



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 20 December 2023

Session 6



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Pàrlamaid na h-Alba

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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

19th Meeting 2023, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Foyso Choudhury (Lothian) (Lab)

*Fergus Ewing (Inverness and Nairn) (SNP)

*Maurice Golden (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Naomi Bremner

Angus Campbell

Rona MacKay

Brian Whittle (South Scotland) (Con)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 20 December 2023

[The Convener opened the meeting at 09:35]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning, and welcome to the last meeting in 2023 of the Citizen Participation and Public Petitions Committee.

First, I will make a general comment in respect of certain social media commentary that has been promoted since our meeting a fortnight ago. It is important to understand that all the members of the committee act impartially in support of advancing the aims of our petitioners. We do not necessarily do that with any personal commitment to a petition or because we support it or oppose it. Our responsibility is to seek to advance the aims of the petition, as requested by the petitioner.

However, when it becomes clear to us that we are unable to take the matters in a petition forward, we have, in fairness to other petitions that we can advance, no option at that point but to move to close the petition. In closing a petition, we are not expressing a view about its merits or giving the personal view of any member of the committee. It is simply that, at that stage, we are unable to take the aims of the petition any further forward.

Of course, it is open to any petitioner, after a period of time, to lodge a fresh petition. It may well be that, in the circumstances that exist at that point, the aims of a petition that could not previously have been advanced can be taken forward.

I wanted to explain that, because our situation is different from the positions of other committees. All the members here act in the best interests of advancing a petition, as long as we are able to do so. The matter harks back to one of the conclusions that arose from our inquiry into deliberative democracy, which was that a distinction is to be drawn between Parliament and the Government. This is not the Government; this is Parliament. We are not the ones who develop national legislation; we are the ones who hold Government to account, insofar as we are able so to do.

That brings us to agenda item 1, which is consideration of whether to take items 4 and 5 in private. Those items will be to discuss the evidence that we hear today and how we might want to take forward our inquiry into the A9. Are colleagues content to take those items in private?

Members indicated agreement.

Continued Petitions

Island Community Representation on Boards (PE1862)

09:38

The Convener: Item 2 is consideration of continued petitions. The first is PE1862, which relates to introducing community representation on boards of public organisations that deliver lifeline services to island communities. The petition has been lodged by Rona MacKay, Angus Campbell and Naomi Bremner on behalf of the Uist economic task force. I am pleased to welcome the petitioners to today's meeting. Angus has joined us in person, and we are joined online by Rona and Naomi, who will be contributing remotely. Welcome, to you all.

The petition calls on the Scottish Parliament to urge the Scottish Government to introduce community representation on boards of public organisations that deliver lifeline services to island communities, in keeping with the Islands (Scotland) Act 2018. We last considered the petition at our meeting on 14 June. At that point, we received an indication from the petitioners that they would very much like to give evidence in respect of the petition. We agreed to that, so we have the petitioners with us this morning.

The committee has a number of questions that we might wish to explore with you, but before we do that, have you agreed that one of you will be an introductory spokesman on behalf of the three of you?

Angus Campbell: We had not agreed that one of us would do all the talking, but I am quite happy to do so.

The Convener: The question is, therefore, whether you have anything that you want to say to us in advance, or whether you would be content for us to move to questions first. There will also be an opportunity to sum up at the end, if we do not cover ground that you would like to cover.

Angus Campbell: We would quite like to say a few words at the beginning.

The Convener: Carry on, please, whoever is going to do it.

Am I nominating you, then, Angus? Rona and Naomi, are you content for Angus to take the lead here? I see that they are nodding. That is fine—you are content. On you go, Angus.

Angus Campbell: Thank you very much. We appreciate that the committee is giving us the time and opportunity to speak to you.

All three of us come from island communities in different parts of our geography, and for quite a long time we have all been involved in trying to make life in island communities better. One fact that stands out to us like a sore thumb is that decisions are often passed down to the islands without their communities' input. Having worked hard for many years on the bill that became the Islands (Scotland) Act 2018, we had hoped that the act would have delivered the change that its fabric was designed to do. Unfortunately, we feel that on publicly appointed boards there is still a deficit in the skills that are needed to make the correct decisions from the perspectives of our islands and our public bodies.

There is a route to getting better decision making, use of resources and outcomes, which is to recognise the skills that are involved in living and working on islands, and the knowledge and experience of what island life is like, as part of the skills mix that we should have on boards that deal with lifeline services for islands. It is crucial to island people that those decisions are the best ones and that we get the best outcomes, and that they feel that they are part of the system and can influence the decisions that come to them.

That is the crux and the basis of what we do. I could go into the specifics below that, but I am aware that you will want to move on to questions, convener. That is an outline of where I think all three of us are coming from. We have all been involved in plenty of situations where a more informed decision could have got us all to a better place and better outcomes.

I am happy to proceed on that basis. I am not sure whether my companions will want to add anything.

The Convener: Rona and Naomi, would either of you like to say anything before we move to questions? If you would like to speak, will you please just raise a hand? If you indicate anything below that level I will not see it because the screens are so far away. Okay—we will move to questions.

I will ask a general question. What are the petitioners' views on the Scottish Government's approach of addressing representation on boards through their recruitment processes? If anyone would like to speak, please just let me know.

Angus Campbell: I will kick off. We all feel that things have not moved on as regards getting the island voice into the decision-making process. We had hoped that island proofing, which was one of the principles of the Islands (Scotland) Act 2018, might have brought that through in a much more proactive way, but in general we are not seeing that happening. There are examples of it, but we are not seeing enough of the skills that islanders

bring, in walking the walk and living the life, coming to the decision-making table. We still see many decisions being made that, even from the outside, we know will not be successful because that extra information has not been brought to the table. Such decisions actually damage our communities and, beyond that, the best outcomes for the country and for the Government are not attained.

That affects so many parts of people's lives, because, for people who live on islands, everything is interdependent, including choices on population, whether people stay, and what young people do with their lives. For instance, if people feel that they cannot influence how their main services are delivered, they will make the obvious choice not to live there. That is continuing to happen. For example, the latest census showed the population change in the Outer Hebrides to be minus 5 per cent: it is one of the few places in Scotland where the population has gone down.

