if we just go through the same process, I wonder how valid that will be, in that we would be asking organisations simply to reiterate what they have said. Do you have a view on that?

Angus MacDonald: That was two years ago, so views might have changed—who knows? We would have to contact organisations to find out. The previous petition was closed on the basis that there was no support for what the petitioner sought.

Rona Mackay: At that time, did the petition seek exactly what the current petition seeks—a new statutory body?

Angus MacDonald: I do not have the exact wording of the previous petition in front of me, but it was along the same lines.

The Convener: Parliament has dealt with the issue before, but we are looking for an update, so we will write to the Scottish Government to seek its view on the petition and, again, to relevant stakeholders.

Catherine Fergusson (Clerk): To clarify, the previous petition was PE1584, which called on the Scottish Parliament

“to urge the Scottish Government to set up an advisory committee within NHS Scotland to provide advice on immunisation and vaccination policy.”

The Convener: That is a slightly different approach to what would be done.

Michelle Ballantyne: There is a body that is recognised in the rest of the UK, and I suppose that the question is why there is resistance to recognising it here. I can see why the Scottish Government might not want to have to go through the whole motion of setting up a body, so I would ask what the objection is to having the JCVI as a recognised statutory body.

Rona Mackay: It is worth asking for an update on the Government's stance, as the issue has come back. We should find out what its thinking is.

Angus MacDonald: The petitioner, Bill Welsh, seems to be asking for more than the previous petition did, as the current petition refers to setting up an independent vaccine safety commission.

The Convener: Do we agree that it is worth asking for views on that approach?

Members indicated agreement.

09:53

Meeting suspended.

09:58

On resuming—

Continued Petitions

Thyroid and Adrenal Testing and Treatment (PE1463)

The Convener: Petition PE1463, which was submitted by Sandra Whyte, Marian Dyer and Lorraine Cleaver, is on effective thyroid and adrenal testing, diagnosis and treatment. We last considered the petition at our meeting on 15 June, when we took evidence from Lorraine Cleaver, the petitioner, and John Midgley. I welcome Elaine Smith MSP for this item.

We agreed in June to reflect at a future meeting on the evidence that we had heard. Today's consideration gives us the opportunity to do so. We have received further written submissions in relation to the petition, including a submission from the petitioner and a submission from Elaine Smith, who has a long-standing interest in the petition. We have previously considered a draft report, and I think that it is still our intention to publish a report on the petition.

Do members have any comments or suggestions? I invite Elaine Smith to add any contribution that she wants to make before we go any further.

Elaine Smith (Central Scotland) (Lab): Thank you very much for the opportunity to do that. First, I apologise on behalf of Lorraine Cleaver; she is usually here when her petition is being considered, but she is unwell.

I made a further submission because, as members know, I have my own story. I thought that it was sorted and that I was fighting for other people, although obviously the dessicated thyroid hormone is a different issue. Unfortunately, we seem to have taken a big leap backwards with the triiodothyronine, or T3, situation, so that is why I made a further submission. I hope that members have had some time to read it.

It is good that the committee is still considering the petition. Obviously, it would be helpful if the committee's report were published, whatever you were going to report on. I think that the committee also agreed to seek a debate in the chamber, although I do not know whether that is still the case.

That is all that I want to say. Unfortunately, we seem to be going backwards.

10:00

Brian Whittle: I think that we have all had a real interest in the petition. What strikes me is the amount of conflicting evidence. I spoke to a consultant who is very much in favour, but who also suggested that 50 per cent of consultants were not. Pulling together all our evidence into a report might give a little clarity on how we take the matter forward or how the Government would consider doing that. There is a mountain of evidence here, some of which seems to be conflicting. I would like to see it pulled together into a report, so that we could make some sense of it.

Rona Mackay: I was a bit confused about a wee point that was mentioned in our briefing; perhaps Elaine Smith can enlighten me. It was about the work that the National Institute for Health and Care Excellence is due to begin this month on guidelines for thyroid disease. The issue of guidelines does not appear in the briefing material for the first scoping meeting. If it is about guidelines, why do the guidelines not appear in the briefing material? Maybe you could clarify that.

Elaine Smith: I know that Lorraine Cleaver went to London and was at the meeting on Tuesday, albeit that she was unwell at the time. She said that the meeting was quite positive. She tried to get it widened out slightly at that event, but, again, there were conflicting views. There were endocrinologists who firmly believe the new evidence that combination therapy is much better than thyroxine for many people, but then you also have the establishment, if you like, which thinks very firmly that T4 is the only way to treat an underactive thyroid.

Lorraine was quite hopeful, but that was just the first meeting. I do not think that she felt that it conflicted in any way with anything that the committee was doing. That work is on-going, and she will have an input into it.

Rona Mackay: The work on the guidelines was due to start now. Do you know how long it will take?

Elaine Smith: I do not know exactly, but my understanding from Lorraine Cleaver is that there will be a number of meetings. I think that it will be next year before they came up with anything.

