



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 28 September 2022

Session 6



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Wednesday 28 September 2022

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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

13th Meeting 2022, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

Fergus Ewing (Inverness and Nairn) (SNP)

*Alexander Stewart (Mid Scotland and Fife) (Con)

Paul Sweeney (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Katy Clark (West Scotland) (Lab)

Carol Mochan (South Scotland) (Lab) (Committee Substitute)

Brian Whittle (South Scotland) (Con)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 28 September 2022

[The Convener opened the meeting at 09:30]

Interests

The Convener (Jackson Carlaw): Good morning and welcome to the 13th meeting—I am sure that it will be lucky for us all—of the Citizen Participation and Public Petitions Committee in 2022. We have apologies from Fergus Ewing and Paul Sweeney and are joined today by Carol Mochan, who is substituting for Paul Sweeney. Welcome to you, Carol.

Our first item of business, therefore—because this is the first time that you have been with us—is to invite you to declare any relevant interests.

Carol Mochan (South Scotland) (Lab): I have no interests to declare, but I refer members to my entry in the register of interests.

Continued Petitions

A75 (Upgrade) (PE1610)

A77 (Upgrade) (PE1657)

09:30

The Convener: Item 2 is consideration of continued petitions. We are joined by two of our parliamentary colleagues, Brian Whittle and Katy Clark, who will be contributing on two of the petitions before us. Brian Whittle will be contributing in relation to the first, and we will come to him shortly.

PE1610 and PE1657 relate to the upgrades of the A75 and A77. PE1610 was lodged by Matt Halliday and calls on the Scottish Parliament to urge the Scottish Government to upgrade the A75 Euro route to dual carriageway for its entirety as soon as possible. PE1657 was lodged by Donald McHarrie of the A77 action group and calls on the Scottish Parliament to urge the Scottish Government to dual the A77 from Ayr's Whittle's roundabout south to the two ferry ports at Cairnryan, including the point at which the A77 connects with the A75.

The committee previously agreed to consider the petitions together and has heard evidence on both petitions over a number of years, including evidence from the then Minister for Transport. We received an update from the Scottish Government outlining relevant outcomes from strategic transport projects review 2. Recommendation 40 in the review is about access to Stranraer and Cairnryan and highlights proposals for improvements to the A75 and A77.

The petitioner for PE1657, Donald McHarrie, has sent us a written submission that raises concerns about delays in relation to landslides and draws attention to the potential solution of road tunnelling at the Rest and Be Thankful. The petitioner for PE1610, Matt Halliday, has also submitted his views, reiterating that the situation has not moved forward and that the same issues are again arising on the A75. He raises concerns about connectivity for the south-west of Scotland and highlights the benefits of shortened journey times.

We have also received written submissions from Elena Whitham MSP and Finlay Carson MSP, who are yet again reinforcing their support for the petition, highlighting the economic importance of the A77 and the A75, and stressing the need for further investment.

Before we consider the evidence that we have heard previously and where we might go next, I

invite Brian Whittle to update us on his views on the petition.

Brian Whittle (South Scotland) (Con): I am grateful for the opportunity to speak again on these long-running petitions, which were lodged while I was on the Public Petitions Committee during the previous session of Parliament. The saga has been running for longer than that—it goes all the way back to 2010 and before. In 2010, when the then First Minister Alex Salmond opened the Cairnryan ports, he committed to improving the connectivity of the A77 and A75.

There is a huge volume of traffic, especially big 44-tonne lorries, because 44 per cent of all goods going in and out of Northern Ireland go through that port. A lot of those goods are just-in-time products, such as food. The port is hugely important to the prosperity of south-west of Scotland and the whole of Scotland. The A77 connects Cairnryan to the central belt and the A75 connects Scotland to the south and allows goods from Ireland to move on to the south.

That route is under threat because there is another route, between Dublin and Holyhead, where there has been an investment in connectivity. Vehicles coming off at Holyhead go straight on to a dual carriageway, and it is now possible to go by motorway from Belfast down to Dublin. The actual time that it takes for goods to travel between Dublin and Holyhead and between Belfast and Cairnryan is becoming closer. There is evidence that about 6 or 7 per cent of goods are now moving to the Dublin to Holyhead route. The Cairnryan route is therefore under threat.

