



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Citizen Participation and Public Petitions Committee

Wednesday 11 September 2024

Session 6



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Pàrlamaid na h-Alba

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**Wednesday 11 September 2024**

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**CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE**  
**13<sup>th</sup> Meeting 2024, 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:**

Jackie Baillie (Dumbarton) (Lab)

Monica Lennon (Central Scotland) (Lab)

Richard Leonard (Central Scotland) (Lab)

Tess White (North East Scotland) (Con)

**CLERK TO THE COMMITTEE**

Jyoti Chandola

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Citizen Participation and Public Petitions Committee

Wednesday 11 September 2024

*[The Convener opened the meeting at 09:30]*

### Decision on Taking Business in Private

**The Convener (Jackson Carlaw):** Good morning, and welcome to the 13th—lucky for us all—meeting in 2024 of the Citizen Participation and Public Petitions Committee. Our first agenda item is a decision on whether to take items 4 and 5 in private. One of those items relates to the draft report on our inquiry into the A9 dualling project, which we hope to approve and, thereafter, publish in the near future. Are members content to take those items in private?

**Members indicated agreement.**

## Continued Petitions

### Essential Tremor (Treatment) (PE1723)

09:30

**The Convener:** Item 2 is consideration of continued petitions. First, PE1723, which was lodged by Mary Ramsay in the previous parliamentary session and was carried forward into this one, calls on the Scottish Parliament to urge the Scottish Government to raise awareness of essential tremor and to support the introduction and use of a focused ultrasound scanner for treating people in Scotland who have the condition.

We previously considered the petition in October 2023, when we agreed to request an update from NHS Tayside on its application for a designated magnetic resonance-guided focused ultrasound service. In August this year, NHS Tayside advised us that its plan had been to submit a funding application to the national services division in March, but that division advised that there would be

“a change to the funding available in 2024/25 which impacted on the usual annual submission process.”

That led NHS Tayside not to proceed with the bid. It has stated that, should the normal submission process recommence in 2025, it will progress with a bid as planned.

Members will be aware that Rhoda Grant, who has taken an interest in the petition, was hoping to join us this morning but has been unable to do so, although she has provided a written submission.

As I said, the petition was carried forward from one session to another, and the fact that the funding stream has not materialised is quite disturbing.

Do colleagues have any suggestions about how we might proceed?

**David Torrance (Kirkcaldy) (SNP):** Would the committee be inclined to write to the national services division to seek clarification on its approach to applications in 2024-25 and to ask for information about its funding position for 2025-26?

**The Convener:** Are colleagues content with that proposal?

**Members indicated agreement.**

**The Convener:** I should have commenced today's proceedings by saying that, although it might not seem so, the remaining length of the current parliamentary session is diminishing. Something like 126 petitions are still open, which means that there will be a limited number of times

when we will be able to consider petitions between now and the dissolution of the Parliament. As we go forward, we will have to think quite carefully about what we can realistically hope to achieve. I say that not to diminish the importance of the subject matter of petitions, but it is important that, in the remaining time available to us, we identify the petitions that the committee believes we can pursue to a conclusion, on behalf of the petitioner, rather than just accepting that the general issue deserves to be explored, worthy as that might be, because, otherwise, we will run out of time. That is not a reflection on the next petition.

### **Mental Health Services (PE1871)**

**The Convener:** I am very pleased to say that we are joined, as we have been in the past, by Monica Lennon for consideration of PE1871, which was lodged by Karen McKeown on behalf of the shining lights for change group. The petition calls on the Scottish Parliament to urge the Scottish Government to carry out a full review of mental health services in Scotland, including consideration of the referral process, crisis support, risk assessments, safe plans, how integrated services work together, first-response support and the support that is available to families who have been affected by suicide.

We previously considered the petition on 25 October 2023, when we agreed to write to the Minister for Social Care, Mental Wellbeing and Sport. The minister's response to the committee sets out the journeys for individuals who seek help during a mental health crisis in areas with mental health assessment units and in areas with repurposed existing services. The response states:

"the user journeys are similar ... with the exception of the location"

of the senior clinical decision maker and where

"the specialist mental health assessment is performed."

The minister's submission highlights the "professional-to-professional pathway" for the Scottish Ambulance Service and Police Scotland in Lanarkshire, which allows them to directly contact senior clinical decision makers, and it states that the changes to mental health unscheduled care have not yet been evaluated.

The petitioner's written submission details the information that she received after making freedom of information requests to all Scottish health boards and to NHS 24. Karen found that there is "inconsistency" between health boards in how mental health data is gathered, and she believes that there are

"no clear guidelines on how information is collected and stored."

She has pursued the matter relentlessly. She believes that front-line staff are experiencing burnout and expresses concern about their wellbeing. She suggests that that contributes to long waiting times and puts a strain on mental health services. She states that there are still many unanswered questions and that only a full review will be able to answer them.

We have quite a full agenda, but I invite Monica Lennon to make some brief comments to the committee before we decide on our next actions.

**Monica Lennon (Central Scotland) (Lab):** Good morning. I thank the convener for that very helpful summary of the journey that Karen McKeown has been on and of where we are currently. I would like to say that things are improving in addressing Scotland's mental health crisis, but, sadly, they are not.

It is timely that we are meeting today, following world suicide prevention day yesterday. My thoughts are with everyone across Scotland who has lost a loved one to suicide and with those who are struggling today with their mental health. Help is available but, sadly, there is not always enough help when people need it. It is still very difficult to access services.

On the point about data, Karen McKeown and others continue to do their own research and to ask questions. I will not repeat the information in your packs, but the responses to Karen's recent freedom of information request show that there are still gaps in how data is collected.

I have written to NHS Lanarkshire to ask why it is not recording waiting times for adult mental health referrals and on-going waiting times, but I have not had a response. I do not say that to embarrass NHS Lanarkshire. The convener had his finger on the pulse when he talked about Karen's concerns about staff burnout and wellbeing. I will not give a lot of details but, when I recently attended an appointment with a constituent and one of their family members, I was very aware, in the course of that interaction, that the NHS staff involved in trying to help constituents were extremely stressed and burned out.

