



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 22 March 2018

Session 5



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Pàrlamaid na h-Alba

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PUBLIC PETITIONS COMMITTEE

4th Meeting 2018, 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:

Emma Harper (South Scotland) (SNP)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

Committee Room 5

Scottish Parliament

Public Petitions Committee

Thursday 22 March 2018

[The Convener opened the meeting at 09:16]

Decision on Taking Business in Private

The Convener (Johann Lamont): Welcome to the fourth meeting in 2018 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 item 4, which relates to correspondence from the Equalities and Human Rights Committee, in private?

Members *indicated agreement.*

New Petition

Cycle Helmets (PE1679)

The Convener: The second agenda item is consideration of a new petition, PE1679, on cycle helmets. The petition, which was lodged by Jenny Lockhart, calls for the introduction of legislation or a national information campaign to ensure that people wear helmets when cycling in Scotland. The petition collected 83 signatures and received 16 comments. The briefing that has been prepared for us notes that the comments that were received on the petition broadly reflect the two sides of the argument in terms of cycling safety, particularly with regard to the wearing of helmets.

The petitioner has indicated to the clerks that, as there is not general support for the action called for, she wishes to withdraw the petition. Do members have any comments or suggestions for action?

Michelle Ballantyne (South Scotland) (Con): I am happy to go with the petitioner's suggestion that it be withdrawn. The evidence that we received indicates that there is no need to pursue it.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I agree. We should close the petition.

The Convener: I think that it would be fair to say that there were strong views and compelling cases on both sides. However, as the petitioner wants to withdraw the petition, we can accept that and agree to close the petition on that basis. We can write to the petitioner to thank her for submitting the petition and to remind her that it is possible to resubmit a petition at any time. Do we agree to that suggested action?

Members *indicated agreement.*

Continued Petitions

Judiciary (Register of Interests) (PE1458)

The Convener: The next petition, PE1458, calls for the introduction of a register of interests for members of Scotland's judiciary. As members will recall, we have previously agreed to write to the Lord President and the Cabinet Secretary for Justice, and have considered a draft letter at previous meetings. The petition has received much consideration since it was lodged in 2012. I express my gratitude to the petitioner for raising the issue and to all those who have engaged in discussions on the issues that are raised in the petition, including the Lord President, Lord Carloway, and his predecessor, Lord Gill.

In the course of our consideration of the petition, positive developments have occurred—most notably the introduction and further development of a register of judicial recusals. The register brings welcome transparency to instances where a judge may decide, or be requested, to decline to hear a particular case. The committee particularly welcomes the recent agreement of the Lord President to expand the information that is captured in the register. However, the core action that was requested by the petition was the establishment of a register of financial interests. We have given much thought to this request, hearing views both for and against such a register. Having taken those arguments into account, the committee has concluded that a register of financial interests is not unworkable, and it is the view of this committee that such a register should be introduced.

In reaching that view, the committee is very clear that it does not consider there to be a basis for any suggestion of corruption in respect of Scotland's judiciary or of inappropriate influences on judicial decision making. Rather, it is the view that we have reached, based on the principles of transparency and openness in public life. While that is the view of this committee, we also understand that the Lord President and the Scottish Government have indicated they do not support the introduction of a register.

Would it be appropriate for us to invite the Justice Committee to consider the petition in light of our recommendation? Would members be content to write to the Lord President and the Scottish Government setting out our view and to refer the petition to the Justice Committee for its consideration? Do members have any comments?

Angus MacDonald (Falkirk East) (SNP): This is another long-running petition, having been live since December 2012—for as long as I have been on the committee. It was originally based on a similar move in New Zealand, which was

subsequently withdrawn. Along with a wide range of back benchers from across the political spectrum, I spoke in favour of the introduction of a register of interests during a debate in the chamber in the previous session. It is clear to me that we need to ensure transparency and openness in public life as well as ensuring that people can have confidence in those holding public office. I believe that a register of interests along the lines of the system operating in Norway, which I have looked at, is the way to go. However, I am aware that the committee as a whole has not taken a view on that.

The petition has already secured a result, which you have referred to, with the introduction of a register of recusals, which was brought into effect in April 2014, directly as a result of this petition. You also referred to the fact that the current Lord President, Lord Carloway, has agreed to extend the scope of the register of recusals.

I would be keen for the Scottish Government and the Judicial Office for Scotland to do some further work on the introduction of a register of financial interests. However, as you have suggested as possibly being the way forward, in the first instance we should refer the petition to the Justice Committee to allow it to move the issue forward.

Rona Mackay: I broadly agree with what my colleague has said. That is a natural way forward for the petition. I do not think that we can take it any further, given the history that we have just heard. I think that it is sensible to send it to the Justice Committee for its consideration.

The Convener: Do we agree to write to the Lord President and the Scottish Government setting out our view and to refer the petition to the Justice Committee for its consideration?

Members *indicated agreement.*

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

The Convener: The next petition is PE1548, by Beth Morrison, on national guidance on restraint and seclusion in schools. Included in our meeting papers are submissions from the Deputy First Minister and the petitioner.

In his submission, the Deputy First Minister addresses the committee's question about whether, as part of the forthcoming review of the "Holding Safely" document, he might consider whether that would be the most appropriate place for the inclusion of the new guidance on de-escalation and physical intervention. The new guidance—"Included, Engaged and Involved Part 2: A Positive Approach to Preventing and

Managing School Exclusions”—is referred to as IEI2.

The Deputy First Minister refers to feedback that he has received, which suggests that the “Holding Safely” guidance is still well used within the sector, and notes that it is just one part of a wider trauma-informed approach. In her submission, the petitioner provides a list of bullet points to demonstrate the feedback that she has received on IEI2 from parents and carers across Scotland. That feedback appears to suggest that there are still concerns about the guidance.

The petitioner contrasts IEI2 with the consultation that was run recently by the United Kingdom Government. She says that that is much more like the guidance that she would have liked to have seen in Scotland. She considers that it is

“very clear and specific and was written by bespoke experts in the field of restraint and seclusion.”

The petitioner appears to suggest that the degree of understanding about the use of restraint among professionals elsewhere in the UK is more advanced than it is in Scotland, and expresses her disappointment that the Scottish Government does not appear to see merit in updating the “Holding Safely” document.

Do members have any comments or suggestions for action?