I have, in fact, undertaken the route from Glasgow to Cairnryan in a 44-tonne lorry. I would advise that you do that sometime, convener. It is very interesting when you are going through places such as Girvan and very narrow streets, and you can see out of the cab people having their dinner about three yards away from you. Anybody who has travelled that route knows that it is a dangerous route. It is a route where, if something happens on the A77—which happens frequently—the diversion takes you on to a B road, which is extremely dangerous for 44-tonne lorries.

It is an on-going saga. It is taking too long. We need investment in the south-west. Only 0.04 per cent of the transport budget in the past decade has been spent in the south-west. I used to say that it was the forgotten part of Scotland; now, the feeling is that it is the ignored part of Scotland. We need this to move along much more quickly than is the case.

The Convener: In a previous life, I used to deliver lorries to customers—but not the largest ones. I did not have to have a heavy goods vehicle

licence, but they were big enough. I always thought that the view from the cab was fascinating.

Mr Whittle gave us a figure about a transference from the Cairnryan route to the Dublin to Holyhead route. Did I hear you say that it was something like 6 per cent? Is that traffic that would previously have gone on the Cairnryan route that is now going on the Dublin to Holyhead route?

Brian Whittle: That is correct.

The Convener: May I ask where that information came from?

Brian Whittle: It came from Belfast harbour. As part of my investigation into the issue, I travelled to Belfast to meet businesses across there and meet Belfast harbour. I looked at how the south-west infrastructure is impacting on Belfast and the goods over there. At that time, Belfast harbour said that the figure was 6 per cent. I cannot accurately tell the committee where it is now, but that percentage will certainly not be declining. I would think that it would be increasing.

The Convener: That is helpful. Do colleagues have comments, questions or suggestions?

David Torrance (Kirkcaldy) (SNP): The petitions have been with us a long time. From the information that we have got back, the south-west Scotland transport study does not recommend taking forward the option of full dualling either the A75 or the A77, opting instead to recommend targeted road improvements. A draft report on the strategic transport projects review also recommends that safety, resilience and reliable improvements are made on the A75 and A77 strategic road corridors. The Scottish Government's response signals that it intends to upgrade both those routes.

With that information, I would like to close the petitions under rule 15.7 of standing orders. However, I would also like to write to the Cabinet Secretary for Net Zero, Energy and Transport to seek information on a timescale for those improvements, because that is what has been missing in the committee.

The Convener: Personally, I am reluctant to close the petitions without trying to drill down on that information. I accept that we need to get some sort of date. I wonder whether the clerks could verify that information from Mr Whittle in relation to Belfast. If we are asking for a timeline, it would be good to couple that with evidence that the delay in establishing a timeline is leading to a transference of the potential business that would use that route, which could have a compound effect in due course and undermine the financial viability of the region and the route. That is why we think that the delay in getting any firm timescale is unhelpful.

Alexander Stewart (Mid Scotland and Fife) (Con): I concur with the convener. We require clarity from the cabinet secretary with reference to access to Stranraer and Cairnryan. Notwithstanding that the petitions have been here a long time, there is merit in trying to find more information and clarity before we get to the stage of closing them. I support the convener's suggestion that we should get the information and not close the petitions at this stage.

David Torrance: I would be quite happy to agree with the committee's decision.

The Convener: Okay. There is only so far that a committee can take things, but I think that it is worth pursuing, because there is a commitment to do something but no commitment as to when it will be done. We might want to try to get the latter.

Members indicated agreement.

Surgical Mesh and Fixation Devices (PE1865)

The Convener: PE1865, which was lodged by Roseanna Clarkin and Lauren McDougall, calls on the Scottish Parliament to urge the Scottish Government to suspend the use of all surgical mesh and fixation devices while a review of all surgical procedures that use polyester, polypropylene or titanium is carried out and guidelines for the surgical use of mesh are established.

I am delighted that we have Katy Clark with us. Welcome, Katy. I will invite you to contribute in a moment.

We last considered the petition on 8 June, when we heard evidence from Maree Todd, Minister for Public Health, Women's Health and Sport; the chief medical officer, Professor Sir Gregor Smith; and the senior medical adviser, Terry O'Kelly.

Following that meeting, we received two new responses from the petitioners, who both remain unconvinced that the Scottish Government has listened to the concerns raised through the petition. We have also received a submission from James Young, who shares a powerful account of the impact that a mesh implant had on his quality of life.