I support Karen in pushing the Parliament and the Government for an independent review. I heard what the convener said about the demand on the committee's time, but, if the committee had time, it would be good if it could go out and speak to staff on a confidential basis, because I am picking up that staff are afraid to speak out. I know that trade unions are doing an excellent job in supporting staff, but we are not hearing from those on the front line.

We need more data and to help people before they fall into crisis. I recently read in *Third Force*

News that some charity leaders have said that, in Scotland, we now have not a mental health crisis but a scandal, because we know that more action is required.

I want to leave the committee with this. From reading some briefings, I know that the Scottish Government has committed to increasing the suicide prevention budget to £2.8 million by the end of this parliamentary session, but experts say that that is nowhere near enough and that there will be more suicides and more people in crisis. I also hear appeals for an early review of the 10-year national suicide prevention strategy, which is a joint endeavour between the Scottish Government and the Convention of Scottish Local Authorities. There are good things in the strategy but, without resources, we will not see progress.

I continue to urge the committee to do whatever it can to ensure that we get a proper in-depth review of mental health services in Scotland, which should include consideration of what data we do and do not record and proper evaluation. Having more scrutiny and debate in the Parliament can only be a good thing. I know that committees, including the Health, Social Care and Sport Committee, are stretched, but if we do not find space in this parliamentary session to do that work properly and to push the Government further, more of our constituents will lose their lives, and we will have more Karen McKeowns looking to the Parliament and asking what we did.

I thank the convener and other committee members for all their work on the petition over the past three years.

**The Convener:** Thank you very much. Before we consider what we might do, I will read into the record the words of the petitioner:

“The evidence suggests that there is something not working. We can no longer put a plaster over it, and we need to take dramatic and brave action if we want to see a fit for purpose mental health service. Luke’s death and others like him cannot be in vain and through their legacy we can save future generations. If action is not taken, there is a fear that wait times will continue to get longer, the NHS will continue to lose good staff and mental health services will continue to be inadequate.”

That is a powerful summary, which is worth reflecting on.

Do colleagues have any suggestions about how we might proceed?

**David Torrance:** Would the committee consider writing to the Minister for Social Care, Mental Wellbeing and Sport to seek an update on the mental health assessment unit evaluation; a timeline indicating when the evaluation work will be concluded; a copy of NHS 24’s mental health hub evaluation findings; an explanation of how the minister can be confident that the data that is

collected across NHS boards on mental health services is sufficient, consistent and accurate; information on what consideration has been given to the impact of staff wellbeing on service provision and financial sustainability; and, in the light of the petitioner’s view that more training and guidance are required for Police Scotland, an explanation of how the minister can be confident that a professional-to-professional pathway is an adequate approach to improving the first-response support for those seeking mental health services?

**The Convener:** I will ask the clerks to reflect on whether there is any way that we might be able to solicit independent evidence from practitioners. I do not know how that could be done, but we could reflect on how it might be done. Are colleagues content with the proposals as they stand and to keep the petition open?

**Members indicated agreement.**

**The Convener:** I thank Monica Lennon, and I thank Karen McKeown for her sustained efforts over the life of the Parliament.

### **Potholes (PE1936)**

**The Convener:** PE1936, which was lodged by Lesley Roberts, calls on the Parliament to urge the Scottish Government to improve road surfaces by creating an action plan to remove potholes from trunk roads across Scotland and to provide local councils with ring-fenced funding to tackle potholes.

We previously considered the petition in November 2023, when we agreed to write to the then Cabinet Secretary for Finance and Minister for Transport. We received a joint response from the then Deputy First Minister and Minister for Transport, which states that the fiscal outlook for the Scottish Government is expected to remain “challenging” and that “tough choices” will be required to ensure that resources are focused on the critical missions that are outlined in the Scottish Government’s policy prospectus. Since we received that reply, members will have noted that the 2024-25 budget bill included an increase in the budget for motorways and trunk roads.

In the light of everything that we have heard about the petition, do colleagues have any suggestions about what more the committee might do?

**David Torrance:** Would the committee consider closing the petition, under rule 15.7 of standing orders, on the basis that the motorway and trunk road budget increased in real terms as part of the 2024-25 budget? Transport Scotland has previously provided information about operating companies’ obligation to inspect the trunk road network twice weekly, with all category 1 defects

required to be made safe by 6 am the following morning and to be permanently repaired within 28 days, with repairs being fully funded by the Scottish Government. It is the responsibility of individual local authorities to manage their own budgets and to allocate the total financial resources that are available to them.

**The Convener:** Are colleagues content to close the petition?

**Fergus Ewing (Inverness and Nairn) (SNP):** Yes, I am content with that. I think that the petition should be closed, but I point out that, although the increase in funding has been welcome, the people who are most in danger from potholes are probably not motorists but cyclists, so the Government should consider diverting some of the massive amount of money that is devoted to active travel—I think that it might be as much as £200 million—to filling in potholes. After all, if a cyclist dies, there is no more active travel, is there? That might be a better and more effective method of spending public money to ensure an all-round safer experience for road users, including cyclists.

09:45

**The Convener:** In closing the petition, are colleagues interested in writing to the Scottish Government to express the view that, if the Government moved funding from the active travel budget, additional funding could be directed towards filling potholes? Does that view have wider sympathy, or is that just Mr Ewing's reflection?

**Foysoyl Choudhury (Lothian) (Lab):** I agree with Mr Ewing. I think that we should also ask the Government to provide local councils with ring-fenced funding for that.

**Maurice Golden (North East Scotland) (Con):** Ring fencing?

**The Convener:** That might be going a bit beyond the reach of the petition. Mr Ewing has suggested a way of providing additional funds to support the petition's aims. It is a reasonable suggestion, and I am happy to support it. We can share that view with our colleagues across all the various parties in the Parliament. Do members agree to close the petition?