Michelle Ballantyne: I was a wee bit disappointed with the cabinet secretary’s response. I think that the petitioner makes some good points around the work that is being done. This is a moving field—it is a field where research and advances and thought processes are ongoing. I think that we should go back to the cabinet secretary and ask him to look at what the petitioner has said and respond to that.

Rona Mackay: I think that we definitely need to get a response from the Deputy First Minister, given the petitioner’s comments. We should also try to find out roughly when the UK Government’s analysis will be published so that we can get an idea of timescales. I think that there are more things to be drilled down here, and a response from the Deputy First Minister is called for.

Brian Whittle (South Scotland) (Con): I would like to get an understanding of the knowledge of our educators in relation to this field. The more evidence that I hear about this, including from the petitioner, the more it seems to me that there is a potential gap in the education of our educators. I would like to hear a bit more from the Scottish Government, and the cabinet secretary specifically, about how the issue is dealt with in the training of our educators, and whether it is part of their curriculum.

The Convener: I cannot recall whether we have spoken to organisations representing education staff about what their training involves and whether that has progressed. It would be interesting to know whether that training is updated and whether schools are up to complement in terms of staffing. There are probably well-trained people in schools, but if there are pressures inside the school, I wonder what the consequences of that are. Maybe we can start by writing to the Deputy First Minister and see what comes from that.

During our consideration of the petition, there has been quite a lot of work with the petitioner, and she has made a lot of positive comments about engagement with the Scottish Government. If she is still troubled by that gap, it is something that is worth exploring further.

Do we agree to write to the Deputy First Minister to seek his views on the most recent submission from the petitioner, specifically around feedback on IEI2, and to ask for details about the UK Government consultation, and the timescale for that?

Members indicated agreement.

Energy Drinks (PE1642)

The Convener: The next two petitions on our agenda are PE1619 and PE1640. However, an MSP with an interest in those petitions would like to be here when we address them, so we will return to them later in the meeting.

The next petition is PE1642, by Norma Austin Hart, on the sale and marketing of energy drinks to under-16s. When we considered the petition on 21 September, we agreed to write to the Scottish Government to clarify how its commitment to limit the marketing of products that are high in fat, sugar or salt, as set out in its programme for government 2017-18, related to energy drinks. The Scottish Government’s submission states that energy drinks and other products that are high in caffeine are not included in the commitment, but says that the Government recognises that they often contain high levels of sugar and that that might inform its new diet and obesity strategy.

The committee asked the Scottish Government to what extent it has encouraged other initiatives on the restriction of the sale of energy drinks in premises such as that taken in relation to centres run by Edinburgh Leisure. The Scottish Government responded by stating that although specific instances are a matter for individual local authorities, ministers would be happy to support the policy of restricting the sale of energy drinks in those premises.

In response, the petitioner expressed disappointment that no legislation was currently planned in relation to the sale of caffeinated energy drinks. She welcomed the support that has been demonstrated by the Scottish Government but questioned what would happen in practice.

Do members have any comments or suggestions for action?

09:30

Brian Whittle: I am of the opinion that simply banning something is not necessarily the most effective way of dealing with it. However, it can form part of a solution. I would be interested to understand how the Scottish Government would support such a ban. It says that it would support it, and I would like to know how, in practical terms, it could implement and back up such a policy.

The diet and obesity strategy is in the offing, and it would be interesting to see what comes out of that in relation to support for this issue. My opinion is that, if we could change people's attitude towards this issue we could also change the food producers' attitudes. I am sitting on the fence in terms of—

The Convener: Do you mean that you think that progress will be consumer led, with business following the views of the consumer rather than business shaping the views of the consumer?

Brian Whittle: I think that both sides of the issue are the case, and that action must address both of those sides. I would not fall on one side or the other. In this place we seem to be tempted to fall on the side of trying to change the attitudes of the food producers without the other side of that argument being dealt with.

As I said, there is a diet and obesity strategy in the offing, and it will be interesting to see what comes out of that. In the meantime, I want to understand what the Scottish Government means by supporting the initiative and how it would do so.

The Convener: Do others have anything to add?

Rona Mackay: I agree with what Brian Whittle says. Often, the problem with bans is enforcing them. The Government has confirmed in the response that it is encouraging the use of existing powers by local authorities to restrict the sale and marketing of energy drinks to children in leisure centres and other public arenas. The question is, how far can it go in that respect? I think that, given that the new diet and obesity strategy will be published imminently, we should see what that contains and then take it further. It is a difficult issue.

Brian Whittle: I think that there are positive steps could be taken. One of the things that always strikes me is that, if you walk through a hospital, you see that the vending machines very often have the worst possible things in them. The Scottish Parliament could directly influence issues such as that. We can talk about a ban, but issues such as what is in hospital vending machines are things that we could positively enforce. I know that the petitioner has other concerns, but I would be interested to see whether the diet and obesity strategy will take a wider approach.

Michelle Ballantyne: I agree with Brian Whittle. The problem with banning high-caffeine drinks is identifying everything that has a high caffeine content. It becomes quite complicated. Further, rather like alcohol, if sales are banned young people will get somebody else to buy it, which means that a ban would not stop consumption. In fact, it almost makes consumption attractive because consuming the drinks would involve breaking a rule or stretching a boundary.

We need better guidance to be given to people so that they understand that these energy drinks can be harmful, particularly to young people. We should definitely be talking about whether it is appropriate to be selling them in public arenas, and particularly in areas such as health centres, activity centres and hospitals. I think that this issue is more about guidance, public opinion and culture change, and getting people to understand that the best way to have good energy is not to pump yourself full of caffeine.

I favour an approach that involves raising public awareness, rather than a ban, and using our influence, as Mr Whittle says, on the areas where we have control and can make recommendations. For example, in relation to the issue of alcohol and young people, we encouraged shops not to carry certain lines and they took proactive steps to do that. I think that we should be doing the same in relation to this issue.

Angus MacDonald: I have nothing much to add, apart from saying that more information would be welcome. The diet and obesity strategy is not due to be published until this summer. That is not too long to wait to get more detail. I would be interested to know whether there have been any similar moves in other parts of Europe to ban the sale of energy drinks to under-16s. We do not have that information in our briefing.

The Convener: We could ask the Scottish Parliament information centre for that information. I think we are agreeing to wait for the diet and obesity strategy to be published so that we can see what is referred to in there and seek some information on how it would support the policy that we have discussed. It can be done. When I started teaching, tuck shops and vending machines in

schools routinely sold all kinds of things that they do not sell any more. We have to acknowledge that there can be displacement, with pupils going elsewhere to buy things that are not sold in schools. However, my view is that we should not make good the enemy of excellence. We might not be able to do everything, but we might be able to do something through a combination of the two things that have been suggested.