In a moment, we will discuss in the round the evidence that we have received, in addition to the evidence that we heard from Shouldice hospital in Canada. Before we do so, I invite Katy Clark to speak to us in relation to the petition.

Katy Clark (West Scotland) (Lab): Thank you, convener. I am grateful for this opportunity. As you know, I have not been to the committee before. I am here to represent the lead petitioner, who is a constituent and is unable to be here due to

medical conditions associated with the mesh procedure, which, I have to say, was undertaken on her without her knowledge or consent. I think that it is fair to say, from my meetings with her, that she is someone who is very well informed, had very detailed discussions with her medical practitioners before her procedure and was given information about what would be used that was very different from what happened in reality.

It is fair to say that the people who are involved in the campaign have life-changing conditions that are completely associated with the mesh procedure that they underwent. Indeed, there have also been deaths that it is believed were associated with the procedure. What they are asking for is that mesh is used only when it is essential—there are alternatives to mesh—and that it should be used only with the fully informed consent of the patient.

I know that the committee is very aware of the previous debates about transvaginal mesh and other procedures. The mesh used in relation to things such as hernia operations is, I understand, different and used for different purposes, but many of the issues are similar. It has to be said that the campaigners still believe that they are not being listened to, that their concerns are not being taken into account and that practice has not changed in relation to these matters in Scotland.

I am grateful for your consideration of what the campaigners are saying.

The Convener: Thank you. Colleagues, there is an opportunity for us to consider this. I note that our colleague Daniel Johnson will have a members' business debate on transvaginal mesh tomorrow in the chamber. However, that does not touch directly on the issues arising from the broader extension of mesh, which has been the focus of the petition and our inquiry.

We raised with the minister, in passing, suggestions that there was a campaign to have the ban on transvaginal mesh lifted. However, if I recall correctly, we got assurances from the minister that there were no immediate plans to do anything in relation to that.

However, in relation to the issue in this petition, we have heard a mixed bag of evidence, together with the Shouldice hospital evidence, which suggested that there were alternatives that might yet be useful, albeit that the individuals concerned would require quite rigorous discipline before they would be physically capable of withstanding the rigours of the technique. There was some concern from the Scottish Government that there might be something of a cherry-picked waiting list of people who would only get treatment under certain circumstances, although I was not sure whether there was not a way to get around any of that.

What thoughts do colleagues have?

09:45

Carol Mochan: I have read the evidence in detail because I have also been approached by constituents about the issue. For me, the key was the fact that the petitioners have said that mesh should be used only where it is essential. We should drill further into that. People should be properly informed and consent to these procedures, because we know from previous work on the use of transvaginal mesh just how life changing these things can be. Therefore, it is an important issue, and I would like to see the petition go further so that we have clarity on the issue.

The Convener: Before I bring in David Torrance, I will say that, obviously, we can make further inquiries, but one suggestion is that we try to take the issue to the chamber for a debate in order to inform colleagues more broadly about the wider issues arising from this particular aspect of the use of mesh. We might want to consider that, but is there anything that we might want to do ahead of that?

David Torrance: I was going to suggest that we take the issue to the chamber for a debate, but there is also a whole list of things that we could ask the Government for information on. I will not read them out because the list is so long, but can the clerks write to the Government to ask it for that additional information?

The Convener: There are two or three areas in particular that we could look at. One that we could explore in a debate is the fact that it has now been repeatedly stated that responsibility for medical devices rests with the Medicines and Healthcare products Regulatory Agency and that there is a general view across all parties in Parliament that it has fallen short in its responsibility. All parties have offered support to the Government, not just in complaining about that but, potentially, in seeking to do something more directly about it, and that has not happened. That is one strand.

There is information relating to the Shouldice hospital that shows alternative ways forward. One of the themes from the petitioners is that their experiences were not taken seriously. It was a bit like the whole transvaginal mesh situation all over again, because they were treated as though they were imagining their pain and as though other people knew what was best for them. They felt that they had not received the same informed advice as others had. The minister suggested to us that a lot of work was being done in relation to the wider criteria and guidelines, so there is scope for a debate in the chamber. Are we content to do that?

Members *indicated agreement.*

The Convener: When the committee has a slot, we can consider taking that forward. Thank you. We will continue the petition on that basis.