There are plenty of skills on the islands, and plenty of people who have board skills that we need in other ways, as well as island knowledge that could be brought to the table. However, they do not feel motivated to become involved because, historically, they have not been valued as contributors to boards. We are trying to change that.

09:45

The Convener: I call Naomi Bremner. Naomi, can you hear me? Would you like to speak?

Naomi Bremner: I apologise. My unmute button was not working.

To add to what has been said, I will go back to the question. We believe that the island voice is underrepresented across the boards that we have used as examples. I recognise the action that has been taken in boards over the past few years to address other underrepresented groups including women and younger people. We would like to see similar action when it comes to the island voice—people who live and experience island life.

I emphasise the fact that the narrative on, and reporting about, the islands plan applauds the creation of the plan and everything that sits around it as having been done with the input of islanders. However, we all appreciate that meaningful action is usually best achieved by the people who live and breathe the relevant circumstances, challenges and opportunities. Rather than having "input", islanders should be part of the mix. We will achieve a lot more that way.

As has been said, islanders are pragmatic—we have to be. Often, we experience the greatest complications of life—in access to services,

access to healthcare and running businesses. Given such experience, we are best placed, as part of a wider mix, to consider pragmatically how delivery should happen—not only in the context of the challenges of living in that environment, but in the context of wider challenges, such as the fiscal environment. We do that every day, so we have a lot of skills to bring.

The Convener: Okay. Obviously, Rhoda Grant and Alasdair Allan have represented those points in evidence that they have given to the committee. In his evidence last time, Alasdair Allan reflected on appointments to CalMac Ferries. I would be interested to have your reflections on the appointment of David Beaton, a Skye resident, as a non-executive director on the board of David MacBrayne Ltd. Is that an exception rather than evidence of practice, or does it illustrate that the current recruitment procedures can be a successful avenue for achieving the aims of the petition? What is your reflection on that appointment?

Angus Campbell: It is hard to talk about somebody on one board without knowing the individual and the ins and outs of the appointment. David Beaton is a Skye resident—in the process, we can discuss whether Skye is really still an island. We are asking for something more than individuals getting on to boards from time to time. The skills that are required on those boards for making good decisions should be reflected through board members knowing the area that they are dealing with. That is like a business knowing its customer base and it should be identified in the skills matrix that is behind any appointment for any board that deals with islands, particularly when it comes to lifeline services.

I feel a little inadequate in talking about that one example, which falls far short of recognition that extra value is to be gained on boards from the knowledge of islands residents, just as it is from knowledge about health and safety, audit and all the other skills that are needed to run an efficient board. That knowledge should be part of the matrix of skills behind boards' requirements.

The Convener: Rona, I am sorry—you were off screen, so I did not see that you were seeking to come in a moment ago. Would you like to contribute on this matter and on the other question that I asked?

Rona MacKay: It is a passive and competitive process at the moment, but we need much more than that. Instead of whether someone gets on to a board being dependent on how they perform in an interview and what they write in their application, there should be a far more considered process that involves islanders and the councils that represent the islands. That would ensure that we get the best people on boards and would be

better than choosing people through interview processes and the like.

It is very much a matter of chance whether people bother to put their names forward or understand what the role is about. There was a lot more advertising the last time CalMac and Highlands and Islands Airports Ltd boards looked for members, but there is a need to get together with islanders and to be far more considered. At the moment, everything is done on the mainland; people on the mainland decide whether a person is fit to go on a board.

There should be a review of the required skills. We need the skills and knowledge of islanders and their understanding of islands' needs.

Fergus Ewing (Inverness and Nairn) (SNP): I am struck by the fact that the petition was lodged on 24 March 2021, which is two and a half years ago, and that, since then, we have had no less than four ministerial submissions, most of them fairly short.

I return to the arguments that the three petitioners advanced in their earlier submission. They made four specific suggestions. In brief, those were

“Reserving a place on the selection panel for the Chair of HIAL”,

“Assigning three of the seats on the HIAL board to people who live in the communities”,

retaining one of those seats

“for a co-opted member from the HITRANS/ZetTrans Board”

and allocating a place on the board to at least one council out of Western Isles Council, Orkney Islands Council and Shetland Islands Council.

I mention that in order to set out a thesis. I never wish to be unfair to any Government minister, but what surprises me is that, in the four responses that we have had from ministers, I cannot find a specific answer on any of those suggestions. I find that very disappointing and I would be inclined to pursue it. To enable us to pursue that in the best way, I would like to know whether the petitioners feel frustrated. They have put forward specific suggestions about how things could be improved, but here we are, two and a half years later, and we do not appear to have had an explicit, clear, direct answer on any of them. That seems to me to be, at the very best, somewhat unsatisfactory.

Angus Campbell: “Frustrated” is probably the word. We have kept in touch and stayed together during that period, but it is quite disappointing that we have not seen a process that could lead to something coming out at the other end. A lot of what you read out from our petition dealt

specifically with issues in HIAL, but there have also been issues with CalMac.

I return to the point about individuals appearing on boards. The case is good, but the Government may want to fend off having principles set down in regulation. To be honest, it has been frustrating and disappointing. We believe that the proposal would be a win for everyone and would put us in a better place. If we turn it on its head and ask why we would not do that, there seems to be no obvious answer. Why would we not want to have the best skills on a board that looks after resources and manages island services?

Fergus Ewing: Would it help if the committee made a request to the current Scottish Government minister—I think that we are now on transport minister number 4 in the current parliamentary session—to see what specific ideas they can come up with? Excuse me, Angus. I may be teaching my granny how to suck eggs, but I am sure that the three of you must have pondered on many occasions how to advance the situation. The reply seems to be, “Well, we advertise posts but we don’t get the applications”. That seems a pretty pathetic approach.