The proposed action is that we defer consideration of the petition until the diet and obesity strategy is published and ask ministers how they would support a policy of banning these kinds of drinks in publicly funded premises. There is a broader question about public education, and that might be coming through the diet and obesity strategy as well.

Michelle Ballantyne: We should clarify that we are talking about the sale or provision of the drinks, because it would be difficult to ban the consumption of them in public places, as people will bring them in.

The Convener: Yes, forgive me—I am not suggesting that we will be checking people's bags as they come in. That would be a step too far, even for me. Do members agree with the proposed action?

Members *indicated agreement.*

Diabetes (Continuous Glucose Monitoring Sensors) (PE1619)

The Convener: I welcome Emma Harper MSP to the committee for consideration of PE1619 and PE1640.

PE1619, by Stuart Knox, is on access to continuous glucose monitoring. When we considered the petition on 21 September, we agreed to invite the petitioner to make a written submission in light of the Scottish Government's most recent submission and to invite the Scottish Government to provide evidence at a future meeting. Members may wish to note that a response is yet to be received from the petitioner.

Members may also wish to note that Miles Briggs MSP has recently asked two written questions in relation to funding for continuous glucose monitoring and insulin pumps. Clare Haughey MSP has also recently submitted a written question asking the Scottish Government to provide an update on the roll-out of monitors across NHS Greater Glasgow and Clyde and NHS Lanarkshire. Responses to these questions are included in our meeting papers.

Do members have any comments or suggestions for action?

Brian Whittle: Even more recently, Finlay Carson raised the issue at First Minister's question time last week. There is the welcome move by the Cabinet Secretary for Health and Sport to make that option available to all health boards. However, the uptake is very patchy. Some health boards are now giving people with type 1 diabetes the continuous glucose monitoring apparatus but others are not. I would be interested to understand the decision-making process behind that to find out why some health boards are doing it and some are not.

From the evidence that we took, the health boards are not making the decision based on financial reasons, because—if I am correct about the cost when we did it down in the south of Scotland—the cost of continuous glucose monitoring is not that much different from the cost of the pin-prick blood test it replaces if you work it out on a monthly basis. I would be interested to understand why certain health boards are not taking up the opportunity to give out the CGM apparatus.

Michelle Ballantyne: I am hugely frustrated by this. It feels as though we should not be dragging our heels on it. It makes an enormous difference to the individuals who are suffering from type 1 diabetes and it will ultimately make an enormous difference to the national health service because there is a huge saving to be made in costs downstream by having a much more stable population of diabetes sufferers.

Mr Whittle referred to the fact that there is no cost differential. The committee perhaps needs to take evidence on and understand the underpinning cost. Certainly when we met some sufferers and a pharmacist, they gave us some details about the cost differential and it appeared that there was not much of a differential. However, when we met a consultant, he indicated the opposite and said that there was a significant difference in cost. As a committee, we need to understand that.

The funding that has been given is welcome—absolutely—but one of the bits of evidence that we heard when we were meeting with all the individuals concerned was that the funding that is currently allocated means that the consultants are having to make choices about who gets it and who does not. The consultant indicated that that is a very difficult choice to make because all the patients are equally deserving. There has certainly been an extremely slow roll-out of this despite the funding being there, and that is extremely worrying, because it could be making a huge difference to people's lives. We need to understand why that funding is not getting to the front line to supply the monitoring systems for people.

I feel that the drip-drip feed of this is frustrating and we need to get underneath the numbers. Some of the implications seem to be that it is a money issue but I do not understand at this point in time whether it is really a money issue or whether there is a lack of will to crack on and get on with it. I would like some more information around that and I would like to get some evidence on it.

Angus MacDonald: I agree with Michelle Ballantyne. I am at a loss to understand why flash glucose devices have not been rolled out more quickly, given that £10 million was allocated, albeit the money was to be staggered. When you look at the figures, NHS Dumfries and Galloway only has four funded CGM devices. NHS Forth Valley, in my own area, only has four. I have had people at my surgeries who are paying for the device themselves—I think that the cost is about £1,500 a year. We definitely need more information as to why there has been this delay, given that the money has been allocated.

Rona Mackay: I agree with everything that has been said. The initiative is clouded in confusion. It is clearly a good initiative and it is heading in the right direction but for some reason, we do not have a clear picture of what is happening. I note that the petitioner has not responded yet. I would like to hear from him and then try to get behind the figures and the delays to find out what is going on.

Emma Harper (South Scotland) (SNP): The current Scottish intercollegiate guidelines network—SIGN—guidelines for diabetes type 1 management are dated 2010. They are eight years old. The technology has totally steamrolled forward since then. The guidance needs to allow for the complexity of type 1 diabetes management. It is not even just type 1s—we heard from a person with type 2 who lost seven stone in weight when he used the Abbott Libre device to gain a better understanding of his glycaemic control and carbohydrate intake. He only used it for a fortnight, figured out his diet and then stopped. It benefits type 1s and type 2s.

I have another issue in relation to paediatrics. We took evidence at the cross-party group for diabetes, which Brian Whittle and I are both members of and I am co-convener of, that children who have seizure activity at night because of low blood sugar really benefit from continuous glucose monitoring or flash monitoring. There are different ways that blood sugar can be managed to save non-verbal two-year-olds from multiple finger-sticks as well as being woken up at night to check blood sugar. It affects the kids as well as the parents.

I have constituents who are dealing with this—as will all other members. One child in particular has seizure activity because of the up-and-down

blood glucose control. I welcome a proper analysis of the costing. I have been using the Abbott Libre on and off. I am a pump user myself, so I am firmly engaged with the technology and how to make it work for the wider population who could benefit from it.

09:45

Brian Whittle: Emma Harper and I both sit on the Health and Sport Committee. There is a reticence about adoption of new technology into the health service. There seems to be a real drag factor. Is there the potential here to cross-reference the evidence that has been taken in the Health and Sport Committee? It seems to me that there is no medical reason and there does not seem to be a financial reason—although I would be interested to have the evidence on cost—which leaves this reticence or this drag in relation to the adoption of new technology. It is opening up a whole raft of questions for me.