Angus MacDonald: I was struck by Elaine Smith's comment that we seem to be taking a big leap backwards. It is worth noting that this is one of our longest-running petitions—it has been on-going since December 2012. I agree with Brian Whittle that we need to take on board the latest information and compile it into a draft report. We should consider further action once we have had sight of that.

The Convener: If I remember correctly, there have been 20 separate sessions at which the petition has been considered. Our consideration has been quite wide ranging and there is a lot of information. There is information about the division within the medical profession on how best to treat thyroid conditions and on some of the underlying issues around the proper treatment of people with these conditions and their diagnoses being treated seriously. Elaine Smith has commented previously on the way in which women are treated in the process. Those are all interesting things that may be drawn from the draft report. There is a body of knowledge that we could, at the very least, present to the Scottish Government and expect it to respond. In the past, we talked about a debate in Parliament, and that might happen on the basis of the report itself.

A huge amount of work has already been done. The issue is significant, not only because of conflict within the profession and the clinical issues but because of all the complexities of accessing drugs and so on. I have wrestled with all the detail of that. It would be worth while drawing together all that evidence and that body of knowledge into a draft report, giving that information to the Government, having a debate and seeing what comes from it. Do members agree?

Michelle Ballantyne: As someone who is new to this, I would very much like to see everything pulled together. A huge amount of reading needs to be done in order to understand the complexities, but I am very conscious that this has been going on for a long time. There are a lot of people out there who are struggling with this and who really want some answers and some decisions. I am keen to see the report quickly.

Holding a debate in Parliament would be a good idea, both to raise awareness and to engage with the endocrinologists generally. I am not sure where they are in their thinking from a professional seminar point of view. From the body of evidence that we have here, it is obvious that there is conflict in the profession. There seems to be a tension between the old and the new and around where research is going. There does not seem to be enough research underpinning the arguments around the changes, particularly with regard to the hybrid or mixed treatment. I would like to push the issue along a bit quicker.

Rona Mackay: I have not been involved from the beginning, but it strikes me that patients' voices are not being heard clearly enough. Our report could make the point that, while there can be a dispute in the medical profession, it is the patients who are suffering at the end of the day. Patients would not be asking for these treatments if they did not feel that they were necessary. The

patients' voice needs to be heard much more strongly. Maybe, if we brought the issue to a head with a report and a debate, that might help things along.

Elaine Smith: There is up-to-date research that shows that monotherapy is not particularly good and that dual or combination therapy is better. Those reports have not been given much credence by the old guard of the medical establishment. We might say that the younger, newer endocrinologists are taking more of an interest in T3, but Dr Anthony Toft, who is an eminent Edinburgh endocrinologist—he now operates privately because he had to retire from the national health service—actually changed his mind on the issue over time. He had been on the British Thyroid Association. I know how busy members are, but, if any members are interested, I will be chairing an event at Liberton high school next Tuesday night, at which Dr Toft will address the issue of going backwards on the T3 situation. The event is open to anyone who wishes to come along and maybe get some answers.

It is important to emphasise that about 95 per cent of the patients are women. Unfortunately, those women's symptoms are often dismissed as the menopause or as mental health issues, and they are given antidepressants. There is also the issue that I raised around the diet pill. If women are overweight, they are probably told that they should just go and do some exercise and lose weight, and that it is nothing to do with their thyroid. That is the unfortunate part of it. A lot of patients have been disempowered because of the way that they feel and the way in which they are treated and, primarily, because this is a massive issue for women.

The Convener: I should emphasise that we had a draft report being pulled together, but that we paused on that in order to get the further evidence, hear from Dr Midgley and inform the new members of the committee.

We have afforded Elaine Smith the opportunity to advertise her event next Tuesday. You got a public platform for that, Elaine. Thank you for your attendance.

I think that we are agreed that we want to consider a draft report on the petition—we will do that in private at a future meeting—and to request a debate in the chamber. Is that agreed?

Members *indicated agreement.*

Restraint and Seclusion in Schools (National Guidance) (PE1548)

The Convener: The next petition for consideration is PE1548, which is on national guidance on restraint and seclusion in schools.

We last considered the petition on 11 May. Members will recall that, at that meeting, we considered the draft guidance on de-escalation and physical intervention that was provided to us by the Deputy First Minister. The clerk's note summarises our feedback on that guidance and notes that the Deputy First Minister agreed with our comments.

There appears to be good progress and communication between the petitioner, the Deputy First Minister and the Scottish Government's advisory group on additional support needs. The petitioner refers to a recent meeting that she and Kate Sanger attended to talk about the communication passport and positive behavioural support as being very positive. She indicates that she looks forward to feedback from the meeting.