*Members indicated agreement.*

**The Convener:** I do not think that the issue will go away, so, in closing the petition, I point out that it would be perfectly possible for a fresh petition to be lodged in the next parliamentary session. The response of the Government of the day at that time might or might not be different, but I suspect that there will still be potholes that need to be filled. They were there when I was born, and they will be there when I am gone. It is a question of

how active we are in dealing with them. I applaud the petitioner's aims in trying to make roads and transport safer.

### **National Dashcam Safety Portal (PE2013)**

**The Convener:** PE2013, which was lodged by Neil McNamara, calls on the Scottish Parliament to urge the Scottish Government to introduce, without delay, a national dashcam safety portal, as already agreed by Police Scotland. The petition was last considered in October 2023. Following that meeting, we wrote to Police Scotland and the National Police Chiefs Council. Police Scotland's response states that its digital evidence-sharing capability programme is fully funded for a period of 10 years. In the light of that, do members have any suggestions for action?

**David Torrance:** I ask the committee to consider closing the petition under rule 15.7 of standing orders, on the basis that the Scottish Government is working in partnership with the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service to deliver digital evidence-sharing capability, and that it plans to fully fund that work for 10 years.

**The Convener:** Are colleagues content?

*Members indicated agreement.*

**The Convener:** We thank the petitioner for the petition. In light of the evidence that we have received, I believe that we can safely close it. We thank the petitioner for raising the issue with us.

### **Council Tax Discounts (Second Homes and Vacant Properties) (PE2026)**

**The Convener:** PE2026, which was lodged by Sam McCahon, calls on the Scottish Parliament to urge the Scottish Government to amend the Local Government Finance Act 1992 to eliminate council tax discounts for second homes and vacant properties and to make the property owner, rather than a tenant, liable for the payment of council tax.

We last considered the petition on 6 September 2023, when we agreed to write to the Scottish Government, Shelter Scotland and Citizens Advice Scotland. The Scottish Government's response highlights the recent legislation, of which members will be aware, that provides local authorities with the power to increase council tax on second homes—not just to remove the second-home discount but to increase council tax on second homes. Many councils have now introduced a 100 per cent premium. The submission states that the legislation aims to ensure that the tax system prioritises homes for living in.

In the light of the Scottish Government's response, which points out what it has done, and the lack of any progress on the other aims of the



petition—although it goes beyond the aim of the petitioner in one respect—do colleagues have any suggestions for action?

**David Torrance:** The committee could consider closing the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has introduced legislation that gives local authorities the powers to increase council tax on second homes and empty homes.

**The Convener:** In view of the way in which legislation has moved in the interim and that being the view of the Government, I do not think that there is much more that we can expect to progress on the petition. Are colleagues content?

*Members indicated agreement.*

### **Clydeport (Public Ownership) (PE2029)**

**The Convener:** PE2029, on nationalising Clydeport to bring the ports and harbours on the River Clyde into public ownership, was lodged by Robert Buirds on behalf of the campaign to save Inchgreen dry dock. The petition calls on the Scottish Parliament to urge the Scottish Government to use the powers under the Harbours Act 1964 and the Marine Navigation Act 2013 to revoke the status of Peel Ports Group's Clydeport Operations Ltd as the harbour authority for the River Clyde and its estuary; to establish a municipal port authority in Clydeport's place and bring the strategic network of ports and harbours along the River Clyde into public ownership; and to compulsorily purchase Inchgreen dry dock for the benefit of the Inverclyde community.

Again, it is some time since we last considered the petition—it was on 20 September 2023. At that time, we agreed to write to stakeholders, including maritime trade bodies, regional councils and major industrial companies along the River Clyde. I know that Paul Sweeney, our former colleague, had hoped to meet us this morning but was unable to do so. However, he helpfully suggested a number of the stakeholders from whom we were able to gather evidence. In total, we have received 13 new submissions, all of which are detailed in the papers that members have received for today. Those include two submissions from the petitioner, which share their comments on the responses that we have received and their continued concern about the performance of Peel Ports as the harbour authority.

Although the Scottish Government has stated that its aim is to bring more ports and harbours into the ownership of Caledonian Maritime Assets Ltd where the primary function is the provision of lifeline ferry services, it is also the Scottish Government's position—this is the difficulty—that nationalising Clydeport would not be appropriate and that it has no plans to take such action.

That is the bold position in relation to the petition's ask, notwithstanding all the efforts and the considerable number of submissions that we have received. If the Government is saying that it will not do this, what more can we do to try to promote the aims of the petition? There are a couple of potential routes, but I invite comments from colleagues on our best course of action.

**David Torrance:** Considering that the petition has a specific ask and that the Government's response is that it is definitely not going to do it, I do not think that the committee can take the petition any further. I ask the committee to close the petition under rule 15.7 of standing orders, on the basis that Scottish ports operate in a commercial environment; that the Scottish Government does not believe that it would be appropriate to nationalise Clydeport and nor does it have any plans to do so; and that the use of compulsory purchase powers requires a clear development plan for the site.

**The Convener:** It is that bold determination by the Scottish Government not to engage in a discussion on the principal ask of the petition, whatever the merits of many of the arguments that have been presented to us, that makes it difficult for us to pursue it. Colleagues, are there any alternative suggestions or are we, with some reluctance, inclined to support Mr Torrance's proposal? I believe that we are.

I commend the petitioner for bringing the petition to us. I thank him and the others who have made detailed submissions to us. However, given that the Scottish Government has firmly rejected the principal ask of the petition, unfortunately, there is nothing more that the committee can do to advance its aims. We are not the Government and we cannot instruct it to engage. Are colleagues content?

*Members indicated agreement.*

### **Scottish Fire and Rescue Service (Funding) (PE2040)**

**The Convener:** PE2040 is on increasing funding to the Scottish Fire and Rescue Service to prevent serious cuts to the services that are provided to the public. The petition, which was lodged by Anthony McManus, calls on the Scottish Parliament to urge the Scottish Government to review the annual budget that is provided to the Scottish Fire and Rescue Service and to take action to prevent job losses and the removal of front-line fire appliances from fire stations across Scotland.