Michelle Ballantyne: I was curious that some of the evidence made the point that we must remember this is a clinical decision. I would have thought that achieving better stability and monitoring is a bit of no-brainer from a clinical decision-making perspective—particularly, as Emma Harper says, in young, non-verbal children. The implication seems to be that the devices are not being rolled out because the clinical decision is otherwise. As my colleague suggested, we need to go into that more deeply because I fail to understand why doctors would say that they prefer to do finger-pricking. That makes no sense.

The Convener: I wonder whether they are saying that. It would be worth while trying to establish that. To pick up on Brian Whittle's point, can we agree to write to all the NHS boards to ask for information about the roll-out of CGM in light of the funding provided by the Scottish Government? Why is it patchy? We can try to get a sense from each board about what it is doing and how far advanced it is.

Michelle Ballantyne: When we spoke to him, the consultant indicated that the money had not been released by the health board to the consultants, so we need to specifically ask that question.

The Convener: There is an issue about money coming from the Scottish Government into health boards and then there is an issue about health boards deploying it appropriately. We also need to get a sense from the health boards of the value of this option as opposed to the pin-prick test. That would be useful to know.

Emma Harper: When I wrote to NHS Dumfries and Galloway, it said that it would review the use of continuous glucose monitoring or flash

monitoring in August. That is welcome, but the technology is out there and it could be tested in a better, more constructive way. I would welcome it if we could look for a more constructive way of making CGM available for people.

The Convener: Maybe we could also write to SIGN to ask for an update on its guidelines review, and to the Scottish Government. I think that we want to take evidence from the relevant minister on this. That would be useful.

We would also welcome a response from the petitioner but we appreciate that there may be circumstances that mean that he is not able to do that. If he is able to respond, we would welcome that. We find his petition really interesting. There are loads of issues and we can take them forward even if he is not able to respond. If he is able to, that would be excellent.

Do members agree to take the actions that we have identified?

Members *indicated agreement.*

Dog Breeding (PE1640)

The Convener: The next petition is PE1640, by Eileen Bryant, on action against irresponsible dog breeding. We have received a written submission from the Cabinet Secretary for the Environment, Climate Change and Land Reform, in which she indicates that she would be happy to give evidence to the committee.

The cabinet secretary indicates that a range of discussions are on-going between officials. They include official-level discussions among all UK Administrations relating to the Department for Environment, Food and Rural Affairs

“draft legislation on animal activity licensing which is proposed for introduction to England and Wales”

this year. She also states that there have been discussions between

“the UK and the Republic of Ireland regarding intelligence sharing about illegal imports”

and other discussions about a co-ordinated public awareness campaign.

The cabinet secretary draws attention to the Scottish Government’s commitment to animal welfare issues, including licensing and registration arrangements, in its current programme for government. She advises that key stakeholders and enforcement agencies have been contacted in preparation for the amendment of the Animal Health and Welfare (Scotland) Act 2006, which she indicates will

“increase the maximum penalty for the most serious cruelty offences to five years’ imprisonment as well as allowing fixed penalty notices for lesser offences.”

She states that there will not be any retrospective powers within that legislation and that it

“will not relate to any court proceedings commenced prior to the date of enactment.”

In November 2017, the Scottish Government published its report on the research it commissioned into tackling the illegal trade of puppies from a supply and demand context. The cabinet secretary states that she launched this report at an event in Edinburgh, at which she gave the opening address. Links to the Scottish Government’s report and a subsequent briefing published by the Scottish Society for the Prevention of Cruelty to Animals have been provided in our meeting papers.

Do members have any comments or suggestions for action?

Brian Whittle: I think that significant progress has been made with this petition. Certainly within Parliament there has been a lot of progress. Emma Harper has led quite a lot of work on this as well. The relevant organisations came to Parliament so that we could speak to them about how they are dealing with the import of puppies, specifically through Cairnryan. They seemed to suggest that they are becoming more successful in dealing with the issue.

I think that the way forward with this petition is to inform the public about the need to think about where they purchase their puppies. There has been significant progress. I would be interested to hear what the cabinet secretary has to say and maybe get more information about the issue.

The Convener: It certainly felt like a positive and detailed response from the cabinet secretary. It would be worth hearing in more detail from her—that in itself would inform the public debate.

Angus MacDonald: I agree. It is good that the cabinet secretary is happy to come in and give us some more detail, so we should take her up on the offer; I look forward to that.

Emma Harper: I contacted Eileen Bryant, who submitted the petition, ahead of today’s meeting, and she is keen to continue looking at how puppies are purchased. On Monday, I was at the Edinburgh Dog and Cat Home for a meeting with different stakeholders—the SSPCA, Kennel Club, OneKind, DEFRA, the Royal Society for the Prevention of Cruelty to Animals, and trading standards officials from Dumfries and Galloway were there. A lot of work is being done. The Government officials talked about a national programme of awareness. A short video is in the process of being developed, which will help to engage people about the best way to obtain a puppy.

We have had a couple of debates in Parliament and we have had contact with the Convention of Scottish Local Authorities. We have brought puppies to Parliament to raise awareness. The second Holyrood dog of the year competition will happen this year—I will be sponsoring that.

The Convener: Whose dog was it that won the first competition?

Emma Harper: My dog, Maya, won the first one. [*Laughter.*] It was collierood instead of Holyrood. We will be doing the Holyrood dog of the year competition again this year and that will also raise awareness of the issues around puppy trafficking.

At the meeting on Monday, we heard that all routes for illegal transfer of puppies from Europe seem to have been closed except the route from Romania. A lot of work has been done by DEFRA and the people at the Dover border crossing. Cairnryan seems to have become more covert in the way that puppies are brought in, but operation Delphin has been quite successful. It seems as though different ways to bring in dogs are being explored, from southern Ireland through the north and then through Cairnryan.

There is still a lot of work that could be done but the canine conference last year enabled everybody from all the different agencies to work together, which is really good to see, especially when we are talking about the RSPCA, the SSPCA, OneKind and so on.

A trusted breeders scheme is being developed, which is similar to the trusted trader scheme that Dumfries and Galloway Council developed. That means that there will be a national database of trusted breeders that people can go to and see who the best people are to go and get a puppy from.

The banning of third-party sales is being looked at by Michael Gove in Westminster. It might be that we can continue to pursue other options for disrupting and deterring the illegal breeding of and the illegal trade in puppies.

The Convener: Thank you very much. We have agreed that there has been progress. We are grateful to the cabinet secretary for her response and we will invite her to give evidence. We also invite the petitioner to provide a further submission if she wants to. Are members agreed on that?