Autistic Pupils (Qualified Teachers) (PE1870)

The Convener: The next petition is PE1870, which relates to ensuring that teachers of autistic pupils are appropriately qualified. The petition was lodged by Edward Fowler, and the committee last considered it in March. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce legislation requiring teachers of autistic pupils to be appropriately qualified to improve educational outcomes.

We have had lots of correspondence, and the committee asked the Scottish Government whether it intends to undertake a children's rights impact assessment of initial teacher education. In response, the Scottish Government stated that it does not consider that such an assessment is required at this point, due to the on-going work to improve relevant teaching support and guidance. That work includes the General Teaching Council for Scotland's revised national standards, which specifically reference autism; a suite of guidance on the additional support needs hub; and the establishment of a working group to develop new guidance to minimise use of restraint in schools.

Therefore, the Government believes that it is taking a number of initiatives that address the points that the petitioner gives as substantive causes of concern, and it does not believe that it needs to take the mandatory route that the petitioner is looking for. Do members have any views on that?

Alexander Stewart: You have outlined many of the areas that have already been covered. At this stage, it would be possible for the committee to close the petition under rule 15.7 of the standing orders, because stakeholders' concerns have already been raised and the Scottish Government's work on those initiatives is on-going.

If we close the petition, perhaps we could write to the Education, Children and Young People Committee to highlight the evidence that we have received in response to the petition, and in advance of the proposed inquiry on additional support needs, which would give that committee the opportunity to take on board areas of concern that have been raised. At this stage, the petition has gone as far as we can take it. Our giving it to that committee would give it the opportunity to advance it and to bring together the strands that we have not been able to assimilate here.

David Torrance: I fully agree with Mr Stewart.

The Convener: We have pushed back on the petition on a couple of occasions, but the Government has been quite firm and has scheduled its response on why it will not progress its objectives, albeit that it contains issues of substance to be addressed. Therefore, do we agree that we will close the petition, but will also write to the Education, Children and Young People Committee to let it know about the progress that we have made up to this stage? Are we content to do that?

Members indicated agreement.

Whole Plant Cannabis Oil (PE1884)

The Convener: PE1884, which has been lodged by Steve Gillan, calls on the Scottish Parliament to urge the Scottish Government to make whole plant cannabis oil available on the national health service, or provide funds, for private access for severely epileptic children and adults, where all other NHS epilepsy drugs have failed to help. We last considered the petition on 23 March, when we agreed that we would write to the Cabinet Secretary for Health and Social Care and the Minister for Drugs Policy. We have received two responses on the petition.

The first response indicates that NHS England remains in discussions on the establishment of two clinical trials to further the evidence base for cannabis-based products for medicinal use—CBPMs—and that patients in Scotland will be eligible to take part in such trials. However, due to the commercially sensitive nature of those discussions, there are limits on what can be shared publicly, at this stage. The response also sets out the process and timescales for licensing a new medicine.

The second response states that information is not—I suppose, self-evidently—held on the number of people who access illicit cannabis for medicinal purposes. It also highlights that programmes to allow people to self-medicate with cannabis in a controlled environment would be in breach of the Misuse of Drugs Act 1971.

My recollection is that the committee was quite sympathetic to some of the evidence that we heard on the petition and on the positions that we asked the Scottish Government to clarify. We have evidence that the trials would potentially be open to Scottish patients.

Do members have any views on how we might proceed?

David Torrance: Given that the clerk's note to the committee says that

“clinical trials will be carried out with the view to building an evidence base connected to CBPMs”,

that

“unlicensed products are not routinely available on the NHS, with licensing being the only way to ensure safety, quality and efficacy”

and that

“pending results from the clinical trials, there is no further action the Committee can take at this time”,

I consider that we should close the petition under rule 15.7 of standing orders. However, I would also like the committee to write to the petitioner, highlighting that trials will take place and that Scottish patients will be allowed to take part in them.

The Convener: Perhaps I could ask for advice from the clerk. We could advise the petitioner about the trials and the fact that Scottish patients will be eligible. I am told that we do not know from the response that we have received how the petitioner could seek to make himself available.

I crave the indulgence of the committee and ask that we hold the petition open one more time. I would like to see whether we could find out from the Scottish Government how someone would go about making themselves available, to establish whether they would be eligible to participate in the trials. It would be one thing for us to tell the petitioner that he could do so, but it would be more helpful for us to be able to tell him how he could do so. Subject to our having that information to augment our response to the petitioner, I would be happy to close the petition at that point.