We last considered the petition at our meeting on 25 October 2023, when we agreed to write to the Scottish Fire and Rescue Service and the Fire Brigades Union. I think that the matter was

highlighted by the fire that took place at the old Ayr station hotel, where fire appliances were not immediately available.

The Scottish Fire and Rescue Service response tells us that the temporary withdrawal of fire appliances was based on data and modelling that helped to identify which appliances would have the least impact on its emergency response, while helping the service to meet financial savings. That is in the context of the service requiring to make £11 million-worth of savings in the financial year 2023-24.

The Fire Brigades Union has highlighted that the flat cash budget provided to the Scottish Fire and Rescue Service has resulted in real-terms budget cuts to the service that it believes risk compromising firefighter and public safety.

As we reflected at the previous consideration, the issues that are raised by the petition were looked at by the Criminal Justice Committee as part of its pre-budget scrutiny work last year. As members may be aware, the Criminal Justice Committee is continuing to look at the area ahead of this year's pre-budget scrutiny. In view of the direct attention on the issues of the petition by our colleagues in that committee, do members have any suggestions on how we might proceed?

**David Torrance:** Considering that the Criminal Justice Committee is looking at the issue as part of its pre-budget scrutiny and will continue to do so and take evidence, I ask the committee to consider closing the petition under rule 15.7, on the grounds that the issues that are raised by the petition were explored by the Criminal Justice Committee as part of its pre-budget scrutiny for the 2024-25 budget, with the committee gathering further evidence on the current challenges and proposed reforms of the Scottish Fire and Rescue Service in September 2024.

**The Convener:** Are we content, given that our colleagues are pursuing these matters elsewhere? I do not think that there is anything that we can usefully forward to the Criminal Justice Committee, which appears to be directly addressing the issue. Are we content to support Mr Torrance's proposal?

**Members indicated agreement.**

## New Petitions

### Property Factors (Scotland) Act 2011 (PE2094)

09:57

**The Convener:** Agenda item 3 is the consideration of new petitions. As there may be people in the public gallery or people at home who are joining us who have a new petition, I point out that, ahead of this consideration, we invite the Scottish Government to give us a preliminary view, and we invite the Parliament's independent research body, the Scottish Parliament information centre—SPICe—to prepare a briefing for us on the issues raised by the petition. We do that because, historically, when we did not do it, that was the first thing that we did when we met to consider a petition, and it simply delayed moving forward with consideration in detail. We therefore have those briefings ahead of our consideration this morning.

The first new petition is PE2094, on reviewing the Property Factors (Scotland) Act 2011 and expanding the remit of the First-tier Tribunal to include commercial properties. The petition, which has been lodged by Alban Bartley-Jones, calls on the Scottish Parliament to urge the Scottish Government to review the legislation on property factors and to take steps to ensure that commercial properties are also protected, and to expand the remit of the First-tier Tribunal for Scotland housing and property chamber to allow it to consider cases affecting wholly commercial properties.

The petition has been prompted by the petitioner's experience of a commercial property factor continuing to bill building tenants despite not having a contract with any of them. The SPICe briefing highlights that the Property Factors (Scotland) Act 2011 has limited relevance for the commercial property sector, as the main aim behind the legislation was to

"create a statutory framework which would protect Scottish homeowners who contract with property factors."

As the 2011 act does not apply in the case of wholly commercial properties, disputes between businesses and commercial property factors are dealt with in the normal court system rather than the First-tier Tribunal for Scotland housing and property chamber.

In response to the petition, the Minister for Housing stated that the 2011 act was not intended to apply to property factors that are solely concerned with providing a service to commercial property owners and that the Scottish Government has no plans to amend the act to cover relationships between commercial property

owners and factors where there is no residential element involved.

This is the first consideration of the petition, and that is quite a trenchant response from the Scottish Government. Nonetheless, are there any options open to us that colleagues would like to propose?

10:00

**David Torrance:** Considering the response from the Scottish Government, I ask the committee to consider closing the petition under rule 15.7 of standing orders on the basis that the Property Factors (Scotland) Act 2011 was not intended to apply to property factors that are solely concerned with providing services to commercial property owners; that the Scottish Government has no plans to amend the 2011 act to encompass the relationship between property factors and commercial property owners; and that disputes between businesses and commercial property factors can be dealt with in the normal court system and businesses should seek independent legal advice to determine what action may be available to them to resolve the dispute.

**The Convener:** It might also be open to us to suggest to the petitioner that, in the next session of Parliament, they might bring back a slightly differently worded petition that seeks to explore the issues that the petition raises without reference to the previous legislation, which was not designed to cope with them, to see whether anything can be done to explore the issues that have been raised. However, that is as much as we can expect to achieve, given the Scottish Government's view that the existing legislation is not there to provide that service and, therefore, we cannot proceed directly with the issues raised in the petition. Are members content?

**Members** *indicated agreement.*

### **Energy Infrastructure Projects (Public Consultation) (PE2095)**

**The Convener:** Our next new petition, PE2095, which was lodged by Margaret Tracey Smith, calls on the Scottish Parliament to urge the Scottish Government to review and seek to update section 3.2 of the energy consents unit's "Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989"—that was a mouthful—to address the concerns of communities about the lack of meaningful, responsible and robust voluntary and pre-application consultation by transmission operators on energy infrastructure projects, and to explore all available levers to strengthen community liaison and public participation for the life cycle of energy infrastructure projects.

We are joined for our consideration of the petition by another of our colleagues, Tess White, who is a former member of the committee. Good morning, Tess.

The petition has been prompted by concerns about the quality and transparency of the public consultation accompanying SSEN Transmission's east coast 400kV upgrade project, which the petition has described as rushed and inconsistent.