The Deputy First Minister mentions that Education Scotland will hold three national events over the autumn to raise awareness of the guidance among local authorities and schools and to support its implementation. There seems, however, still to be a question over the most appropriate place for the guidance, and there are suggestions that it might be better placed in the "Holding Safely" document, which it appears is due for review in the coming months. The petitioner adds that Professor Jennifer Davidson, who led the team that developed the document, has indicated that she would be happy to discuss an update with her team.

Do members have any comments or suggestions on how we progress the petition?

Brian Whittle: We made quite a lot of progress on the petition, especially when the Deputy First Minister came in and agreed with pretty much everything that we had to say. It seems that the Government has taken that on, and he has taken the issue forward. The only thing left would be to ask for progress on that and ask whether the most appropriate place for the guidance is "Holding Safely" and whether that is under consideration. We have made a lot of progress.

Angus MacDonald: I am certainly pleased that the petitioner is pleased with the progress on the petition. I am glad that the Deputy First Minister has shown that he is listening and taking action, but I agree with Brian Whittle that we should seek his views further on the suggestion that "Holding Safely" might be a more appropriate place for the draft guidance and ask whether that will be considered as part of the forthcoming review of "Holding Safely".

The Convener: I think that we recognise the progress and the willingness of the Deputy First Minister to respond to the issues that have been flagged up to him by the petitioner and others. Are we agreed on the suggestion by Angus

MacDonald and Brian Whittle that we look for that response?

Members *indicated agreement.*

Shared Space Schemes (Moratorium) (PE1595)

The Convener: PE1595 calls for a moratorium on shared space schemes. Members will recall that we last considered the petition on 11 May 2017, when we heard a report back on the shared spaces seminar that was held in April. We now have the final report of that seminar and a submission from the petitioner. The final report reaches a number of conclusions in relation to shared space, and I note that the petitioner has indicated that he considers that those conclusions vindicate his position and make all the recommendations asked for in his petition.

Do members have any comments or suggestions for further actions?

Michelle Ballantyne: It seems reasonable now to write to the Minister for Transport and the Islands and ask him what he intends to do. I do not see that there is much more at this point that we need to do.

Rona Mackay: I declare an interest. The petitioner is a constituent of mine, and I have been quite involved with his campaign since I was elected.

The petitioner has been very clear in his submission about the findings of the most recent report. Now, we need to take it further and ask the minister his views on it and what can now be done. The issue will remain until something is resolved with it.

Certainly, in my constituency, this is a huge issue. I believe that the local authority is having a consultation or study survey of the whole of the streetscape, but it is taking a long time, and there is no commitment from it at the moment to restore safety crossings. The issue goes wider than just my constituency; obviously, the petitioner is not happy about the shared space schemes throughout the UK. We need to hear from the minister on it.

10:15

The Convener: Is it agreed that we recognise the progress that has been made, the significant recommendations made in the final report of the shared spaces seminar and an expectation from the petitioner and perhaps us that we would want to see them implemented? We will look to get a response from the Minister for Transport and the Islands on how he plans to respond. Is that agreed?

Members *indicated agreement.*

The Convener: In that case, we will move on and recognise, I think, that the petitioner feels satisfied that there has been a purpose and an outcome from the petition.

Speed Awareness Courses (PE1600)

The Convener: Members will recall that, at a previous consideration of the petition in May, we agreed to seek clarification of why progress on this issue appeared to be slow. The Scottish Government's submission indicates that consideration of whether speed awareness courses should be rolled out is

"solely a matter for the Lord Advocate".

The Scottish Government previously advised that the strategic partnership board had invited Police Scotland to provide detailed information on suggested models for the pilot and wider roll-out, supported by comprehensive descriptions of its intended monitoring and evaluation, for consideration at the next strategic partnership board meeting, which is scheduled for this month.

Do members have any comments or suggestions?

Michelle Ballantyne: I was a little confused. One of my clients, with whom I worked before coming to Parliament, was sent on a course. When I read this, I thought, "What course was he sent on?" Are there courses running?

The Convener: I think that the committee got the sense that there was an awful lot of dragging of heels and a lot of stuff getting referred here, there and everywhere in terms of what could be done. I am not sure whether someone can access a speed awareness course, but it may be a different matter if it is as an alternative to a conviction for speeding, like a form of pre-court diversion.

Michelle Ballantyne: That is what I had understood my client had gone on, so I do not know. The idea appears to be sensible, but we would have to look at the evidence base and the outcomes and at whether it reduces subsequent offending.

Rona Mackay: We should contact Police Scotland, because the Government makes it clear in its submission that it is a matter for the Lord Advocate, but he said that he would be happy to consider a detailed proposal from Police Scotland if that was put forward to him. We do not know at this stage whether Police Scotland has done that, so we need to find out whether it has done it or intends to do it before we can take anything forward.

The Convener: The question that I would ask is in what circumstances the Lord Advocate would simply look at the evidence himself and say, "This might work." A massive delay is getting built into this proposal, even though it seems to be quite straightforward. It would improve outcomes and road safety. I cannot see the downside of it, but there is reluctance somewhere in the process. It may be that the system is overwhelmed with other things. I do not know.