I know from my work in the islands over many years as minister that there are a huge number of very able, knowledgeable and experienced people all over the islands. I feel that the current efforts to reach out to empower those people, to benefit from their local knowledge and direct experience of ferries, seamanship, Caledonian Maritime Assets Ltd or HIAL and to get them involved not only on the board but in senior management positions are not enough. We need to disperse jobs to the islands. When I was the Cabinet Secretary for Rural Economy and Tourism, we managed to disperse a couple of Crofting Commission jobs to the Western Isles. My God, it was difficult—I can tell you that. The grand promises that you start off with get diluted as they go through the sausage machine.

This is a very long question, but it seems to me that so many other approaches could be taken. Could the councils play a structured role in coming up with specific recommendations of people who might be suitable to serve on the main bodies of CMAL, CalMac and HIAL? Elected councillors are often really plugged into their communities. Is that a way—it is not one that is currently used—in which we could reach out to empower people on the islands?

Angus Campbell: That is certainly a specific way in which you could do it. That is why we talked in the petition about council representation being important. There is a much more active dynamic in places such as the Western Isles when it comes to the relationship between councillors and communities. That is one way, but you have

to recognise that, over the years, a lot of islanders have tried to get on to those bodies and it is very hard. I have tried so hard—I am sure that my two colleagues would tell you the same—to encourage people to do it, but they feel that it is not a welcoming place, or not a place where their skills will be taken to the table. They feel that they start at a disadvantage, and many of them just will not go forward. That applies to many communities, too. When there are consultations, we see a lot of community consultation fatigue, as we call it, because people have been through the process before and they have not been allowed to affect the outcomes, so they feel that there is no point in getting involved again.

We need a much more positive approach, with boards saying, “The skills matrix that we need includes your skills as an islander, and there is an open door for you to come and be part of this.” Of course islanders will still have to go through a selection procedure, but it should be made much more open and welcoming to islanders, and they should be encouraged.

Fergus Ewing: Have you had any feedback from people who have been keen to apply to play a part but have been rejected? Has there been any systematic review or consideration of that? Has any work been done to consider why that has happened? Many of us suspect that the selection process results in what we might call the usual suspects, with a pool of kenspeckle figures getting picked again and again, and that it discriminates against newcomers, outsiders, outliers and, basically, people who live on the islands. I am afraid that that is my view from having been involved in quite a lot of selection work over the years. Perhaps I am at fault as much as anybody else.

If you are saying, as you did just now, that a cohort of people have been spurned—unfairly, in your view—and that that has created ill feeling, what can we do about that? Can anything be done? Has anything been done about it? I am sure that the committee would be willing to pursue that if there are concrete, specific things that we might be able to do about it.

The Convener: I am conscious that Rona MacKay and Naomi Bremner might also wish to comment.

Fergus Ewing: I am very sorry. It is so easy to be rude to people who are attending online. I apologise.

The Convener: Naomi, would you like to comment on the themes that Fergus Ewing has developed?

10:00

Naomi Bremner: I totally agree with Mr Ewing’s point that the issue cuts across from boards to senior management and right down to the doers. That is an important point, because many opportunities are missed to expand on that and use the skills and knowledge of people across all skill levels in our islands.

Consultation fatigue is an issue. People fly in and reel out the same presentations about our statistics and the situation on islands, and the same conversations are repeated day in, day out on the national transport strategy and the review of the islands plan. The same things happen over and over again, but we do not see change. We see consultations being done to us and we do not see action on the back of them. I will give an example. The Scottish index of multiple deprivation continues to be used for the allocation of funding in various funding streams such as the community bus fund, but we know that that index is not a good tool or indicator for islands or remote parts of Scotland. It looks for pockets of deprivation, but deprivation in islands is not in pockets—it is dispersed and often hidden.

We keep seeing policy decisions being taken in the centre that do not reflect the situation in our islands, which is hugely frustrating, because we feed that point in at every opportunity but we never see the difference being made.

On the point about the recruitment process for boards, I have served on a national health service board for two terms and I currently sit on the board of a regional transport partnership. I have applied for other roles—I highlight that this was pre-Covid and before we did more online—but I feel that my complication means that it would probably have taken me three days, at best, to be able to attend an interview. I feel sure that that is why I was not shortlisted, because I met all the criteria. I have also applied for other Government-related non-executive posts. I was invited for interview, but my travel expenses would not have been covered. I decided that they did not really want an islander, so I did not attend. Those are examples of how the system is a barrier to people such as Rona MacKay and me getting involved.

Rona MacKay: I do not think that any people are more capable than islanders to go on committees. When land reform came in, islanders took advantage of that, and 72 per cent of islands are now community owned. We have taken what was an awful problem with absentee landlords and turned it on its head. We have taken ownership and control of land. We run our land now, and we have done the same with energy. Twenty-one islands now generate their own energy. Islands have taken control of community energy far more than people on the mainland have. We have

committees of volunteers who put up wind turbine projects that have been £20 million in the making. If we can do that in our voluntary time, being on a committee is easy for us—we do this all the time. The third sector is strongest in the islands, because we do so much in our voluntary time.

We are extremely capable and are probably far more experienced at being on a committee and understanding the different roles in committees than people from the mainland are—certainly people from the central belt, where everything is done for them by the market. We are used to trying to combat injustices and taking control of our resources. Transport is the next thing, after energy and land. We need to sort that out, because the problem is becoming so bad. Our ferries and plane services are worse than they have ever been. The service on the ferries in the 1980s and 1990s was much better than what we have today.

Foyso Choudhury (Lothian) (Lab): I have a question that follows from what Fergus Ewing asked earlier. Do you think that there could be a barrier for board members, if they have to have specific technical skills and knowledge about the islands to be on a board? Is that one reason why people are not coming forward to become board members?

Angus Campbell: Are you asking whether people do not have the skills?

Foyso Choudhury: Yes.

Angus Campbell: Absolutely not. The skills are abundant, but we need to get the mechanism in place and we need encouragement. We are trying to build a framework for that to come to the fore, so that people feel encouraged to use the skills and abilities that they already have to help the process. With respect, I sometimes get asked whether there is that skills base on the islands. However, as Rona MacKay said, you can look at many of the things that have happened and at many of the jobs that are held by island people, even on a personal basis. There are many examples that demonstrate that the skills and abilities are definitely there. We are asking to open the door to that and to allow those skills to be used for the benefit of the islands and the organisations. I can give an emphatic yes to skills being there.