The SPICe briefing highlights that there are no statutory pre-application consultation requirements for energy consent applications under sections 36 and 37 of the Electricity Act 1989. Instead, the carrying out of pre-application consultation with the public is considered good practice, with the Scottish Government's energy consents unit having published guidance on what that should include.

In responding to the petition, the then Minister for Climate Action told us that, although the Scottish Government has made repeated requests of the United Kingdom Government for additional regulatory powers to place pre-application engagement on a statutory footing, electricity transmission remains a reserved matter. The minister also stated that, although current good practice guidance is considered appropriate for most forms of electricity development, the scale and linear nature of transmission development potentially requires a more detailed approach to be set out in guidance. The response went on to say that Scottish ministers will consider how to take forward development of pre-application guidance specific to transmission line applications, with the intention of giving affected communities clear and meaningful opportunities to influence the process of developing route options.

There is some interest in progressing some of the aims of the petition, which I think is significant, but, before we proceed to comment further, I ask Tess White whether she would like to speak to the committee.

**Tess White (North East Scotland) (Con):** I thank the Citizen Participation and Public Petitions Committee for its consideration of PE2095. I also pay tribute to Margaret Tracey Smith, the petitioner and co-founder of the campaign group Save Our Mearns, who is here today.

As a North East Scotland MSP, I have received more correspondence on SSEN's plan for a new 400kv pylon route from Kintore to Tealing than on any other issue. SSEN's consultation has been described as pitifully wanting and engagement events as box-ticking exercises. Residents have repeatedly red-flagged incorrect information. Entire communities feel disenfranchised and distrusting of a process that seems like a done deal. However, at issue is not just the way in

which SSEN has conducted the consultation. This is also about consultation as part of the consenting process for new transmission infrastructure, which we know is set to increase dramatically in the coming years.

Affected communities do not believe that the Scottish Government is listening. Ministers have been paying lip service to the importance of communities in policy making, but my constituents have felt sidelined and ignored. As the Net Zero, Energy and Transport Committee emphasised in its report, Scotland's electricity infrastructure planning and consents law is almost entirely devolved. However, an important point is that the Scottish Government has the levers it needs to act.

Gillian Martin, in her then role as Minister for Climate Action, responded to the petition. In that, she acknowledged that there is a problem. However, the proposed solution to give communities opportunities

“to influence the process of developing route options”

falls well short of what is needed. What about influencing alternatives to overhead lines, such as underground cables? What does meaningful consultation look like? Crucially, what will be the consequences for transmission operators who fail to follow the updated guidance? We need more detail on what the Scottish Government is proposing. I urge Scottish ministers to have formal community involvement, such as through a working group, as it formulates and implements the necessary changes.

Finally, there was an important debate on SSEN's proposed pylon pathway. Sadly, that was a members' business debate; it should have been a full debate in the Scottish Parliament. Fergus Ewing MSP, who sits on the committee and is here today, suggested that the Scottish Government should dedicate time to hold a full parliamentary debate. That proposal needs to be revisited and parliamentary time should be allocated to doing so as soon as possible.

For my north-east constituents, this is far from a just transition. Their voices must be heard, and the system must change.

**The Convener:** Thank you very much, Tess. The petition raises significant issues. I am sure that the committee will wish to keep it open. Do colleagues have any suggestions about what we might do?

**Maurice Golden:** The timetabling of debates is a matter for the Parliamentary Bureau to discuss, and I am sure that the member can discuss the matter of ensuring that the topic is debated in Parliament with her business manager.

There are several aspects that we need to unpack. Several different actors are involved in energy infrastructure, and it would be useful to get opinions from them.

First, on the Scottish Government's position, it would be useful to understand what discussions and engagement it has had with the UK Government on regulatory powers that would put pre-application engagement for electricity transmission on a statutory footing.

**The Convener:** On that point, I note that the Scottish Government has said that it has made repeated representations. It might be useful to ask for a schedule of those representations so that we can see when all those repeated representations have been made.

**Maurice Golden:** In addition, it would be useful to know what the Scottish Government's position is on pre-application engagement. My understanding is that—it would be useful to have clarification on this point—pre-application engagement could reduce public participation and make it easier for energy infrastructure to be rolled out without community involvement, but I stand to be corrected on that.

It would also be useful to get the Scottish Government to outline how it sees public participation with regard to decision making in that area and, ultimately, to understand how it considers that that could be improved. That links to the second bullet point in the petition, which is about community liaison and public participation. That is where that aspect gets quite complicated.

The UK Government has a role in providing licence conditions for the Office of Gas and Electricity Markets, so we should get a position from it as the energy regulator. We should also get a position from the national energy systems operator on how it might highlight the current Kintore to Tealing infrastructure and infrastructure that might be required in future in that place. I think that it has a role in highlighting future infrastructure. There is also a role, as we have heard, for the transmission operators and, potentially, for the distribution network operators, who might be doing smaller-scale energy infrastructure.

There is quite a lot to understand in how all this pieces together. A member of a community might not fully appreciate all the different stakeholders that are involved in delivering energy infrastructure.

**The Convener:** That is very helpful.

**Fergus Ewing:** I have some sympathy with what the petitioner has said. This is not an easy topic at all. I will start by making the point that the pre-application process is essential. Once things

get to the stage of formal application, the developer will have spent an enormous amount of money on setting out a very detailed scheme; that process can be very costly. There will be an in-built reluctance to depart from that scheme after it has got to that stage. Therefore, it makes sense that pre-application stage is where the real effort on consultation should be made. Moreover, as I understand it, that approach is taken towards large planning applications. It would be inconsistent if that approach did not apply to energy.

Secondly, there is now a new UK Government, and the Scottish and UK Governments are aligned in saying that renewables are a great hope for the economy and for energy. If I set aside whether that is right or wrong, there is a confluence of objectives.

Close consideration needs to be given to how we persuade people that their views are being taken seriously. The SPICe briefing says, for example, that the pre-application guidance states that seven days' notice must be given of consultation meetings. That period is hopelessly inadequate. Many people will simply not be able to change plans that they have made in order to attend in seven days, or even hear about the consultation meetings or see that in the newspapers. That is a common complaint.