Michelle Ballantyne: It could be a funding thing.

The Convener: Rona Mackay's suggestion that we write to Police Scotland is worth while, but I also suggest that we write to the Lord Advocate and ask whether he has had the opportunity to consider a more detailed proposal, because he referred to that in his submission in October 2016.

Michelle Ballantyne: We should also check what, if anything, is already being done anywhere in Scotland. I know that, in the Borders, we have the young drivers courses as well, so it may be that there are localised things going on.

The Convener: I think that we said this the last time, but it feels as if this is a pretty straightforward thing to do but, for some reason, it is getting terribly complicated. It would be worth knowing why that is.

Deaths by Suicide (Inquests) (PE1604)

The Convener: PE1604 calls on the Scottish Parliament to urge the Scottish Government to expand the remit of the review of the arrangements for investigating the deaths of patients under section 37 of the Mental Health (Scotland) Act 2015 to include an inquest-type system for all deaths by suicide in Scotland and to include patients who were released from hospital or receiving care in the community under compulsory treatment orders.

Members will recall that, at our previous consideration of the petition, we agreed to write to the Minister for Mental Health asking the Scottish Government to consult the petitioner as part of its work to extend the terms of the review and for further information about the percentage of suicide reviews that are carried out within three months. The Scottish Government's submission commits to consulting the petitioner as part of the review process. It also explains that, given the complex nature of suicide, there is no target for the commencement and completion of suicide reviews.

Have members suggestions as to how we might deal with the petition?

Michelle Ballantyne: The petition asks us to urge the Scottish Government to look at what it

says. The committee has done that and it seems that the Government has taken that on board. When I read the papers, I thought, "Well, it seems that we have done what we were asked and have had the appropriate response." I am not sure whether there is a remit to go any further at this point.

The Convener: Such reviews are complex and complicated, but that does not necessarily mean that there could not be a target. We could accept that some reviews might be more complex and would go beyond that. The worry about not having any target for reviews was the sense that, I think, we got in the evidence that they go on on as long as the process goes on. I think that that is a frustration.

Michelle, you were not on the committee at the time, but the petitioner's evidence was powerful. Given that it was such a personal thing to her, she gave very courageous evidence, and part of it was the sense that there was—I might be misrepresenting her—no rigour around the process. First, if the person had not been in hospital, the case was not treated the same way—I think there has been progress in that regard—and also there was no timescale.

Brian Whittle: I was trying to look at what the petitioner was asking for. It threw up other issues for me, but I am sure that we should consider whether we have adhered to what the petitioner was asking for. In my view, that seems to have been delivered.

Michelle Ballantyne: Can I suggest, whether it is right or wrong, that the earlier petition we looked at on the Mental Health (Scotland) Act 2015 and the independent reviews would, in a way, pick up some of the wider issues here? If we progress looking at how care and treatment are looked at under the act, some of the wider issues in this petition, which are not directly the ask of the petitioner, could be addressed. People could appeal to an independent review body, if there was one. In effect, through the other petition, we would address some of the fall-out issues in this one.

The Convener: I sense from the committee that we feel that the petition has succeeded in that the issues have been highlighted and the Government has confirmed that it will extend the terms of the review to cover the issue raised by the petition and has committed to consult the petitioner, I think. Those are all very positive things for the petitioner. On that basis, would it be reasonable to close the petition in that it has achieved the intentions of the petitioner? Of course, it would be open to the petitioner if, at some point in the future, she wanted to come back and raise with the committee her sense of how effective that was.

Rona Mackay: I agree. The only other thing that we could do would be to establish a timescale for the review and when it could come to some sort of a decision. I do not know whether we would be able to get that.

The Convener: Would it be reasonable to write to the Scottish Government to confirm that we are closing the petition and to recognise the progress that has been made but to highlight the issue about it being open ended? In that way, we would not be continuing the petition unnecessarily.

Rona Mackay: I think that that might be the best plan.

The Convener: Do we agree to close the petition under rule 15.7 of standing orders on the basis that the Government has confirmed that it will extend the terms of the review to cover the issues raised by the petition and is committed to consulting the petitioner as part of that process.

Members *indicated agreement.*

The Convener: We thank Catherine Matheson and her family for bringing the petition forward, recognising that there has been an outcome from it that, I hope, she will find of some comfort.

A75 (Upgrade) (PE1610)

The Convener: PE1610 calls on the Scottish Parliament to urge the Scottish Government to upgrade the A75 European route to dual carriageway for its entirety as soon as possible.

Members will recall that a fact-finding visit in relation to the petition took place on 7 and 8 September in Dumfries and Galloway. The committee heard from a wide range of stakeholders including the petitioner. Members will also recall that, at its meeting last week, the committee considered PE1657, which calls for a similar upgrade to the A77. At that meeting, members agreed to invite the Cabinet Secretary for Economy, Jobs and Fair Work to give evidence at a future meeting.