Foyso Choudhury: Apart from that, in what other areas could island communities be better represented to increase accountability?

Angus Campbell: There are many examples of that. Board representation is definitely a big issue, because of the role that boards play in setting the direction for some services, but also because they have policy control over the management of a lot of those services that come to the islands.

If you filter down from that, as Fergus Ewing mentioned, management teams being located on the islands would be a huge help. If a manager was not sitting from nine to five in an office remote from the service, but had to go back to their home in the community, I suggest that they would, at times, make very different and better-informed decisions.

I also think that there is a big place for communities to have a permanent say on how services are delivered. My closest example of that is the CalMac situation, where there is no permanent tie-in to the local communities. There is no understanding of what they are doing and what the effect of that is. There seems to be a disrespect for the fact that there can be positive input from communities into those sorts of things. There is very much an attitude of, “We know best. We are professional people who run ships.” However, it is not about delivering bits of metal from A to B, but about how the communities live and thrive with the service that you are providing. I think that there are many aspects to getting communities better plugged into those functions in order to deliver a better service.

The Convener: I was struck, because it is something that is very easily said, that the skill sets in some technical areas might be deficient. To paraphrase Mr Campbell, I think that that was the mainlander speaking to the islander. The islander speaking to the mainlander would say, “You lot cannot walk and chew gum at the same time, whereas we are used to doing that on a regular basis.” In other words, the skill sets of people on the islands are very often underestimated. I will not ask you to comment, but that was the conclusion that I drew.

Maurice Golden (North East Scotland) (Con): The Scottish Government has suggested that there are other ways for community interests to be represented on public boards. From your experience, is that assertion correct?

Angus Campbell: I agree that there are ways for community interests to be represented, but why would you not also include participation on boards? It is a crucial part of the process of decision making for island life. You should not be choosing to treat islanders differently from other people in their ability to get involved in things if they so choose. If that is restricted to saying, “Oh we’ll find a space for you here or a space for you there” that is a bit disrespectful and it misses the point that we are trying to make, which is that, in all the crucial areas of decision making, we have something to add to the mix and we should have an entitlement to participate. As someone else said about the mix, we look at where there is under-representation in other parts of society and we try to address that, so, equally, we should try to

find a mechanism to make it better for islanders in such situations. That is what we are trying to do.

Maurice Golden: So, to paraphrase, you feel that community interests would be best represented by having a community board member in the room, rather than feeding into some process after which others then decide on the community interest. Is that correct?

Angus Campbell: That is an important part of it because to have that knowledge of island life sitting at that level will in itself make the design of how communities feed into decisions better directed and better managed. That is crucial. To try to do it through various one-off initiatives—we have seen a few of those over the years—is both not fully effective but also sometimes not the best use of people’s time or resources. If you do not have somebody in at the strategic level representing the island voice then you are not going to design a system that is best suited for islanders—or there is less chance of it, let us put it that way.

Maurice Golden: Thanks for that. Finally, could the size and turnover of relevant public boards hamper island representation? Are there opportunities arising or is it the case that even when they do come up, islanders are overlooked for those positions?

Angus Campbell: We certainly feel that islanders are overlooked because their skills are not recognised in the matrix that people are looking for. There is the other side of that coin, too. As I think both Rona MacKay and Naomi Bremner mentioned, there are good examples out there of community land and so on. If we pick South Uist for instance, a £13 million harbour was funded, built and operated by a community in a lot shorter period than any public body would have done it. That is a perfect example of the skills that are necessary. I hope that answers your question.

Maurice Golden: Thanks. That was very helpful.

The Convener: Naomi Bremner, I saw you nodding along. Do you want to add anything?

Naomi Bremner: I agree with everything that has just been said. My experience of being on a board is that having a matrix of skills makes a good board perform well—that is not down to an individual with one particular responsibility. We are not suggesting having somebody on a board who is the “community representative”; we are suggesting having somebody or some people on boards that have that as part of their mix. You have heard from around the table that people in island communities have massive skill sets—there is a lot of experience in finance, audit and all those other attributes that are required for that skills matrix. Bringing that island element into that

comprehensive mix—not in isolation, but as part of the mix—is what is required to make a board perform well.

The Convener: Rona MacKay, would you like to add anything on that?

10:15

Rona MacKay: I just want to say that community engagement does not work at all. That level of representation has not worked for us. When HIAL put forward its remote towers project, it made the decision to proceed with the project at board level and then went out to the community to do the community consultation. HIAL chose who it consulted with. Highlands and Islands Enterprise and councillors were invited to come and see it. Certain representatives and some community councils were involved, but HIAL decided who it would talk to, when it would talk to them and how the engagement would be done.

At the engagement, it was said very strongly that the community did not want the remote towers project, but HIAL had made the decision to go ahead with it a few months before it started to properly engage. It feels awful to members of a community when decisions that will really affect them are made off island without them. All that they can do is go to the engagement sessions and say what they think, but then they are completely ignored.

Community engagement does not work for us at all. What we need is a seat at the table and some powers to talk and give our opinions when decisions are forming and when ideas come forward, not after the fact.

The Convener: We are running a few minutes over, but Fergus Ewing would like to come back in.

Fergus Ewing: A point that was made in the very first submission from the Scottish Government, on 8 June 2021, was that, in some public bodies—the boards of the national park authorities were cited as an example—there is a requirement that some members be local residents. Therefore, that is not a wild or radical idea. It is a concept that is already present in the law, which is why I mention it.

Should there be a requirement that a certain number of board members should be resident in the islands and/or should extra weighting be given to residency in the decision about selection, for which a number of criteria to do with competencies will routinely be fixed? It seems to me that there should be a residency weighting so that the discrimination against people from the islands that exists in the way in which the system works at the moment, which we heard about from Naomi

Bremner, in particular, although Rona MacKay also spoke about it, can be counteracted. There could be a 20 or 30 per cent weighting in favour of people from the islands for any board or other significant appointment, or a senior managerial appointment.

Are those ideas that the petitioners feel that it would be sensible for us to pursue? I was with the Ethical Standards Commissioner, who, I think, is responsible for public appointments. That is referred to in more detail in the submission of 8 June 2021, so I will park that.