I do not know the situation that Tess White has alluded to in the north-east as I am not familiar with the details, but I know that, in the Highlands—according to Graham Barn, the spokesman for the Civil Engineering Contractors Association Scotland, who gave evidence to the committee on another matter—that there is £45 billion of grid-strengthening work in the SSEN area alone between now and 2035. That is unprecedented, and it will involve substations at places such as Kiltarlity and Broadford, which have attracted huge controversy. Therefore, unless the process is one that enjoys the confidence of people, the Scottish and UK Governments will be storing up problems unless they give serious consideration to that.

My last two points are about the related issue of what benefits local communities get. Unless they get cheaper electricity, there will be sour, rumbling, protracted discontent. Both Governments need to consider how the areas that take the flak and get the infrastructure, receive some benefit directly, whether that be in lower electricity costs or in community ownership, or both.

Lastly, I agree with Maurice Golden that the committee does not have the power to say what Parliament should debate—it is a shame that we do not, because things might have gone a bit better if we did. [*Laughter.*] That is just my humble opinion, and who is going to listen to that? However, why are we not debating this topic? It is

a live issue. Tess White has brought it here today, but a whole suite of MSPs, if that is the right collective noun, are affected, and there is huge concern across Scottish communities about where the turbines and the substations will be. The rest of Scotland may well be absolutely supportive of renewable energy, but it is not bearing the brunt of things.

I am very pleased that the petition has been raised and that Tess White has addressed us today. The interests of other MSPs are noted. I hope that the Scottish Government and the UK Government will take all those things into account.

I am sorry, convener, that that was a bit long.

10:15

**The Convener:** Your comments are very much appreciated. I believe that the correct term is a parliament of owls, not a suite of MSPs.

**Fergus Ewing:** We have all the wisest owls.

**The Convener:** If we have all the wisest owls here, Mr Ewing, we can be very pleased with ourselves.

I think that I caught one or two suggestions in Tess White's evidence—that will be in the *Official Report*. There was something about underground cabling. Could you repeat that little section for me?

**Tess White:** Those were about undergrounding and offshoring. I can send my notes, convener. My suggestion was to do with influencing alternatives to overhead headlines such as underground cables. There is also offshoring to consider.

**The Convener:** I am happy to include that in any representation that we make.

We have had quite a collection of suggestions. Are colleagues content that we keep the petition open, and that the clerks work out what colleagues recommended in that detailed list of submissions?

**Members indicated agreement.**

**The Convener:** We thank the petitioner very much. I hope that she been pleased to see the interest that the committee has in her petition. We will take forward the aims of the petition, and we will see what progress we are able to make with it.

### **Gaelic (Investment) (PE2098)**

**The Convener:** Our next petition is PE2098, which was lodged by Màrtainn Mac a' Bhàillidh on behalf of Misneachd, calls on the Scottish Parliament to urge the Scottish Government to bring investment in the Gaelic language to sustainable levels by increasing the annual budget to at least £8.5 million and increasing funding in line with inflation each year.

The SPICe briefing explains that, over the past decade, the Scottish Government's direct funding for Scots and Gaelic has stayed fairly stable in cash terms, which represents a real-terms cut of around a fifth. During this time, Bòrd na Gàidhlig's annual budget has remained at £5.1 million. The Scottish Government's response to the petition states that, following feedback, additional funding of £175,000 was provided for its Gaelic officer scheme. Bòrd na Gàidhlig was asked to report on the scheme by the end of June this year.

The petitioner's submission shares his view that nowhere near enough is being done or spent in vernacular communities to address the intensifying language shift. He highlights the view of two panels that stated in the early 2000s that Bòrd na Gàidhlig would require an annual budget of £10 million to fulfil its obligations. The petitioner states that there will not be a second chance to preserve the language as a spoken vernacular language in Scotland.

Do members have any comments or suggestions for action?

**David Torrance:** Could we consider writing to the Scottish Government to seek an update on the Gaelic officer scheme following the funded six-month extension and subsequent reporting from Bòrd na Gàidhlig?

**The Convener:** Are colleagues content to proceed on the basis that we will keep the petition open and initiate enquiries?

**Members** *indicated agreement.*

### **Specialist Neonatal Units (Centralisation) (PE2099)**

**The Convener:** For our next petition, which was lodged by Lynne McRitchie, we are joined by a galaxy of talent—[*Laughter.*] Mr Ewing, please.

Lynne McRitchie is not with us today but there are supporters of the aims of the petition in the gallery. We are joined by Jackie Baillie MSP and Richard Leonard MSP. I cannot remember, Richard, whether you have been to one of these shindigs before or whether this is your first appearance. Did you come once before?

**Richard Leonard (Central Scotland) (Lab):** I have been once before in relation to the treatment of young footballers.

**The Convener:** That is right; I recall it now. Welcome to you both.

The petition calls on the Scottish Parliament to urge the Scottish Government to stop the planned downgrading of established and high-performing specialist neonatal intensive care services across NHS Scotland from level 3 to level 2 and to commission an independent review of that

decision in light of contradictory expert opinions on centralising services.

Neonatal units operate at three different levels: level 1 units provide special care, for example tube-feeding and intravenous antibiotic therapy; level 2 units provide specialised and high-dependency care, including assisted ventilation and short-term neonatal intensive care; and level 3 units provide the full range of medical neonatal medical care.

Following a review of maternity and neonatal services, the Scottish Government published a report entitled "The Best Start: A Five-year Forward Plan for Maternity and Neonatal Care in Scotland", which recommended that a new model of neonatal services should be designed to accommodate the current levels of demand, with a smaller number of intensive care neonatal units.

The British Association of Perinatal Medicine's framework recommends that neonatal intensive care units should admit at least 100 very low-birthweight babies a year and undertake at least 2,000 intensive care days per year. The perinatal group recommended the retention of three NICUs and that the remaining units be downgraded to level 2 neonatal units. As part of that change, the scope of the practice carried out by level 2 units will be wider than the previous level 2 definition.