This is our opportunity to discuss what further action we wish to take in relation to the petition.

Brian Whittle: The petition touches on the work that I have been doing. In fact, I have just received some replies from the transport minister on the Government's intentions over the next period. Although the indication is that the money will be spent on the A75 and A77, it falls short of what the petitioner asks for.

The petition is timeous, because the Maybole bypass on the A77 is going out for tender. The indication from the petitioner is that, although the bypass at Maybole is welcome, it will not be a dual carriageway and ancillary developments—cycle tracks and whatnot—will not be put in place.

We must push this forward quite quickly, because what will happen will be quick and we need to ensure that whatever the Government decides to do is future proofed. The petition asks for overtaking opportunities on the A75 and the introduction of bypasses, but the longer-term issue is the dualling of the A75 and the A77. We must ensure that the petitioner's long-term desire is in keeping with what the Government proposes to do with the interim works on the A75 and the A77.

The Convener: Are there any other views?

Angus MacDonald: I place on record my thanks to the good folk of Dumfries and Galloway for the welcome that they gave the Public Petitions Committee when we visited a couple of weeks ago. The round-table session that we had in Castle Douglas was extremely useful and—as is the case with these things—could have lasted a lot longer but, unfortunately, we had to move on to other meetings on the day. We saw at first hand and took evidence on the issues with regard to the A75, particularly the proximity of the road to housing in Springholm and Crocketford and the other issues that were highlighted on the day.

Given that we have agreed to invite the Cabinet Secretary for Economy, Jobs and Fair Work to the committee—whether it is he or the transport minister who appears—as Mr Whittle says, time is of the essence. The sooner that we do it the better, to cut a long story short.

Rona Mackay: I totally agree.

Michelle Ballantyne: I agree. We should join the two petitions and get the minister and the petitioners with us and move quickly.

Brian Whittle makes a good point about the Maybole bypass. It is infuriating to watch roads being built anywhere in the United Kingdom only for workers to come back five minutes later to widen or extend them. The money involved in doing that is ridiculous.

The Convener: The alternative view is that the more motorways are built, the more people use them.

Michelle Ballantyne: The strong evidence for dualling the A75 and the A77 is the link to the port and the vital economic value of the port. Shipping lines have made the investment on the promise of improvement to the roads but have not seen that improvement. There is a difference of less than 25 minutes if the ships are sent south of the border. I asked where all the goods go—whether they come into Scotland or go south—and was told that they go south. The shipping lines are choosing to use our ports to bring the goods in and then transport them down the country. It would not take much to encourage them to go the other way.

It is vital that we keep our ports open, and, to do that, we must have good roads to serve them. If you lay on top of that the issues for residents, such as their ability to get to hospital and all the other evidence that we heard, it is really important that we push the matter harder.

10:30

The Convener: I feel quite strongly that, when we hear evidence, it should be from the cabinet secretary. It is much broader than a transport issue; there are environmental, social and economic issues. These are big decisions that can be made at the Cabinet level.

Rona Mackay: Absolutely.

Michelle Ballantyne: This is not just about wanting a new road.

The Convener: The consequence of not getting it right could be economic disadvantage as well as social and environmental disadvantage.

I think that we agree that we want to bring the two petitions together. We recognise that a lot of the issues underpinning them are the same, and we want to hear evidence from the cabinet secretary as soon as possible, subject to his diary and our scheduling.

Michelle Ballantyne: Convener, can we highlight the fact that we have a specific issue with the scheduled build of the Maybole bypass? I presume that quite a lot of work will have been done on that already, such as the civil engineering, planning and so on. If we are to have any impact on that, we need to move quickly and strongly to highlight it as an issue.

Angus MacDonald: When we were in Dumfries and Galloway, one of the salient points that struck me was that this is one of the only Euroroutes that is not dualled. In advance of the cabinet secretary appearing before the committee, it would be good to get some information from SPICE to identify any similar routes in northern Europe or the whole of Europe that are not dualled. This might well be one of the few that has not received the investment that other Euroroutes have received.

Brian Whittle: I have seen the Euroroute map of all the routes. It is quite extensive.

Angus MacDonald: I would still like to see it.

Brian Whittle: Absolutely—do you not believe me?

The Convener: We can get that information ahead of our meeting.

Diabetes (Continuous Glucose Monitoring Sensors) (PE1619)

The Convener: Our next petition is PE1619, which calls on the Scottish Parliament to urge the Scottish Government to make continuous glucose monitoring sensors, such as FreeStyle Libre, available on prescription to all patients with type 1 diabetes. As members will recall, the petition was also considered as part of our fact-finding visit to Dumfries and Galloway earlier this month. Do members have any comments or suggestions for further action based on the fact-finding visit?