David Torrance: I am happy to agree.

The Convener: I do not know whether the petition needs to come back to us if we get that information. We could frame the response in the light of the further information that we receive.

Carol Mochan: This is my first time on the committee. If we close a petition, does the petitioner have the right to come back on it? How does that work?

The Convener: They do. If the petition is closed, the petitioner can come back after a year if they feel that nothing has advanced in relation to the petition during that period of time. However, obviously, we will have a clear idea from the Government about the route that the petitioner could take, and we have a clear direction that it does not intend to take, or is unable to take, any further action at this time, as doing so would contravene a law over which it does not have particular responsibility.

Carol Mochan: Okay. So the petitioner has options.

The Convener: They can do that. I would like to give the petitioner the most informed response possible. I think that that appears on our website in due course. Anybody could see from our

website what advice we receive and how people could apply. That would be helpful.

High-caffeine Products (PE1919)

The Convener: PE1919, which was lodged by Ted Gourley, is on prohibiting the sale of high-caffeine products to children for performance enhancement. The petition calls on the Scottish Parliament to urge the Scottish Government to ban the sale of fast release caffeine gum to under 18s for performance enhancement due to the risk of serious harm. We previously considered the petition on 23 February, when we agreed to write to the Children and Young People's Commissioner Scotland, scottishathletics, sportscotland, Cardiac Risk in the Young, and Food Standards Scotland. I am pleased to say that we have received responses from those stakeholders as well as a submission from the petitioner.

Members will have noted that many of the responses refer to the Scottish Government's consultation on the sale of energy drinks, and to the fact that Food Standards Scotland has committed to providing enhanced guidance on food additives, including caffeine, in the coming months.

The responses from sportscotland and scottishathletics highlight the potential challenges of implementing a ban that is specifically focused on performance enhancement. Cardiac Risk in the Young and the petitioner have also suggested that there is a need for further research to evaluate the impact of such products on young at-risk individuals and athletes.

Do members have any comments or suggestions on action? I think that the issue was raised in the chamber at some point. I recollect it coming up.

Alexander Stewart: There are many more questions to be asked about the topic. I think that there was recently some debate about it in the chamber.

The Scottish Government must provide more clarity and information on the consultation on ending the sale of energy drinks to children and young people. We should seek clarity and ask it about the consultation and when the report on that will be published.

We talk about the influence of foodstuffs. The response has to include caffeine gum, plans to review risk-management decisions based on the European Food Safety Authority's advice as part of the Scottish Government's work, and what further consideration has been given to the plan to introduce a ban on the sale of fast-release caffeine products to those who are under 18. All those

things require more clarity before any further decisions or discussions can take place.

The Convener: I am mindful of scottishathletics having highlighted the potential challenges of implementing a ban. Such things are said very often, but bans are sometimes very difficult to apply. However, I am inclined to support Mr Stewart's suggestion. Do colleagues agree with that?

Members indicated agreement.

The Convener: We will keep the petition open and proceed on that basis. Specifically, we want, in order to direct consideration to the petitioner's concerns, to know about foods with equivalent quantities of caffeine.

Universal Free School Meals (PE1926)

The Convener: PE1926, which was lodged by Alison Dowling, calls on the Scottish Parliament to urge the Scottish Government to expand universal free school meals provision to all nursery, primary and secondary school pupils. We previously considered the petition on 20 April, when we agreed to seek more views and information from the Scottish Government and a number of stakeholders. I am pleased to say that we have received responses from the Cabinet Secretary for Education and Skills, the Convention of Scottish Local Authorities, the Children and Young People's Commissioner Scotland, Public Health Scotland, the Child Poverty Action Group, and the Trussell Trust.

Members will be aware that expanding provision of free school meals has been the subject of discussion in the chamber—notably in relation to our consideration of the Good Food Nation (Scotland) Bill.

Do members have any comments or suggestions of actions that we might take?

David Torrance: The committee should write to the Cabinet Secretary for Education and Skills seeking an update on the work that is being undertaken to expand provision of free school meals and asking what priority is being given to extending such provision to secondary pupils.

The Convener: I am happy to do that. We might advocate taking the petition to the chamber for a debate, but in the first instance we will wait for a response from the cabinet secretary.

New Petitions

Additional Support Needs Schools (Closed-circuit Television) (PE1927)

10:00

The Convener: Item 3 is consideration of new petitions.