Naomi Bremner mentioned her absurd experience of not being able to attend for interview, as that would have taken up three days of her life and would have involved her incurring expenses that she would not have got back. It is no wonder that she did not want to go.

Naomi, if you had the ability to participate by video call, in the way that you are doing at the moment, and there was a weighting in favour of you, as an island resident, would that help to counteract the problem that we have been kicking around to no effect for two and a half years?

The Convener: Just before I bring in Naomi, I point out that we will have to draw this evidence session to a close. I invite Naomi to respond and then I will come to each of our other two witnesses. If there are any final comments that you would like to add, that would be very helpful.

Naomi Bremner: I will keep it very short. I totally concur with both parts of Fergus Ewing's and/or suggestion. I think that those are both useful avenues for formal consideration.

The Convener: Rona, is there anything that you would like to add that we might not have covered? Do you have final points to make?

Rona MacKay: Yes, it is completely in line with the democracy matters approach; it is a great example of trying to devolve decision making down to the communities where it matters. It is good timing for this to go through.

The Convener: Angus, would you like to add any final thoughts?

Angus Campbell: We agree that it would be a step forward to have that in there, and also—maybe above that—to have a duty for board members to show that they tie into their communities, so that they can truly say that they have a place in their communities.

This is not about me, but at the beginning of the year I did a consultation on the ferries for the transport minister. I went across the islands, including up to Orkney and Shetland. Nearly 1,000 people came out for that, and a number of them said that the fact that they had someone with

island knowledge coming to speak to them made a huge difference to the conversation. In the middle of that consultation exercise, a senior civil servant stood up and asked whether it really matters if people cannot get off the island today, tomorrow or the next day. It is an issue if someone does not have awareness of what not being able to do that means to islanders. One chap in the front stood up—well, he did not stand up, because he had a walking stick—and he said, “I’m getting cancer treatment in Glasgow and I’ve missed the last three of my five appointments because of that, and you’re asking me whether it really matters if I get on and off the island.” That is the sort of awareness and knowledge that we are trying to get into the system, so that when decisions are made, they are made in the best interests of the people that we are supposed to be serving.

The Convener: Thank you for that, and thank you to you all for your evidence. The petition was lodged at the start of the session and it has maintained the interest of the committee since 2021—as Fergus Ewing said. We are very grateful for the evidence that all three of you gave this morning.

Colleagues, can I get your agreement that we will consider the evidence further in private at a later date?

Members: *Indicated agreement.*

Fergus Ewing: I hope that we hear from the minister and from the Commissioner for Ethical Standards in Public Life in Scotland.

The Convener: We will consider that later. I thank you all, again. I will now suspend briefly to allow us to move to the next item.

10:22

Meeting suspended.

10:22

On resuming—

A75 (Upgrade) (PE1610)

A77 (Upgrade) (PE1657)

The Convener: Welcome back. At this stage, I offer an apology from our colleague David Torrance, who is unable to be with us this morning. The committee sends its best wishes to David, and we look forward to seeing him again in the new year, hopefully.

We move to the next of our continued petitions. PE1610 was lodged by Matt Halliday, and PE1657 was lodged by Donald McHarrie on behalf of the A77 action group. PE1610 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, and PE1657 calls on the Scottish Parliament to urge the Scottish Government to dual the A77 from Ayr Whitlets roundabout south to the two ferry ports located at Cairnryan, including the point at which the A77 connects with the A75. We last considered the petitions in April, when we agreed to write to the then Minister for Transport, Kevin Stewart.

We are joined this morning by our colleague Brian Whittle. Good morning, Brian. I will invite you to comment in a moment.

The response that we received from the then minister states that Transport Scotland officials are aware of the environmental impact assessment report on the A75 and A77 and are considering its findings. However, the response notes that the report appears to reflect only the positive impacts of dualling, and does not consider the outcomes of the strategic transport projects review 2, and the response notes that the report does not provide any benefit cost ratios to summarise the overall value for money. The response also states that prioritisation work for the STPR2 recommendations is being undertaken, and that that will feed into the publication of a delivery plan later this year—but I take it that that will probably be early next year. Until that work has been completed, it will not be possible to provide timescales for delivery of individual recommendations.

The petitioner expresses the view that the then minister's response seems to disregard the report. He highlights the positive inward investment seen in Maybole since the completion of the £29 million bypass there. The submission also questions how the Scottish Government's target of zero road fatalities by 2050 will be possible when the conditions on the south-west of Scotland's road network are considered.

Our colleague Finlay Carson is unable to join us this morning, but he has sent a written submission in support of the petitions. He reports that, in the past five years, there have been seven fatal collisions on the A75. In the light of the UK Government's £8 million funding for improvements to that road, Mr Carson suggests that the Scottish Government should redirect any budget savings to accelerate improvements on the A77.

Brian Whittle, before I invite committee members to comment at this stage, would you like to contribute to our discussion?

Brian Whittle (South Scotland) (Con): Thank you very much, convener. Good morning. I thank the committee for the opportunity to speak again on the petitions, which have been running since I

was a member of the Public Petitions Committee in the previous parliamentary session.

Since the last time we discussed the petitions, matters have moved forward in that the United Kingdom Government's connectivity fund has indicated its desire to help with the upgrading of the A75. Initially the A77 and the A75 were taken as a group. We did not want to separate them, but that has happened, given that the A75 is a Euro route. My concern is that the A77 might be overlooked, because the A75 will now be considered in depth by the UK Government and we have a fairly hefty MSP cabal looking at the A9 and the A96. For example, I know that my colleague Fergus Ewing has been vocal in his desire to have the A9 and the A96 dualled.

The Convener: I would not like to refer to him as a "hefty cabal", though, Mr Whittle. *[Laughter.]*

Brian Whittle: Together with others, he has been very vocal on that issue and, with a number of colleagues, has pushed very hard for the A9 and the A96 to be dualled. My fear is that that issue has overtaken the concern over the A77, which has been long running. It first came to my attention when, in opening the Cairnryan facility, Alex Salmond promised significant upgrades to the A77 and the A75. Subsequent transport ministers have offered the same assurances. However, STPR2 has been going for some considerable time now, and there has been very little movement at all.