Brian Whittle: I sit on the cross-party group on diabetes, which sat on Tuesday this week. I discovered that, apparently, the sensor is now available and the Government will make it available on the NHS. I would like clarification that that is the case, because it seems to be a very recent development.

Michelle Ballantyne: When we met the consultant, it was clear that the sensor was available on the NHS; the problem is the quantity that are available. The allocations for this year on the NHS are quite small. We heard that NHS Dumfries and Galloway had only four. The issue is not that the device is not available on the NHS; it is about the equitable availability of it. For me, that is part of the issue, because we are seeing a selective process.

As the consultant made clear at the meeting, he had to choose four people—he chose four children—to get the sensor out of the 12 who were suitable for it. There is no difference between them in general terms, but the difference that the device would make to their lives is enormous. It fundamentally transforms a child's life in terms of their activities and how they can partake in normal life alongside their classmates. For me, if we are to be honest about equity, fairness and all the rest of it, we need to explore the restriction on numbers.

Rona Mackay: We also need to find out whether the funding for the equipment has been committed to the health board. It does not appear to have trickled down, because, when we were in Dumfries and Galloway, we heard that the board had not received it. I think that it was committed for 2017-18, and we are three quarters of the way through 2017, so it would be interesting to know where the funding is. We might have been overtaken by events, as Brian Whittle says, and it may now have been agreed, but we need clarification.

The Convener: We will ask the Scottish Government to provide further evidence at a meeting, and the petitioner can respond to that. There are particular questions around equity of access. Also, if the funding has been allocated,

what monitoring has been done of that money being put into the system?

Michelle Ballantyne: Could I ask that we look at one other thing as well, convener? One of the conflicting pieces of evidence was around cost. We were given some pharmaceutical information on costs that suggested that a glucose monitoring sensor was no more expensive than the traditional injecting and blood sampling. However, when we spoke to the consultant, he suggested that it was the other way round. It is important that the committee understands the underpinning cost of the policy. It is a no-brainer if the device costs the same or less; it becomes slightly more complicated if there is a significant upcost to it, because that budget will have to be found. It is important that we understand what the cost is, because that will alter the conversation that we have.

The Convener: We would be concerned if it were a matter of rationing, as you pointed out. If someone is entitled to it, they are entitled to it.

Michelle Ballantyne: No, I am not talking about whether we think that everybody who is entitled to it should have it—I think that they should. The issue is that the conversation about how we make that happen will be different if there is a deficit in the costing. We need to understand whether there is a deficit in the costing or whether it is like for like.

The Convener: We can ask the Scottish Government about that as well.

Are we agreed that we will invite the Scottish Government to give evidence at a future meeting, to which the petitioner will be able to respond?

Members indicated agreement.

The Convener: I echo Angus MacDonald's comments and express the committee's thanks to everyone who participated in the fact-finding visit in relation to both the A75 and the question of diabetes continuous glucose monitoring sensors. Unfortunately, I was unable to attend the visit, which I understand was very informative and interesting. We are grateful to all the people who gave their time to engage with the committee and hope that they found it useful, too. It looks as though it is a good model for the committee's future activities.

Dog Breeding (PE1640)

The Convener: Petition PE1640, by Eileen Bryant, is on action against irresponsible dog breeding. Our meeting papers include submissions from stakeholders that identify areas of existing legislation that they consider could be strengthened, which include an upper limit on the number of breeding bitches in any establishment;

the registration and licensing of breeders and the establishment of a publicly accessible list of breeders; a robust microchipping process; and better enforcement. The submissions also identify the need for collaborative working between all the relevant agencies or professions involved in animal health and welfare, including vets, local authorities, trading standards Scotland, the Scottish Society for the Prevention of Cruelty to Animals, Police Scotland, breeders and the general public.

The submissions from Police Scotland and Dumfries and Galloway Council refer to operation Delphin, which members will recall that we heard about during the evidence session in May. It appears to be a good example of agencies working well together to deliver a successful scheme.

The joint submission from the British Veterinary Association and the British Small Animal Veterinary Association identifies an aspect that could be strengthened. It notes that findings from a survey indicated that some vets felt unable to report concerns over welfare or illegal importation of puppies because of a lack of evidence or difficulties in identifying the suitable point of contact in trading standards.

In its submission, the Scottish Government identifies a range of measures that it intends to take to strengthen animal welfare legislation, which includes updating the regulations governing the breeding and sale of dogs; reviewing the penalties that are available for animal welfare offences; continuing discussions with counterparts across the UK and beyond; providing better enforcement and prosecution of offences that have been committed, recognising the time that can be taken up with on-going court proceedings; and funding an academic research study on tackling the illegal trade of puppies from a supply and a demand point of view. It seems that the Scottish Government has taken on quite a substantial series of measures.

Do members have any comments or suggestions for action that we might want to take?

Rona Mackay: I am just glad that the issue is beginning to gather steam. It is becoming much more evident that many steps need to be taken. We have talked about things such as regulation and sentencing.