PE1927, which has been lodged by Claire Mooney, calls on the Scottish Parliament to urge the Scottish Government to install CCTV into every additional support needs school in the country. Members—Mr Torrance, in particular—will be aware that the petition is similar to one that was considered by our predecessor committee and was also lodged by Ms Mooney. It was closed on the basis that, from written submissions that were received, it appeared that there was limited support for the action that was called for in the petition. Further information on the previous petition and written submissions are included in the Scottish Parliament information centre briefing paper.

In the background information, Ms Mooney shares her experience of a family member being injured while being restrained and the challenges of ensuring that a full investigation was done and a full explanation of events provided, particularly when the child is unable to give an account of what happened. We have also received submissions in support of the petition from Patricia Hewitt and Elaine M, both of whom suggest that CCTV could be used as a tool to support and protect vulnerable children, as well as the staff who work with them.

The Scottish Government's response states that it is for local authorities to determine whether use of CCTV cameras on their premises is appropriate, and that, in making such a decision, consideration must be given to balancing the privacy and protection of children, young people, and staff. The Government also notes that new guidance is being drafted on minimising use of physical intervention, physical restraint and seclusion in schools. That draft guidance on physical intervention in schools has been made available and the public consultation on it is due to close on 25 October.

David Torrance: A similar petition was considered by a predecessor committee and a lot of work was done on it. More important is that the Education, Children and Young People Committee has a similar petition before it and will work on it. We should highlight the new petition to that committee and we could then close it under rule 15.7 of standing orders.

The Convener: At the same time, we could ensure that the petitioner is aware of the consultation that is under way. The fact that the Education, Children and Young People Committee is considering a similar petition allows us to close PE1927 at this stage. Are members comfortable with that?

Members indicated agreement.

The Convener: I forgot to say to anybody who might be watching our proceedings from afar that, before we consider any new petition, we seek an opinion on its principles from the Scottish Government. When we consider the petition for the first time at the committee, it is on the basis of our having already undertaken a certain amount of advance preparation. I say that so that anybody who lodges a petition understands that the petition is not being dismissed summarily; we have considered the issues that have been raised. I thank Ms Mooney for bringing the matter to our attention.

Potholes (PE1936)

The Convener: The next petition, which has been lodged by Lesley Roberts, is PE1936. It calls on the Scottish Parliament to urge the Scottish Government to improve road surfaces by creating an action plan to remove potholes from trunk roads across Scotland and providing ring-fenced funding to local councils to tackle potholes. The petitioner highlights the point that potholes cause accidents, which puts lives and property at risk, and raises a particular concern about partial road repairs putting drivers and cyclists at further risk.

The Scottish Government's response provides details of its investment in trunk roads, as well as highlighting the obligation on operating companies to inspect the trunk road network at seven-day intervals to identify defects. In responding to the call for ring-fenced funding for local authorities, the Government states:

"It is ... the responsibility of each local authority to manage their own budget and to allocate the total financial resources available to them on the basis of local needs and priorities".

Nonetheless, we know from our MSP postbags that potholes can have quite dramatic consequences for individuals. From a freedom of information request that was advanced to me by a constituent, I know that the number of people who successfully claim back costs that have been incurred as a consequence of potholes is not high, and it is usually the result of a very challenging process on the part of the local authority.

Sometimes, people make light of the issue of potholes, but the matter is important, particularly with roads on which people are wholly dependent for access to services.

Mr Stewart—you look as though you are keen to speak.

Alexander Stewart: Thank you, convener. I am, because potholes are a major issue. As you have rightly identified, some councils seem to manage to deal with the issue reasonably well, but others do not. Some roads are a danger to individuals and vehicles, and I believe that there is scope for us to consider more information on the issue.

I suggest that we continue to seek clarity and that we write to the Scottish Road Works Commissioner, the Society of Chief Officers of Transportation in Scotland, the Chartered Institution of Highways and Transportation and the Civil Engineering Contractors Association to seek their views, because their views are important. That has been raised by the petitioner, and the additional information that they will be able to share will give us an idea of what has been happening with maintenance standards across Scotland.

It is also important to talk to the RAC Foundation and the Road Haulage Association to seek information on the level of reported damage to vehicles and the number of other traffic incidents that are caused by potholes. By doing that, we will get a much better picture. As has been indicated, we might know how things are in our own regions or constituencies, but it appears to be the case that, across Scotland, there are some areas where potholes are a real concern and a real danger to road users and their vehicles.