Members *indicated agreement.*

The Convener: Thank you very much. I thank Emma Harper for her attendance for these two petitions.

Legal Aid (PE1645)

The Convener: The next petition is PE1645, by James Ward, on the review of legal aid in Scotland. When we considered the petition on 21 September 2017, we agreed to write to the Scottish Government on the issue of Scottish ministers' discretionary powers under the Legal Aid (Scotland) Act 1986.

The Scottish Government submission indicates that decisions on whether to exercise power are taken on a case-by-case basis, but identifies two factors that are generally taken into account. These involve determining whether using the power

“is necessary to protect ECHR rights”

and whether

“the creation of new proceedings in legislation has created a temporary gap which needs to be filled pending amendment of existing regulations.”

The Scottish Government cites examples from 2016 and 2010 and notes that on each of those occasions, the determination was followed by secondary legislation. It also sets out in some detail the process and factors that were taken into account, including the public interest, in the Scottish ministers' use of the discretionary power in relation to the Glasgow bin lorry case.

The Scottish Government indicates that although the number of determinations made this year is expected to be low, it is

“considering how best to ensure that information about its discretionary powers is made more widely available.”

In its submission, the Law Society of Scotland indicates its agreement that the discretionary power should be used relatively rarely. The Law Society states that it has engaged regularly with the independent strategic review of legal aid and indicates that, in its written response to that review, it expanded on challenges identified in its own strategy paper, including simplification, scope, technology and delivery.

The independent strategic review of legal aid indicates that its call for evidence, which was issued to more than 150 stakeholders across the justice spectrum, drew

“a range of very effective responses”.

It notes that the chair of the review was due to report to ministers by the end of February.

Do members have any comments or suggestions for action?

Michelle Ballantyne: It is quite a complex petition, with lots of facets around how the process works. I welcome the independent review and I hope that it has now reported to ministers. In light of that review, we should write to the Scottish

Government and ask what it is going to do in terms of the recommendations that the review may or may not have made. That will give us the basis for how we then move forward on this petition.

The Convener: Forgive me, but I think that the review report was published on 9 March.

Michelle Ballantyne: If the report was published on 9 March, the Scottish Government should be reviewing it and looking at what is in there. We need to know what the report recommends and what the Scottish Government intends to do and then we can revisit the petition accordingly.

Brian Whittle: At some point, would we consider bringing in a representative from the Law Society of Scotland to speak to us?

The Convener: Shall we wait to see what the recommendations are? They may be straightforward and we could end up getting into a loop of evidence taking that will not take us terribly far. I suggest that we look at the report and make a judgment as a committee on whether we want to take the petition further. Is that agreed?

Members indicated agreement.

National Scenic Areas (PE1655)

The Convener: The next petition is PE1655, by Christine Metcalfe on behalf of Avich and Kilchrenan community council, on Scotland's national scenic areas. When we considered the petition on 14 September, we took evidence from the petitioner and agreed to write to the Scottish Government, Scottish Natural Heritage and the Convention of Scottish Local Authorities. The written submissions that have been received are included in our meeting papers.

The Scottish Government states that it has no plans to review either the process for designating or the extent of national scenic areas. In response to the committee's question about how, or whether, its policy on wind farms affects its position with regard to national scenic areas, the Scottish Government states that its policy is to support the deployment of onshore wind while protecting the environment. It adds, in response to a suggestion that Parliament be regularly updated on the cumulative impact of wind farms, that it considers that this is not something that could be

"readily or meaningfully quantified as a national impact for reporting purposes."

Scottish Natural Heritage acknowledges some of the issues that are raised in the petition, including that the current suite of 40 national scenic areas remains as it was originally designated. It acknowledges that NSAs represent an important natural asset, but notes that one purpose of the designation is

"intended to manage landscape change, not prohibit development."

It considers that reviewing or revisiting the existing suite of NSAs is not a priority at the present time.

In their first submission in response, the petitioners express their surprise at the Scottish Government's position. They argue that to use an energy policy as a reason not to review the current process for designating NSAs is irrelevant, particularly as pressure on the landscape from wind farms

"would not have been envisioned in the 1970s."

The petitioners consider that Scottish Natural Heritage's ability to fulfil its task in this context has been "seriously weakened", and say that they believe that there is much to be gained in terms of economic, environmental and social benefits by having more NSAs and national parks.

In their more recent submission, the petitioners refer to a report by Mountaineering Scotland, which they consider demonstrates how visitor numbers have fallen in areas that host wind farms. The petitioners suggest that it is difficult to have an entirely accurate idea of the number and impact of wind-power developments in Scottish national scenic areas, but consider that the UK Government's renewable energy planning database provides "a good insight".

Do members have any comments or suggestions for action?

10:00

Brian Whittle: I represent an area where there is a heavy proliferation of wind farms. Not a surgery goes past at which I do not hear some kind of representation about that proliferation. It looks as though New Cumnock will be completely surrounded by wind farms. I have a lot of sympathy for what the petitioner is saying about NSAs. I should state that I am not against wind farms, but I think that the petitioners have a point in that wind farms seem to be taking over a lot of the countryside.

I know that there is a suggestion that we might close the petition, but I would prefer that we keep it live, but not in this committee—maybe in the Local Government and Communities Committee, through its scrutiny of the Planning (Scotland) Bill.

The Convener: Are we conflating two issues—concern about the proliferation of wind farms and the purpose of national scenic areas, with one being seen as a means by which to stop the other? It may be a convenient thing to argue, but I presume that national scenic areas exist in their own right and are not simply a way of managing our energy policy.

Brian Whittle: What concerns me is whether the fact that an area is a national scenic area is taken into consideration.

The Convener: The argument from the petitioner is that designation as a national scenic area protects an area from wind farms. I think that there is an issue about the cumulative effect of planning development, which I hope will be considered again during the passage of the Planning (Scotland) Bill.

Michelle Ballantyne: As a former member of a planning committee that was constantly faced with such issues, I have to say that it is a very emotive issue. One of the problems is that an NSA can have a wind farm erected on the edge of it. The argument would be made that the wind farm affects it but is not in the NSA. It is a massively complicated argument that does, in a way, conflate the issues when they are talked about side by side.

The response from the Scottish Government is very clear: it is not going to review the designation and number of NSAs. The issue is about how it all fits together with the planning strategy, which is currently under review. The issue needs to feed into that and to be part of the conversation and that review. I am not sure that the committee can do a lot more. There is a huge lobby for protecting our scenic areas, and Scottish National Heritage plays a big part in that.