The Scottish Government accepted the recommendations of the report, and work is under way to implement the new model of care. The Minister for Public Health and Women's Health's response to the petition states that the intention with the new model of care is that mothers in suspected extreme pre-term labour will be transferred before they give birth to maternity units in the hospitals that have neonatal intensive care units. The submission states that those units will have expanded capacity. It is noted that it will not always be possible to transfer mothers before they give birth, and in those cases the specialist neonatal transfer service, ScotSTAR, will transfer those babies in specialist ambulances. The submission states that consultation will take place with families during the implementation phase.

I should say that Monica Lennon has joined us for this petition as well—I neglected to mention her earlier, as she was already sitting at the table. I invite Jackie Baillie to make some comments.

**Jackie Baillie (Dumbarton) (Lab):** Thank you, convener. I do not know whether the collective noun is a suite of MSPs. I thought of a posse of MSPs, but I like your description even better: a galaxy of talent. We will settle for that, convener, thank you very much.

We are joined in the public gallery by Monica Sheen and Colleen Murphy, and by Alfie, who is probably the most well-behaved baby that I have

ever seen. They have come specifically in support of this petition and they are joined in that support by many others who simply could not be here today. I also convey apologies from Mark Griffin. You will know that he has experience of the neonatal unit. He had another meeting, otherwise he would have been here today.

Thank you for the opportunity to speak to this petition. I am not sure whether this is the first time that there have been so many MSPs engaged in the same subject at committee, but it shows how important the issue is. The number of signatures collected on the public petition and the Scottish Parliament petition is also significant.

My colleagues and I will set out a number of reasons why the proposed downgrading of Wishaw neonatal unit is unsafe. As you have said, the rationale for downgrading Wishaw and keeping three units open in Glasgow, Edinburgh and Aberdeen is set out in the Scottish Government's demand and capacity modelling of NICU services. However, the data that was collected for that report on which these critical decisions are being made is, frankly, inconsistent. Different timeframes are used throughout: sometimes data taken over a year is compared to data taken over three years, and there is no rhyme nor reason to it. I understand that the exercise was rushed but it is so arbitrary.

The review that was initiated by the Scottish Government, which we welcomed, acknowledged that the data was flawed, but nothing has been done about it. Therefore, people are proceeding at pace to implement proposals that we know are based on flawed data. I find that astonishing, given that this Parliament and the Scottish Government assert that decisions are all evidence based. They appear to have fallen at the first hurdle here, and there is little wonder that people have very little confidence in the report and its implementation.

The report also fails to give consideration to maternity capacity. There is no analysis or consideration of workforce requirements. Although the report states that workforce data has been collected, the results of the analysis are not included. I have no idea why you would not put such a significant element into the report. I will come back to staffing in a minute.

In 2017, the Scottish Government published the "Best Start" report, which stated that three to five neonatal units should be developed, supported by something like 10 to 12 local and special care units. That is fine. Since then, however, the Government has simply fixated on developing only three. There is no explanation why the number is not five or four. It is our contention and the petitioner's contention, based on the data and the volumes of people being cared for, that there

should be four units in Scotland, and that Wishaw should be one of them.

Wishaw neonatal unit is the third busiest neonatal unit in Scotland. The critical mass of neonates exists within the central belt area. We know that Wishaw neonatal unit accepts the highest number of in-utero and out-of-utero babies, which clearly shows the skill set and the capability in the unit. There are transfers from other board areas all the time. Wishaw was named the best service in the UK last year, information that clearly has been ignored by the Scottish Government.

My colleagues will explain that there are real concerns from staff and patients that level 3 neonatal units in Glasgow and Edinburgh are already facing staffing pressures and will not be able to cope with demand once Wishaw is downgraded. I recently uncovered statistics that show that health boards across Scotland, in particular in the central belt, with the knowledge of the Scottish Government, have cut paediatric and maternity vacancies. Let me stress that the numbers are not frozen, they are not still there; they have simply been cut from the complement of what was required. I therefore worry about safety due to the lack of staff. The staff shortages will also add to pressure on neonatal services and force mums and premature babies to be transferred not to Glasgow or Edinburgh but to Aberdeen. We are talking about the very sickest babies, and just think about the distance that that would involve.

There is clearly appetite and scope for Wishaw neonatal unit to remain in place alongside units in Glasgow, Edinburgh and Aberdeen as part of the best start strategy. I would be grateful if this committee would take this petition on—because I know that you have run with petitions before—and invite the minister or the cabinet secretary to explain why the Scottish Government is ignoring the evidence and putting at risk the safety of mothers and babies at Wishaw.

**The Convener:** Thank you, Jackie Baillie. I should say that we, too, welcome Alfie. The tones of the committee members were soporific and he was very quiet earlier, but I notice that he has become very animated since you were speaking, Ms Baillie. I do not know what the moral conclusion from that might be.

**Jackie Baillie:** They were sounds of approval, convener.

**The Convener:** We have a few minutes each for Monica Lennon and Richard Leonard to speak. We have a fixed amount of time, so please be mindful of that.

**Monica Lennon:** Thank you, convener. I appreciate that this is my second appearance at the committee this morning.

I will reinforce Jackie Baillie's comments about safety. That issue has to be paramount in the minds of everyone. I am here as a Central Scotland MSP. Lynne McRitchie, who lodged the petition on behalf of the Wishaw Neonatal Warriors, is a constituent of mine, as is Monica Sheen, who is here today.

I do not want to repeat the comments that Jackie Baillie has made, so I will move on to the lack of meaningful public consultation and take my lead from what Fergus Ewing said with regard to a petition that the committee addressed earlier. He talked about the importance of having the confidence of the people who you seek to serve and your local communities. When the Scottish Government got around to doing some consultation, beginning on 21 June this year, people had only 17 days to submit comments. People with lived experience, such as Lynne McRitchie, Monica Sheen and many others, were told that they had to summarise their comments, with a limit of 500 characters, in an online document. There are families whose babies, sadly, did not survive and others who have life-changing conditions, and it is unfair to ask them to summarise their experiences in a few hundred characters.