As you rightly said, convener, even though the Maybole bypass was not dualled—which was a missed opportunity—it has had a significant impact on the health and wellbeing of the community there, as well as bringing inward investment, and it has changed the whole aspect of the town. That represented an investment of £29 million.

The evidence is there for everyone to see of the impact of the significant dualling and bypassing of various towns along the A77. That should be coupled with the fact that 110 44-tonne lorries come off the Cairnryan crossing every single day and travel up that route. What is not often mentioned is that also on that road is a major distillery, where 50 wagons come in and out every day. The road is a connection between Northern Ireland, the European Union, central Scotland and beyond. As everyone who has been on it or seen it will agree, it is currently not fit for purpose.

My concern is that the A77 is falling further and further down the list of priorities as other matters take over and that eventually it will be kicked to the kerb and nothing will be done about it. I therefore ask that the committee continues to consider the petition and to put pressure on the

Scottish Government to maintain its promise to deliver significant upgrades to the A77.

The Convener: Thank you very much for that, Mr Whittle. Committee members have had an opportunity to consider the relevant papers. Do colleagues have any proposals or suggestions as to how we might proceed?

10:30

Fergus Ewing: I am broadly supportive of the petitioner's aims. I should say that I do not think that I am part of a cabal. Cabals operate in secret, and we have not been doing that. [*Laughter.*] However, Nairn is still waiting for its bypass and I see the arguments about the practical and significant economic benefits of the bypass to Maybole, so I take that into account.

Mr Whittle, Emma Harper and, I believe, Finlay Carson are pursuing this matter with others. Although I come from the opposite end of Scotland, I think that the rural transport network really needs far more attention, not only in the Highlands but in the south-west of Scotland, and Mr Whittle expressed the feelings of frustration of people down there. They feel forgotten, as do the citizens of Nairn. Frankly, it is a rural issue that affects the whole of Scotland, and perhaps more resources—more cash from the capital budget—needs to be devoted to building roads, rather than some other schemes that I had probably better not mention. I suggest that we write to the Minister for Transport to pursue those points.

I noticed that the previous cabinet secretary with responsibility for transport urged us to close the petition. I wonder whether ministers should urge us to close petitions. I wonder whether that is for Parliament to do.

However, setting that aside for the moment, we could write to the Minister for Transport to seek an update on when the STPR2 delivery plan will be published and whether the delivery plan will set out timescales for the delivery of specific recommendations and information about the Scottish Government's approach to prioritising those recommendations and, secondly, to ask whether the Scottish Government will redirect any STPR2 savings that arise from UK Government funding from the A75 to accelerate improvements on the A77.

The Convener: Are colleagues content that we initiate those actions?

Members *indicated agreement.*

The Convener: Thank you. We will keep the petition open and seek to get that information.

Thank you, Mr Whittle.

Motorcycle Theft (PE1971)

The Convener: That brings us to petition PE1971, which calls for robust action to stop motorcycle theft. The petition, which was lodged by Kenneth Clayton on behalf of the Motorcycle Action Group, calls on the Scottish Parliament to urge the Scottish Government to increase the actions available to prevent and reduce motorcycle theft by empowering the police to pursue and tactically engage thieves and by reviewing sentencing policy to allow the courts to implement tougher punishment for those who are convicted of motorcycle theft, including the use of mandatory custodial sentences for those who carry weapons or groups who threaten individuals with violence.

We last considered this petition at our meeting on 3 May 2023, when we agreed to write the Scottish Courts and Tribunals Service. We have now received a response, which provides information on the outcome of the cases that are noted in the Crown Office and Procurator Fiscal Office's submission to the committee. The response also states that the SCTS is not aware of any evidence that cases involving the theft of a motorcycle are taking any longer to prosecute through the courts than other types of offence. In fact, we got a quite detailed schedule by way of a response. In the light of that, do colleagues have any suggestions as to how we might proceed?

Maurice Golden: I think that we should close the petition under rule 15.7 of standing orders, on the basis that Police Scotland has a comprehensive standard operating procedure in relation to vehicle pursuit and remains committed to tackling the theft and reckless use of motorcycles, with road policing and locally based initiative teams and response, community and criminal investigation department officers continuing their efforts to identify offenders, prevent and deter further incidents, and engage with communities. In addition, the Scottish Government has previously stated that judges are best placed to decide on the appropriate sentence for each offender and considers that mandatory sentencing removes discretion from the courts. Finally, the Scottish Courts and Tribunals Service is not aware of any evidence that cases involving the theft of a motorcycle are taking any longer to prosecute than other cases.

The Convener: Mr Ewing, do you have a suggestion?

Fergus Ewing: I support Mr Golden's suggestion to close the petition. However, it would be remiss not to add that the response that we have had from the Scottish Courts and Tribunals Service is tremendously detailed and might be an example to others who respond to the committee.

In its submission, the Scottish Courts and Tribunals Service says that two individuals spent five hours studying what happened to the 47 cases concerned—I believe at my request—and that they have given a complete analysis of every single one of those and details of disposal. By my calculation, only 19 cases appeared to have led to a guilty plea and a sentence, with 28 cases either deserted, not called or having a not guilty plea accepted, but that is the justice system in operation. Therefore, in closing the petition, I would like to thank the Scottish Courts and Tribunals Service for taking our request for information very seriously indeed and for the diligence with which it pursued that.

The Convener: I would like to endorse those comments. As I said, it was a comprehensive response, which was greatly appreciated by the committee.

Colleagues, are we content to take forward Mr Golden's proposals?

Members indicated agreement.

The Convener: We thank the petitioner very much. We have received that comprehensive response and, given those circumstances, the committee will close the petition.

Raw Sewage Discharge (PE1988)

The Convener: Petition PE1988, which was lodged by Sue Wallis, calls on the Scottish Parliament to urge the Scottish Government to review the process for allowing raw sewage discharge from homes into Scottish coastal waters, provide additional funding to the Scottish Environment Protection Agency for enforcement and introduce legislation to ban households from discharging raw sewage.