We should round it all up and ask the Government to clarify the timescales for the consultations relating to on-going court proceedings and the publication of the academic research report. The sooner all those things are addressed, the better, because this is a situation that is rapidly getting out of hand. Thankfully, however, it has now been brought to the public's

attention. I would be happy to recommend writing to the Government to seek updates on how it plans to take forward all its commitments and when.

The Convener: Does anyone else have a suggestion to make?

Michelle Ballantyne: No, I am happy with that.

Brian Whittle: I agree.

The Convener: I think that we were all struck by the evidence that we received, when we heard about some of the horrible things that were going on. It feels as though the Government has recognised the strength of feeling in this regard, so in writing to it, we would really be establishing how it plans to take forward the commitments that I have outlined.

Do members agree to that approach?

Members *indicated agreement.*

The Convener: Given the range of issues that the Scottish Government is progressing, it might be as easy to ask the cabinet secretary to come to an evidence session to provide an update. There is a lot of public interest in the matter, so it might be a good opportunity for the Scottish Government to identify and clarify what it plans to do.

Energy Drinks (PE1642)

The Convener: PE1642 calls on the Scottish Parliament to urge the Scottish Government to ban the sale of caffeinated energy drinks to children under 16 years of age and to encourage the maximum use of existing powers by local authorities to restrict the sale and marketing of energy drinks to children. Members will recall that, at our previous consideration of the petition, we agreed to write to the Scottish Government, COSLA, the cross-party group on independent convenience stores, Community Food and Health (Scotland), the Scottish Grocers Federation, the University of Strathclyde centre for health policy and the Jamie Oliver Food Foundation.

In its submission, the Scottish Government states that it has no plans to regulate the sale of energy drinks; instead, it recognises the need to work with the industry and local authorities to improve existing arrangements. That view is shared by the Scottish Grocers Federation and the cross-party group on independent convenience stores. In contrast, the Jamie Oliver Food Foundation fully supports the petition and believes that restrictions similar to the alcohol age restrictions should be imposed on children buying energy drinks. NHS Health Scotland says that it would support action to restrict the marketing and promotion of energy drinks to children and young people and to work with retailers to restrict the

sale of caffeinated energy drinks and display warning notices to children and young people under 16.

Do members have any comments or suggestions for further action?

Brian Whittle: The Government is just about to go out to consultation on the obesity strategy. I think that that is a 12-week consultation. If I am right, the obesity strategy will not come out until the summer of 2018. That seems quite a long way away as we consider the petition.

I am interested in the potential restriction on marketing and how we could go about doing that. In the interim, there is little point in asking the Government for an update on the obesity strategy, because it is about to go out to consultation on it. I am interested specifically in the marketing of energy drinks and the potential that exists for reducing or restricting that marketing. I would like us to write to the Scottish Government with that narrow focus.

10:45

Rona Mackay: Is there any current restriction on the marketing or even the sale of such drinks?

Brian Whittle: No.

Rona Mackay: There is none. There are no marketing restrictions, either.

Brian Whittle: No.

The Convener: It would be interesting to find out what capacity to do that there is. I saw something in one of the submissions that I thought was interesting. In Edinburgh, I think that the council has restricted the sale of such drinks in buildings that it has some control over, such as schools, leisure centres and so on. It would be interesting to know whether the Scottish Government has looked at that.

Brian Whittle: You are talking about encouraging voluntary restrictions.

Michelle Ballantyne: On the encouraging of voluntary restrictions, when I headed up the drug and alcohol unit for young people and offenders, we did a lot of work to encourage local shops to think about what they put on their shelves and who their customer base was. That requires individuals to co-operate. When something is highly popular and sells well, small shops, in particular, are more likely to sell it because it keeps their business turning over.

I have absolute sympathy with the petitioner. The issue is one that we need to look at. When energy drinks are mixed with alcohol, they can have profound effects. Although I am sympathetic, taking action will be difficult. We need to do what

has been suggested and talk narrowly about what might be feasible. Looking at the marketing element is where we need to go initially. A ban would have to come further down the line. That would be really difficult; it would be like trying to stop young people drinking alcohol under age. Let us start by lowering the profile of energy drinks.

Rona Mackay: A ban would be difficult, if not impossible, to police and to carry through. In the programme for government, the Government made a commitment to limit the marketing of products that are high in fat, sugar and salt, but we are not sure what that commitment is, so maybe we can ask for clarification of that.

Michelle Ballantyne: It is also worth noting that the issue is about caffeine levels, too. If we limit sugar and salt, there can be low levels of those things in the drinks, but they can still have high caffeine levels, so it is important to be clear about what we want to restrict the marketing of.

Brian Whittle: In addition, the industry is starting to consider self-regulation and to do quite a lot of work in that area. I would be very interested to see where the industry has got to, although I do not know how we would do that. Often, the big boys in particular are ahead of the curve in understanding where the drive will come from in the future.