As always, there has to be balance with everything else. The lobbyists often take a position and do not worry about the wider overall strategy. The subject needs to go into the pot with looking at the wider strategy. Our looking at it in single track is not going to get it very far.

I am in favour of referring PE1655 to the Local Government and Communities Committee to add it to its scrutiny of the Planning (Scotland) Bill. If it wants to refer the petition back to us at some point, that will be its choice, but at this stage I think that it belongs there.

The Convener: I think that there is only one-way traffic for petitions; another committee cannot send a petition back to us.

Michelle Ballantyne: The petitioner can always re-petition us, but I think that the Local Government and Communities Committee is where PE1655 belongs now.

Angus MacDonald: I think that it is clear from the Government's response that there is no appetite to increase the number NSAs or national parks. I am minded to close the petition simply on that basis, given that the Government seems to be digging its heels in. However, if it is the overall view of the committee that PE1655 should be referred to the Local Government and

Communities Committee, I would be happy to go along with that.

Rona Mackay: I think that we should close PE1655 because of the Government's quite clearly stated view. Scottish Natural Heritage does not consider a review to be a priority, so it is not adding weight to the petitioners' call. If the petitioners are made aware that the planning review is going on and that they could input to that, that is as much as we can do. I am not particularly keen on moving the petition elsewhere. It should be closed.

Angus MacDonald: On second thoughts, if we were to refer PE1655 to the Local Government and Communities Committee, it might well be closed down by it fairly quickly.

The Convener: Doing that might, however, at least flag the matter up as an issue within planning legislation. My sense is that people have frustrations about wind-farm development and are talking about extending NSAs as a way of dealing with a separate problem, which is the cumulative effect of wind farms. There is always a balance to be struck, which I know as someone whose family came from a remote community. Some people think that wind farms create economic opportunity and stability for such communities. In my view, that is to be welcomed. That view will always have to be traded off against the views of people who want the wild to remain wild. Those people do not all live in the wild or in remote communities, although some do, of course. There is always a tension, which I acknowledge, in respect of what is human-made on the land that changes the landscape and other things, but makes communities there more sustainable for the people who live in them. It is interesting that people from within a community are flagging the matter up and feel that it has an impact on them.

I do not think we can go any further with PE1655, although there is an issue. We should make it clear that the problem with referring the petition to the Local Government and Communities Committee is that it has gone past stage 1 of the Planning (Scotland) Bill: the chance to influence the stage 1 report has ended. I have no doubt that the issues will be flagged up in stage 2. My view is that it would help consideration of the bill to allow the Local Government and Communities Committee to have sight of PE1655 and be aware of the issue. I suspect that it will be aware of it anyway, but our doing that would reinforce the problem that communities are wrestling with and are concerned about.

I was a planning minister for a short while; the question of the cumulative impact of wind farms in the area that Brian Whittle represents was flagged up to me then, as was, for example, opencast coal mining. There was a big tension within

communities at that time about trading jobs against what was happening to the landscape. These are issues to which we are alive.

I do not think we can deal with PE1655 further. The question is whether we should send it to the Local Government and Communities Committee.

Brian Whittle: I understand what Rona Mackay and Angus MacDonald have said, but I think that it can do no harm to refer PE1655 to the Local Government and Communities Committee. If it is already aware of the matter, the petition will disappear, but if the petition would reinforce or inform what that committee is currently looking at, I do not see why we would not, at the very least, refer the petition to it.

Michelle Ballantyne: When my local authority developed our supplementary guidance on wind farms, it was rejected and we had to change it. The Government did not accept our position, as a local authority. In terms of information, it will do no harm to inform the Local Government and Communities Committee fully of the kinds of things that are coming from other directions. It is an emotive subject that causes a lot of division, so it will do no harm to add to the information that it receives.

The Convener: There is another interesting tension between strategic national goals and how they are delivered at local level. If we are in favour of renewable energy, there comes a point where such things have to go somewhere. There is a judgment call to be made about how that is managed.

Michelle Ballantyne: This is also about what people consider to be their fair share. There is quite a lot of tension about people accepting the policy of renewable energy, but asking why one area should get a large proportion of that energy generation, which destroys what people consider to be the intrinsic benefits and beauty of where they live. There are lots of issues. If we put more information in front of people when decisions are made, it cannot be said that we have ignored the commentary.

The Convener: I do not think it is a bad reflection of the seriousness with which the petitioners made their case. You can understand why, from a community perspective, they have flagged up the issue.

Do members agree that we will refer PE1655 to the Local Government and Communities Committee? We can provide it with our deliberations so far.

Members *indicated agreement.*

The Convener: We thank the petitioners for the work that they have done in making the petition clear to us. They have the opportunity to lodge

another petition and can choose to engage with the Planning (Scotland) Bill as it goes through Parliament.

Local Authority Complaints Body (PE1659)

The Convener: The next petition is PE1659, by Bill Tait, on a local authority complaints body. When the committee considered the petition on 21 September, we agreed to write to a range of stakeholders including the Scottish Government, the Scottish Public Services Ombudsman, Citizens Advice Scotland, the Equality and Human Rights Commission, the Convention of Scottish Local Authorities, the Society of Local Authority Chief Executives and Senior Managers, and the Scottish Independent Advocacy Alliance. In the responses that we have received, there is no support for the action that is called for in the petition.

Written submissions also responded to concerns that were raised by the petitioner that the SPSO is not effective, as its remit is to do with procedure and not with the facts of cases. Both SOLACE and the SPSO have confirmed that the SPSO does consider disputes about the facts in cases; therefore, what the petitioner seeks already exists.

The petitioner clarified in his written submission that he seeks either the creation of a new body that has a proper remit to replace the SPSO, or a major overhaul of the SPSO to make it fit for purpose. The petitioner remains of the view that there is a postcode lottery with regard to local authority complaints and that there needs to be a set of rules

“of procedure that all councils must follow.”

Do members have any comments or suggestions for action?

Angus MacDonald: I welcome your clarification with regard to the remit of the SPSO. I think that a lot of people are confused about that. If they are not happy with a decision that is taken by a local authority, they half expect the SPSO to be able to overturn that decision, which is clearly not the case. It seems from its written submission that the Scottish Government is satisfied that the SPSO is operating satisfactorily, so there is basically no support for what the petitioner is asking for. I therefore suggest that the petition be closed.