The committee previously considered the petition on 8 March, when we agreed to write to SEPA and the Law Society of Scotland. The Law Society of Scotland's written submission outlines the process and requirements during the conveyancing process for properties with no connection to a mains sewer or private septic tank, which was of interest to members of the committee.

The most recent submission from SEPA confirms that the review of its approach to regulating private sewage discharges has concluded. It points to a service level statement that sets out SEPA's intention to restrict the majority of its complaint action to providing advice and guidance. SEPA states that the onus will be on owners and operators to ensure that treatment systems meet the required standards and are maintained in good working order. Deterrent action

by SEPA will take place through specific campaigns targeted at known problem areas.

The petitioner highlights the selective nature of SEPA's approach and states that that will not help all areas. She shares that a member of staff at SEPA informed her that it does not have the resources to monitor agreements made by homeowners to repair broken pipes. The petitioner has asked that a new law be created to legally impose timescales for changing to a private processing system or connection to the mains sewer.

Do members have any comments or suggestions as to how we might proceed? I seek inspiration, colleagues.

Maurice Golden: SEPA's reliance on targeted enforcement campaigns, rather than checking the robustness of individual systems, is concerning. I wonder whether we should write to the Scottish Government to ask how it believes householders who fail to meet their responsibility for waste-water discharge can be held to account in practice.

The Convener: Thank you. From the evidence that the committee received, that seemed to me to be a deficiency. As there are no further comments from colleagues, are we content to keep the petition open and seek that additional information?

Members indicated agreement.

Social Work Students (Work Placements) (PE1993)

The Convener: Our next continued petition, PE1993, lodged by David Grimm and Lucy Challoner, calls on the Scottish Parliament to urge the Scottish Government to ensure that social work students have access to adequate financial support during their studies by providing bursaries to all third-year and fourth-year undergraduate social work students on work placements, reforming the assessment criteria and adequately funding the bursaries for postgraduate social work students on work placements.

The committee last considered the petition on 22 March, when we agreed to write to the Minister for Higher Education and Further Education and Minister for Veterans, and to the Scottish Social Services Council.

The response from the Scottish Social Services Council notes that the budget for postgraduate social work bursaries has remained at £2.655 million since 2012-13 and that 321 bursaries are made available. It undertook a review of the bursary policies, procedures and processes in 2021-22 to ensure that funding was disbursed as equitably and efficiently as possible. A review of the models that support practice placements was due to conclude in the summer of this year.

The minister's response states that work is on-going to explore the potential for changes to the support that is available for social work students in the context of workforce planning. It also mentions that the Scottish Social Services Council is working with universities and the social work education partnership to explore additional funding models across social work education.

Do members have any comments or suggestions for action in light of the fact that the fund for bursaries has been frozen for more than a decade?

Foyso Choudhury: I had a round-table meeting with students earlier this year. They had loads of concerns about the pressure that they are under.

The minister mentioned that the Scottish Government is considering the funding arrangements. Can we ask the Government what consideration it is giving to issues such as the housing crisis, which place even more pressure on social work students? Will that factor into any decisions about the need for bursaries?

The Convener: Yes, I am sure that we can do that. We might also write to the minister to request details of the on-going exploratory work on potential changes to the support that is available for social work students. I would like some reflection on the thought process that has underpinned the freezing of the bursary fund since 2012-13, because that must affect the number of students that it is capable of supporting. That is more than a decade. I recognise that there are always pressures on funding—no doubt that will be part of any response—but the fund has been frozen over a long period, so other issues might underpin the situation. I would also be interested to know whether, in response to the issues that the petition raises, the Government's work will consider the introduction of a bursary for third-year and fourth-year undergrad students on work placements.

We might also write to the Scottish Social Services Council to ask what improvements it made following the 2021-22 review of its postgraduate bursary policies and request an update on its review of practice learning finance. In addition, we might ask when it expects to receive the paper from the higher education institution leads on poverty issues facing students, which ties in with Mr Choudhury's request in relation to housing issues, as well.

As there are no other suggestions from members, are we content to proceed on that basis?

Members indicated agreement.

United Nations Convention on the Rights of Persons with Disabilities (PE1999)

The Convener: That brings us to PE1999, lodged by William Hunter Watson, which calls on the Scottish Parliament to urge the Scottish Government to ensure that the United Nations Convention on the Rights of Persons with Disabilities is fully implemented in Scotland.

We last considered the petition on 22 March, when we agreed to write to the Scottish Government to ask when its response to the Scottish mental health law review would be published. The Scottish Government's response outlines its high-level priorities for inclusion in its reform programme. They include reforming the Adults with Incapacity (Scotland) Act 2000 to reflect the requirements of the UNCRPD more clearly.

The Scottish Government will also consult further on options to address deprivation of liberty in circumstances in which people do not have the capacity to make decisions about their care and treatment. The priorities also include supporting decision making, reforming the Mental Health (Care and Treatment) (Scotland) Act 2003, human rights enablement, enhancing the rights and role of carers, reducing coercion across the system and strengthening accountability and scrutiny in the system.

Do members have any comments or suggestions?

Fergus Ewing: The petitioner has been remarkably persistent in having campaigned on issues relating to mental health, particularly on treatment without consent, for 20 years, as I understand it. The issues are by no means straightforward.

There is a case for keeping the petition open. The reason is that, although we have a lengthy response from the Scottish Government in annex C of paper CPPP/S6/23/19/8, which goes into the high-level priorities for inclusion in a reform programme, if one looks at the various components of that—there are seven—every one is at an extremely early stage. The words used are “work towards”, “consider opportunities” and “early priority”—that kind of language. That is no criticism, because all the issues are complicated, but the petitioner is entitled to get a bit more than that, and the issues that he raises are important.

We should write to the Scottish Government to seek an updated view on the petition in light of its response to the Scottish mental health law review, and to ask when its consultation on the adults with incapacity law reform will take place and how the petitioner can engage with that.

The Government accepts that the law in relation to adults with incapacity needs attention. It uses the phrase “addressing long-standing gaps”, so it admits that there is a problem. The petitioner is entitled to know when it will deal with the problem, what the timescale is and how he and others can engage with the process.