As well as the issues that Jackie Baillie has raised about the inconsistency and inaccuracy of the data and the way that evidence has been presented, I note that we have not had meaningful consultation, so there is no public support or public buy-in for the change. The proposal is not only flawed but has been built on very shaky foundations, which will put at risk the lives of Scotland's most premature, smallest and sickest babies, and their mums.

It is no exaggeration to say that there is a real sense of betrayal across Lanarkshire. As Jackie Baillie said, Wishaw is a much celebrated and award-winning neonatal intensive care unit that is highly respected across the UK. We often say in Parliament that we need to learn more from good practice. This is exceptional practice. The staff are upset, not for their own sakes but because they have very close relationships with the families, who they continue to care for long after babies have left the unit.

10:30

I will briefly touch on the young patients family fund, which is in place for parents of babies who have to be cared for outwith their community. Colleagues will know that that is a reimbursement system, which means that families can apply for

their expenses after they have incurred the expense. It is good that that is in place, but many families, particularly those in Lanarkshire, where poverty is sky high at the moment, do not have money for hotels and accommodation and to buy extra food and pay for childcare. That needs to be looked at, too, because the Government has not costed the proposal in that regard and we do not know how much any of it will cost.

Lynne McRitchie, who is not able to be here today, has done a great deal of work in her own time. She is mum to Innes, who received care at Wishaw. In an earlier comment she said:

"I cannot imagine how we would have felt if we had then been told that best case scenario was to transfer to Glasgow to receive that care. It adds a whole new level of stress and trauma into what is already a horrific experience for parents and families."

We know that, because of capacity issues, many of our families in Lanarkshire could end up in Aberdeen. That is a long, long way from home.

**The Convener:** I encourage you to sum up now.

**Monica Lennon:** In conclusion, we fear that, if the issue is left in the hands of the Government, with its flawed data and lack of meaningful consultation, we will have a very dangerous outcome. I know that it is not entirely in the gift of the committee, but I urge the committee to bid for a committee-led debate. You have Labour talent here today but there are many more owls in the Parliament. We have had a members' business debate on the issue led by a Scottish Conservative member and others have asked questions. There is cross-party support—that is important to know. We cannot play politics. If we truly want the best start for all of Scotland's babies, at the very least we have to pause this process before a terrible mistake is made.

**The Convener:** Thank you. I am interested to hear whether Richard Leonard passes the Alfie test, because he was very quiet during Monica Lennon's evidence on this occasion. Welcome again, Richard. I am happy to hear your contribution to our discussion.

**Richard Leonard:** I will get straight into the points that I want to raise. First, the recommendations that led to the proposals to downgrade Wishaw neonatal unit have not been subject to a robust or thorough equality or human rights impact assessment. That is an issue in relation to parents and families but also in relation to babies, because they, too, have rights under the United Nations Convention on the Rights of the Child—a right to life, a right to survival and a right to development—and that has not been properly taken into account.



Secondly, the clinical advice that has been used to justify the decision is now five years old. Thirdly, neither the current minister nor her predecessors have ever visited the Wishaw neonatal unit to speak to the staff there to get their expert view. Fourthly, as Jackie Baillie and Monica Lennon have mentioned, the concentration of the provision of these intensive care resources will bring about capacity and resilience issues. It is extremely difficult to understand the feasibility of families from central and southern Scotland having to go to Aberdeen, which will have one of the proposed three centres.

There has been centralisation of these services in other parts of the UK, but there has not been any proper evaluation of those that could be factored into any decisions that the Scottish Government takes. ScotSTAR and the Scottish Ambulance Service will be significantly affected by the changes and they have not been fully involved in the process. There has been no assessment of the impact on their services.

Finally, this is an issue in Lanarkshire and in Wishaw but there is also an issue about how we provide these services across the whole of Scotland. That is an issue for every member of this committee and every member of this Parliament. We simply ask this committee to take up some of these issues in relation to the extent to which the assessments have been made, the impact on staff, the impact on capacity, the impact on resilience and the impact not just on human rights but human lives.

**The Convener:** Thank you. I have been enjoying and reflecting on the evidence that has been given by the three of you. At the risk of creating panic among the clerks and my colleagues, I propose that the committee visit the neonatal unit in Wishaw for ourselves to see what we can discover and to bring attention to the issue. Do colleagues have any other suggestions?

**David Torrance:** I agree with your comments. Could the committee write to the Minister for Public Health and Women's Health to ask whether clinicians and staff at neonatal intensive care units were consulted before the decision to centralise services was taken; whether the Scottish Government has considered the impact of the distance between home and hospital on the wider family, particularly other children, and what steps it is taking to mitigate any impact; whether she is confident that ScotSTAR has sufficient resources to respond to all transport requests following the introduction of the new care model; and how the new model will affect care for high-risk babies not born at a hospital with a neonatal intensive care unit, between birth and transfer to such a unit?

**The Convener:** I also suggest that we invite the relevant members who have been involved in the

petition to accompany us on our visit. We could liaise with them about people we might see in order to draw some direct attention to this issue. Are members content with those suggestions?

**Members indicated agreement.**

**The Convener:** Thank you. I hope that we can do something with this petition and make some progress on it. We can speak again in an effort to progress that.

That brings us to the end of our consideration of new petitions this morning. Before we move into private session, I acknowledge that, although this committee has been fortunate to win the *Holyrood* magazine powering change award previously, we were only one of the three nominees this time. Nonetheless, I pay tribute to the clerks for all the work that they do, which helped to support the nomination that we received. I know that committee members very much value the work that they do, and we know in our hearts that, if we are being nominated, it is as much because of the work that they do on our behalf as the representations that we make.

10:38

*Meeting continued in private until 10:49.*



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