Rona Mackay: I agree: there is no support for what PE1659 seeks. The EHRC points to a number of views on why it would not be feasible. Equalities legislation is largely reserved to Westminster; the Scottish Parliament would not have the power to introduce the new body that the petitioner suggests. I do not see how the petition can go any further, as it has no support.

10:15

Michelle Ballantyne: From the data and the SPSO's information on how it has dealt with complaints and the outcomes, there is clearly a process. Some—quite a lot—of the complaints that people make are upheld. There have been a lot of recommendations. There is clearly a system.

Again, such cases are generally very emotive, so it is inevitable that some people will not be, and will never be, satisfied with the outcome. From the evidence that we have in front of us, we can see that there is a system and a process for people to go through. I cannot see any evidence that suggests that we need to consider creating a new body. Unfortunately, this is one of those situations in which we cannot please all of the people all of the time.

The Convener: We thank the petitioner for engaging with the committee in flagging up an issue about the way in which public systems take people's complaints seriously. It is very often a challenge for public organisations. On the basis that there is no support for the action that is called for in PE1659, do members agree to close it?

Members indicated agreement.

Scottish Legal Complaints Commission (Review) (PE1660)

Legal Profession (Regulation) (PE1661)

The Convener: The next two petitions are PE1660, by Bill Tait, on the Scottish Legal Complaints Commission review, and PE1661, by Melanie Collins, on reform of the regulation of the legal profession in Scotland. As members will recall, we agreed at our meeting on 21 September to join the petitions together for future consideration on the basis that they raise similar issues. Alex Neil MSP, who has an interest in the petitions, has sent his apologies as he is attending the Public Audit and Post-legislative Scrutiny Committee.

At our meeting on 21 September, we also agreed to write to the Scottish Government, the Scottish Legal Complaints Commission, the Law Society of Scotland, the Faculty of Advocates, the Scottish Solicitors' Discipline Tribunal, Citizens Advice Scotland and the Judicial Complaints Reviewer. Responses have been received from a number of bodies—they are included in our meeting papers—and we have also received a submission from the chair of the independent review of the regulation of legal services. Both petitioners have provided us with written submissions in response to the submissions that we received; that information is summarised in our briefing note.

Do members have any comments or suggestions for action?

Michelle Ballantyne: We can welcome the fact that an independent review is under way; that is perhaps what everybody would want. I suggest that we defer a decision on the petitions until we have the results of the independent review and we can satisfy ourselves that the petitioners' concerns have been answered.

Angus MacDonald: I agree. The responses from the petitioners, Bill Tait and Melanie Collins, were very interesting. A review of the regulation of legal services is on-going, as Michelle Ballantyne said, and its remit covers the asks of both petitioners. We should defer our consideration of the petitions until we receive the findings of the review.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: We have agreed to defer further consideration of the petitions until the findings of the review of the regulation of legal services have been published. We recognise the progress that has been made on the petitions.

Driven Grouse Shooting (PE1663)

The Convener: The next petition is PE1663, by Leslie Wallace, on a driven grouse shooting study. When we considered the petition on 21 September, we agreed to write to the Scottish Government and Scottish Natural Heritage. Both submissions that we have received refer to research that has been commissioned by the Scottish Government into the economic and biodiversity impacts of large shooting estates in Scotland. It is understood that the impact of driven grouse shooting is a specific focus of that research. In response, the petitioner's written submission highlights a range of issues that he believes exist with regard to current moorland management and driven grouse shooting practices.

Do members have any comments or suggestions for action?

Angus MacDonald: The petitioner is a constituent of mine, and I have discussed the petition with him a couple of times. I think that what Les Wallace asked for in the petition is being covered by the Scottish Government's research into the economic and biodiversity impacts of large shooting estates in Scotland. That is planned to be wide-ranging research, which will look at the potential impacts of game shooting, as well as possible alternative land uses for large shooting estates. I hope that that will address the petitioner's issues with current lowland

management and driven grouse shooting practices.

In addition, there is the independent group that was set up by the Cabinet Secretary for Environment, Climate Change and Land Reform and led by Professor Alan Werritty. The group, which is tasked with looking at the environmental impact of grouse management practices, will recommend options for regulation, including licensing and other measures. Hopefully, that could be put in place without primary legislation. I think that we can close the petition, given that—whether by coincidence or design—it has been successful to date.

The Convener: It was absolutely by design.

Angus MacDonald: I am pleased that the Government is taking these issues on board.

The Convener: The suggestion is that we close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has commissioned research to explore the economic impacts of large shooting estates, with a particular focus on driven grouse shooting. We thank the petitioner for his engagement with the committee and recognise the progress that has been achieved through the submission of the petition. Are we agreed?

Members indicated agreement.

Blasphemy and Heresy (PE1665)

The Convener: The next petition is PE1665, by Mark McCabe, on the common law of blasphemy. When we considered the petition on 21 September, we agreed to write to the Scottish Government to ask for its views on the current law on blasphemy and whether there are any plans to amend that law. In its response, the Scottish Government confirms that it has

“no plans at this time formally to abolish the offence.”

However, the Government highlights the review of hate crime legislation, which includes crimes that are motivated by religious hatred, that is currently being undertaken by Lord Bracadale. The Government intends to consider whether the law in that area requires to be amended in light of the findings of the review. The petitioner’s written response states that the Scottish Government’s submission repeats what he has already been told and that the point of his petition remains unchanged.

Do members have any comments or suggestions for action?

Rona Mackay: We should defer our consideration until Lord Bracadale’s review of hate crime legislation has been published. It would be premature to do anything before then, because we

need to see what that review says and take it from there.

Michelle Ballantyne: I support Rona Mackay’s position. I have some empathy on the suggestion that the law should perhaps be abolished; it has been everywhere else. We should wait until Lord Bracadale has reported; we can see what he says and take it from there.

The Convener: It is suggested that we defer further consideration of the petition until the conclusion of the review of hate crime legislation by Lord Bracadale. We can consider the petition in the light of his recommendations. Are we agreed?

Members indicated agreement.

Scottish Parliament Electoral Cycle (PE1666)

The Convener: The next petition is PE1666, by Ian Davidson, on the Scottish Parliament electoral cycle. When we considered the petition on 21 September, we agreed to seek the Scottish Government’s views on the action that is called for in the petition.

The Scottish Government said in its response that a

“change in date for the UK Parliament election could, in theory, allow the Scottish Parliament and Scottish local councils to revert to four-year terms without there now being a clash of election in 2020.”