The Convener: I suggest that, when we write to the RAC Foundation and the Road Haulage Association, we ask them what information they have on the reimbursement or restitution that affected individuals actually get. That is a material consideration. Are members content to do that?

Members indicated agreement.

Physical Education (Privacy) (PE1937)

The Convener: PE1937, which has been lodged by Gillian Lamarra, is entitled “To give children the respect they deserve by providing options for privacy when changing for P.E.” It is an important issue. The petition calls on the Scottish Parliament to urge the Scottish Government to implement the option across all schools for primary school children to wear their PE kit to school on the days they have PE.

The petitioner considers that these protections are necessary to ensure children’s privacy and tells us that, while Covid-19 restrictions were in place, some schools brought in the option of children wearing their PE kit to school. However, since the pandemic restrictions have been lifted, schools have allegedly taken that option away, which

means that primary school pupils have to get changed for PE in front of their teacher and their classmates in mixed-gender classes.

The Scottish Government’s response indicates that

“policy decisions on school clothing ... are best taken by schools and education authorities”.

It also highlights the

“statutory responsibility on all local authorities to manage and maintain their school estate”

and the expectation that local authorities will

“provide appropriate changing facilities”.

We have received a submission from the petitioner in response to the Scottish Government, which highlights the fact that some schools do not have appropriate facilities for pupils to get changed in. It also raises concerns about the onus being put on parents to contact the teachers to resolve the issue, rather than the relevant authorities ensuring that appropriate changing facilities or alternative options are provided. Do members have any comments?

David Torrance: Can we write to the petitioner, asking her to share her views in response to the Scottish Government’s consultation on school uniform, which is open until 14 October?

The Convener: There is certainly an opportunity to do that.

David Torrance: The committee could also write to the Children and Young People’s Commissioner Scotland, asking for his views on the petition. However, most important for the committee, we could write to COSLA, asking for information on guidance and best practice in schools on the issue.

The Convener: I am content to do all of that. Are members content?

Members indicated agreement.

The Convener: Does anyone have any other thoughts? I wonder whether we might, in seeking advice, try to establish whether COSLA is aware of any widespread public concern about the issue. I am not clear about how widespread any concern might be.

I thank the petitioner. We will keep the petition open and will revert when we have that information.

Fire and Smoke Alarms (Nest Protect) (PE1940)

The Convener: PE1940, which has been lodged by Campbell Wild, calls on the Scottish Parliament to urge the Scottish Government to permit Nest Protect as a valid system under the

new fire and smoke alarm law, which came into force in February 2022.

In response to the petition, the Scottish Government states its view that allowing the system would be inappropriate because it does not meet the necessary British standard required under the interlinked fire alarms legislation. The Scottish Government highlights its joint statement with COSLA, which confirms that there are no penalties for non-compliance.

We have also received a submission from an individual, Michael Clark, who has indicated his support for the petition. He shares his positive experience of using the Nest Protect system and notes its additional features, which provide further safety benefits.

Do members have any comments or suggestions? Is anyone familiar with Nest Protect?

David Torrance: Considering that the product does not meet British standards—which I think is really important—that there is no penalty for non-compliance regarding heat alarm systems and that local authorities will be taking a lenient and measured approach to installation, I think that the petition could be closed under rule 15.7 of the standing orders.

The Convener: Does anyone else have any thoughts?

Alexander Stewart: I concur, if the product does not meet British standards. It would be difficult for us to support any apparatus that does not meet the expected level of efficiency. It is a difficult situation when you are dealing with a smoke alarm. It must meet the right standard or it could jeopardise individuals.

The Convener: I do not see anything in the briefing that we have received that would change the fact that the product is not approved. We might have asked to see the system in practice, but that would not have changed the fact that it has not been approved as meeting the standard.

I do not see that we can take this any further, so I am inclined to agree, in view of the evidence that we have received, that we must close the petition. Are members content?

Members indicated agreement.

Cemeteries (Local Authority Actions) (PE1941)

The Convener: PE1941, which has been lodged by Councillor Andrew Stuart Wood, calls on the Scottish Parliament to urge the Scottish Government to monitor and regulate actions taken by local authorities when undertaking their statutory duty of ensuring health and safety within our cemeteries.