The Convener: Thank you, Mr Ewing. That is apposite. Are members content for us to continue the petition and to seek clarification from the Scottish Government on the points that Mr Ewing identified?

Members *indicated agreement.*

New Petitions

Student Nurses (Payment on Placement) (PE2039)

10:45

The Convener: We have two new petitions to consider this morning. I explain for those who might be joining us for the first time that, in advance of our consideration of all new petitions and in order to assist that consideration, we invite the Scottish Government and the Parliament’s independent research body—the Scottish Parliament information centre—to give some comment on and information in respect of the petitions.

The first new petition, PE2039, lodged by Amy Lee, calls on the Scottish Parliament to urge the Scottish Government to pay student nurses for their placement hours. The petitioner’s experience on placement has been challenging: she states that she has been used as a spare member of staff to cover absences during her previous three placements. She also shares that she took a £1,000 pay cut to study nursing.

The SPICe briefing explains that, over the three-year nursing programme, students are required to complete 2,300 hours of clinical practice and 2,300 hours of theory before they are eligible for registration. The briefing also notes that applications to study nursing have fallen from just under 8,000 in 2022 to 6,450 in 2023. That is rather a dramatic drop in a very short space of time.

The Scottish Government’s response to the petition states that it is not possible for student nurses to be employed as nursing staff before programme completion and entry to the nursing register. Regarding financial support, it states that eligible student nurses and midwives in Scotland receive the highest level of support across the United Kingdom.

Do members have any comments or suggestions for action?

Foyso Choudhury: I visited nursing classes held at Edinburgh College’s Sighthill campus. The programme leaders expressed concerns about students not taking up nursing and midwifery courses due to the lack of support. We need to make that career path more attractive. One of the points that was mentioned was the need for more financial support for student nurses. Paying student nurses for their placement hours would be a relief and would be beneficial because it would attract more students to nursing in the future. It is one solution to filling the gap in nursing vacancies, not only by helping students with financial support

but by promoting nursing and midwifery as a valuable career choice in the long term.

Maurice Golden: As it is a new petition, we should write to stakeholders to seek their views on the action that is called for in the petition. We should ask specifically what the causes may be for the decline in applicants to nursing and midwifery courses. Those stakeholders could include the Nursing and Midwifery Council, the Royal College of Nursing and the National Union of Students.

The Convener: Following Mr Choudhury's comments and Maurice Golden's suggestions of organisations for us to write to, do members have any other suggestions for action?

Members: No.

The Convener: I thank the petitioner, Amy Lee, and welcome the new petition. Does the committee agree to hold the petition open and to seek information from the bodies that we have identified? Once we have those responses, we will consider the position in due course.

Members *indicated agreement.*

Spaceport 1 Project (North Uist) (PE2054)

The Convener: Our final petition this morning, PE2054, lodged by Colin Anderson, calls on the Scottish Parliament to urge the Scottish Government to establish an independent review into the proposed Spaceport 1 development on Scolpaig farm in North Uist that focuses on examining: whether there is any conflict of interests for Western Isles Council—Comhairle nan Eilean Siar—as the authority that approved the plans and is taking the project forward; the process for purchasing the land on Scolpaig; potential errors and omissions in the environmental impact assessment of the proposal; and the economic case for pursuing the project.

Mr Anderson tells us that the spaceport proposal has attracted little public support, with public objections outweighing support by a ratio of 45:1. The petitioner also raises concerns that the proposal has been fast tracked, which has limited the public scrutiny of the process.

In responding to the petition, the Scottish Government states that a direction requiring planning authorities to alert it to new planning cases for spaceport-related development was issued in June 2020. That allows the Government to have a national overview of such development in the planning system, while offering it the opportunity to put in place additional safeguards and intervene, if necessary, by calling in applications. In this case, it is stated that ministers gave full and proper consideration to the proposal and determined that it did not merit call-in. The response also states that the Scottish Government

is supportive in principle of space projects that will contribute to its ambitions to become a leading European space nation and to deliver economic benefits to the local region.

We have also received submissions from the petitioner and from Angus McNab, a local resident, which set out their concerns about the way in which the process to determine the application has been carried out. Those include, but are not limited to, errors in the economic impact assessment, lack of effective and timely public consultation, and a general lack of transparency around the council's intentions for the Scolpaig site.

Western Isles Council has also provided a submission that responds to the issues raised by the petition, as well as highlighting that a stakeholder and community consultation is due to begin in the new year—in January—as part of the airspace change proposal that has been submitted to the Civil Aviation Authority.

This is clearly a live planning application. In the light of that, do members have any suggestions as to how we might proceed?

Fergus Ewing: It is a live planning application. Having pondered that, I really cannot see how it would be correct for us to interfere in a process in which a clear set of rules has been established and the petitioners and others can submit their objections to the local authority for consideration within the determination.

We want to reach out to help petitioners in every case. However, in this instance, and this particular circumstance, I cannot see how—other than by interfering with legitimate existing proceedings—it would be for us to seek review of an on-going process. If people are dissatisfied at the end of it, they can lodge a further petition to Parliament on the perceived defects in that process. We have considered applications of that ilk before.

Lastly, I want to record that I am very grateful to the council for taking the time to give us an extensive briefing, not least on misinformation in the BBC's reporting of the issue, which is unfortunate. I just wanted to allude to that while expressing our thanks to the council for pointing it out to us

The Convener: Thank you very much, Mr Ewing. It is open to the committee to take action if the focus of a petition is a national issue. However, the focus here is much more specific to an individual planning consideration that is live. In those circumstances, Mr Ewing, you are probably correct to suggest that we move to close the petition, given that it would be inappropriate for us to involve ourselves in that process. Are members content that we pursue that recommendation?

Members *indicated agreement.*

10:54

The Convener: I thank the petitioner for lodging the petition. I understand the depth of feeling in relation to the issues concerned, but I am afraid that, in this instance and at this time, the committee is not able to advance that.

Meeting continued in private until 11:21.

That brings us to the end of our public session. We will next meet on 24 January 2024.

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