The Convener: That process of voluntary engagement is partly about resisting compulsion.

Michelle Ballantyne: To be honest, it is about business as well. Good businesses stay ahead of where the trend is going and where the market is likely to go. If they think that the trend is going to be anti a particular product, they will seek to get out of the market fairly quickly and find an alternative. They want to be on the right side, and that is why Coca-Cola has Coke Zero now. It is all about making sure that you deliver the product for the market. We can influence the market without banning things. We can influence the market through education and trend.

The Convener: Are there any other comments on how to take forward the petition? I am interested in the degree of unanimity that exists across organisations, with the exception of the Jamie Oliver Food Foundation. At this stage, they feel that regulation is too complicated but recognise that there is an issue. It would be useful to get clarification from the Scottish Government on how it sees its commitment in the programme for government fitting in with that approach.

Did you have anything else to mention, Angus?

Angus MacDonald: No, I am happy.

The Convener: In that case, are we agreed on the proposed approach?

Members *indicated agreement.*

Country Sports Tourism (PE1644)

The Convener: Petition PE1644 calls on the Scottish Parliament to urge the Scottish Government to prohibit, in its future directives to VisitScotland, the funding of country sports tourism involving the killing of animals. At our last meeting, we agreed to seek the views of a number of organisations, and we have received submissions from the Scottish Government, the Scottish Tourism Alliance and Scottish Land & Estates. We also have a submission from the petitioner in response to those organisations. As members will see, the responses we received from organisations were not supportive of the action called for in the petition. Do members have any comments or suggestions for further action?

Angus MacDonald: There is a strong argument to close the petition, given that there is no support for the action called for. That said, I certainly thank the petitioner for taking the time and trouble to raise the issue. The salient point in the feedback that we received was from Scottish Land & Estates and the Scottish Tourism Alliance, which believe that it would be inappropriate for VisitScotland, as the impartial body responsible for the visitor economy in Scotland, to discriminate against any one section of the tourism industry by not providing funding for it. I see where the petitioner is coming from, although I do not agree with her, but we have no option but to close the petition, given that there is no support for it.

Rona Mackay: Very reluctantly, I agree. I actually agree with the petitioner, but I just do not see how we can take the petition forward, given that there is such a lack of support. I do not think that there will be anybody doing a U-turn, which is a shame because I believe in the petition.

Michelle Ballantyne: I am happy to close the petition. Some of the commentary will fall into some of the other work that we are doing in looking at land management and the issues around hares, grouse and wild animals. We do not need to do anything more at this stage.

Brian Whittle: I do not think that there is anywhere for the petition to go.

The Convener: It is a very narrow issue around funding for tourism. We discussed wildlife crime and the protection of species earlier, and the balance between the interests of the estates and tourism and the protection of the environment and wildlife might be something that we can focus on through other work, as Michelle Ballantyne said. We recognise that such concerns are partly the

driver for the petition, but we feel that it is not necessary for the petition to be continued for those issues to be addressed. Is that fair?

Michelle Ballantyne: We would get into all sorts of legal issues if we went down that route with the petition.

The Convener: I am in agreement with Rona Mackay. Protecting wildlife and the environment and getting the balance right is important. I would be content to close the petition on the basis that, in our earlier discussion, we recognised that that was something that we were engaging with the Scottish Government on. In that case, do we agree to close the petition under rule 15.7 of standing orders, on the basis that there is no support for the action it calls for?

Members *indicated agreement.*

Legal Aid (PE1645)

The Convener: The final petition for consideration today is PE1645, by James Ward, on a review of legal aid in Scotland. Members will recall that we previously considered this petition in May, when we agreed to write to seek the views of the Scottish Government, the Scottish Legal Aid Board, the Law Society of Scotland and the independent strategic review of legal aid. The clerk's note gives an overview of the submission received from the Scottish Government, which refers to the eligibility criteria for legal aid but does not make any reference to the use of discretionary powers, on which the petition sought clarity specifically. Do members have any comments or suggestions?

Michelle Ballantyne: I guess that we have to seek the views of all those involved, including the Law Society and the Scottish Legal Aid Board. Legal aid is confusing. I have issues with some of the ways in which it is delivered, so I have some sympathy with the petitioner. In the first instance, we need to ask to look at the evidence.

The Convener: Do we agree that we will write to the independent review group, the Law Society of Scotland and the Scottish Legal Aid Board? Do we want to go back to the Scottish Government specifically on the use of discretionary powers, which it has not responded to?

Brian Whittle: I think so. That was what we initially asked for.

The Convener: Is that agreed?

Members *indicated agreement.*

The Convener: Again, the petition highlights issues of concern. We can get a response from the relevant bodies on the issues raised by the petitioner.

We have reached the end of our consideration of petitions. I thank everyone for their attendance.

Meeting closed at 10:55.

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