The SPICe briefing on the petition explains that local authorities have general duties to address hazards in burial grounds but that the maintenance of headstones and other memorials is the responsibility of the owners of the burial grounds.

The Scottish Government indicates that it is unable to intervene in operational matters affecting burial grounds because that is the responsibility of the relevant burial authority. The response highlights the work of the burial regulations working group and the plans to prepare a statutory code of practice and associated guidance for burial authorities.

I have heard expressions of interest and concern in relation to the petition. Do members have any views?

10:15

Alexander Stewart: There is no question that the issue has been raised by a number of individuals and that such destruction now seems to be practice in some local authority areas. I appreciate that individuals might no longer be able to maintain, or be part of the process of looking after, a headstone because their family is no longer there or those individuals are deceased. However, we need to seek clarity on the issue.

COSLA is one of the first places that we should go to ask whether local authorities routinely liaise with lair owners on maintenance and how they do so, because it is important to find that out. I appreciate that councils are concerned with health and safety, but it can have a massive impact on a family if they turn up to see a headstone and find that it has been destroyed. People have written to me on that topic and I have then liaised with the local council.

There is also an opportunity for us to write to the Scottish Government's burial regulations working group, which has a role to play. We should ask what consideration it will give to the need for and value of a national approach to the monitoring and regulation of local authority actions. Will it also consider having a funded maintenance and repair policy, with a timescale, and how that timescale would be planned for? Those are the recommendations that I suggest.

The Convener: Do members have any other thoughts?

David Torrance: I agree totally with my colleague Alexander Stewart, but could the committee also write to the chair of the burial regulations working group to request that it engage with the petitioner?

The Convener: Indeed. I would quite like to hear from the petitioner, too. I would like to adopt

those suggested actions but also have a discussion with the petitioner when we have received those responses. He is an elected councillor, so it would be quite interesting to hear his view. I invite the clerk to consider whether it might be useful for us to speak to anyone else in the light of the responses that we receive.

I have had representations—I do not know whether they are hearsay, which is why I think that they are worth exploring—that, in some cases, a general decision has been taken just to go in and flatten a lot of headstones, whether they are at risk or not, as a pre-emptive measure and without reference. A lot of relatives have become quite distressed to find that such action has been taken.

It seems to me that, in the drafting of guidelines, there is currently something of an open environment whereby there is an opportunity to discuss the issues raised in the petition, to which we might make a useful contribution. I would be grateful if we could do that.

Are members content that we do so?

Members indicated agreement.

Engine Idling Ban (Enforcement) (PE1944)

The Convener: PE1944, which has been lodged by Alan Ross, calls on the Scottish Parliament to urge the Scottish Government to enforce the engine idling ban and take action to introduce instant £80 fines for offences; reclassify idling as a high traffic offence; legally oblige local authorities to enforce the engine idling ban; create contact points for public reporting; and increase anti-idling signage in public spaces.

The SPICe briefing explains that statistics on engine idling enforcement action are not routinely published but that FOI requests indicate that fixed-penalty notices are rarely, if ever, issued.

In response to the petition, the Scottish Government states that the current approach to enforcement is fit for purpose and proportionate, with penalties being viewed primarily as a deterrent. The response states that local authorities undertake educational and awareness-raising campaigns to prevent idling and target enforcement in areas of known concern.

The petitioner believes that the response is inadequate and does not address the petitioner's proposals or reflect the gravity of the issue. He points to the rise in the number of vehicles on the roads since the legislation was updated, in 2003, and to the health risks associated with inhaling car fumes. He also raises enforcement issues and stresses the climate impacts.

In my experience, since 2003, a lot of cars now cut out automatically to prevent engine idling. The

manufacturers have incorporated into the mechanics of more recently produced vehicles an engine idling cut-out facility.

Do members have any views on the petition or on what we might do next?

David Torrance: Could the committee keep the petition open for now, to give us a chance to write to COSLA, the RAC Foundation and Professor Adrian Davis of Edinburgh Napier University, seeking their views on the action called for in the petition?

The Convener: Are members content to do so?

Members indicated agreement.

The Convener: We will write as Mr Torrance has suggested, keep the petition open and consider it afresh when we hear from those bodies.

That concludes the public section of our meeting. We will next meet on 26 October.

We now move into private session for consideration of item 4.

10:20

Meeting continued in private until 10:27.

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