However, it does not think that such a change would be appropriate. The Government also comments that the next Scottish local elections will fall on the same day as the next UK general election. The Government notes that the power exists for the Scottish Parliament to vary the date of the next Scottish local elections and that it will monitor the coincidence of elections and discuss with relevant stakeholders any necessary action to avoid a clash. The petitioner has indicated that he has responded to a Scottish Government consultation on elections and that he is content to see what formal proposals emerge from that process.

Do members have any comments or suggestions for action?

Michelle Ballantyne: We should close the petition. The petitioner seems to be content with the process that is now taking place. As we said before when we considered the petition, elections can change at the drop of a hat. We could keep moving them and still not necessarily get the outcome that we wanted.

The Convener: The suggestion is that we close the petition under rule 15.7 of standing orders, on the basis that the petitioner has responded to the Scottish Government’s consultation on electoral

reform and has indicated that he is happy to see what proposals emerge as a result of that process. We thank the petitioner for highlighting these issues and providing a new opportunity for them to be given a public airing. He can observe what comes out of that consultation and, if he wants to submit a further petition, he is free to do so at any stage. I thank the petitioner for his engagement with the committee. Are we agreed?

Members *indicated agreement.*

Mental Health and Incapacity Legislation (PE1667)

The Convener: The penultimate petition for consideration today is PE1667, by W Hunter Watson, on a review of mental health and incapacity legislation. When the committee considered the petition on 21 September, we agreed to write to the Scottish Government, the Mental Welfare Commission for Scotland and the Scottish Human Rights Commission. Responses have been received, as has a submission from the petitioner.

The submissions draw attention to commitments that have been made to review the Adults with Incapacity (Scotland) Act 2000 to reflect the requirements of the United Nations Convention on the Rights of Persons with Disabilities and the inclusion of learning disability and autism within the Mental Health (Care and Treatment) (Scotland) Act 2003. Beyond that, both the Mental Welfare Commission for Scotland and the Scottish Human Rights Commission appear to be supportive of a wider review of mental health legislation.

The Minister for Mental Health also highlighted those reviews and the fact that the Mental Health (Scotland) Act 2015 promotes support for decision making. The minister considers that it would be

“inappropriate to consider wider changes to legislation until these key pieces of work have reached conclusions.”

The petitioner highlights in his response work that was undertaken in respect of the Mental Capacity Act (Northern Ireland) 2016. He considers that it is

“desirable that a wide review be carried out at the earliest possible opportunity.”

He concludes by drawing attention to a recommendation from the Law Commission for England and Wales, which calls for a single legislative scheme

“governing non-consensual care or treatment of both physical and mental disorders, whereby such care or treatment may only be given if the person lacks the capacity to consent.”

Members may wish to note that the petitioner has also drawn our attention to parliamentary

questions lodged by Miles Briggs MSP and the responses that have been received.

Do members have any comments or suggestions for action?

Brian Whittle: I am minded to write to the Minister for Mental Health to clarify the timescales for the conclusion of that piece of work. At that point, we can consider whether we should we invite the minister to the committee. At the moment, with that piece of work outstanding, that is what I would do.

Angus MacDonald: I agree. As a way forward, we can consider inviting the Minister for Mental Health back to the committee at some point in the future.

The Convener: In the meantime, we could write to the minister to check the timescales for the work that she highlighted, which would have to be concluded before there was any consideration of legislation. We would look at inviting the Minister for Mental Health to give oral evidence to the committee at the appropriate time. That could be done in discussion with her office. Are we agreed?

Members *indicated agreement.*

Independent Vaccine Safety Commission (PE1669)

The Convener: The final petition for consideration is PE1669, by Bill Welsh, on an independent vaccine safety commission. When we considered the petition on 21 September, we agreed to write to the Scottish Government, the Joint Committee on Vaccines and Immunisation and Health Protection Scotland. We received a response from the Scottish Government, which clarifies that medicine safety, including vaccine safety, is a reserved matter and is monitored by the Medicines and Healthcare Products Regulatory Agency. The Scottish Government therefore has no plans to set up an independent vaccine safety commission.

The Scottish Government also raised concerns about the research that formed the basis of the petition, stating that the European Medicines Agency had concluded that

“the study had methodological flaws and did not provide evidence that the quality or safety of these vaccines is compromised in any way.”

The petitioner states that the research has been peer reviewed. He remains of the view that, in light of that research, the vaccination programme

“must be suspended until all vaccines can be shown to be free from contamination, and safe, and it is imperative that an ‘independent’ vaccine safety commission be formed.”

Do members have any comments or suggestions for action?

Michelle Ballantyne: I think that we should close the petition. It is quite clear from our papers and from the evidence in front of us that Scotland is not in a position to have its own medicine safety agency. It is quite appropriate that that is done through the UK and, at the moment, in conjunction with the European Union and the guidance from there. I do not feel that there is anywhere for the petition to go now.

Angus MacDonald: Clearly it is a frustration that these matters are reserved.

Michelle Ballantyne: You might not say that if you could see the cost of it.

Angus MacDonald: I do not see the merit in continuing the petition, based on the salient fact that the issue is reserved and we have no power over it in Scotland.

The Convener: There is also the question of whether the evidence leads us to the conclusion that the petitioner has arrived at. I think that there is an issue about the safety of vaccines, confidence in vaccines and the necessity of vaccines. I am not sure that a vaccine programme would be stopped on the off-chance that there might be a problem with it. There are big issues, as we have known, over the years with vaccines and confidence in vaccines and the consequence of a loss of confidence.

Michelle Ballantyne: That was clear with measles. When people pulled out of having the measles vaccine, we promptly got a huge spike in measles, the consequences of which are quite severe for young children. I would be very nervous about disrupting what has been an incredibly successful modern technology in terms of vaccination.

Brian Whittle: I have had a constituency case in which vaccines have gone wrong and there has been a bad outcome. However, I agree with my colleagues that it would be folly to pull a vaccination programme based on one or two cases. I do not think that we have any other option but to close the petition.

The Convener: Regardless of the detail that we have gone into on this, the fundamental issue, as has been identified by Angus MacDonald and others, is that medicine safety is a reserved matter and therefore the Scottish Government has no remit to set up an independent vaccine safety commission. On that basis, do we agree to close the petition?

Members *indicated agreement.*

The Convener: Thank you. As previously agreed, we will consider the final two items on our agenda today in private.

10:31

Meeting continued in private until 10:48.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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