



PUBLIC PETITIONS COMMITTEE

AGENDA

16th Meeting, 2014 (Session 4)

Tuesday 11 November 2014

The Committee will meet at 9.45 am in the Robert Burns Room (CR1).

1. **Consideration of new petitions:** The Committee will consider—

[PE1530](#) by Spencer Fildes, on behalf of the Scottish Secular Society, on guidance on how creationism is presented in schools

and take evidence from—

Spencer Fildes, Chair, and Professor Paul Braterman, Board Member and Scientific Advisor, Scottish Secular Society;

and will then consider—

[PE1533](#) by Jeff Adamson, on behalf of Scotland Against the Care Tax, on the abolition of non-residential social care charges for older and disabled people

and take evidence from—

Jeff Adamson;

Ian Hood, Coordinator, Learning Disability Alliance Scotland;

Dr Pauline Nolan, Policy and Engagement Officer, Inclusion Scotland;

and will then consider—

[PE1534](#) by Clare Symonds, on behalf of Planning Democracy, on equal rights of appeal in the planning system

and take evidence from—

Clare Symonds, Chair, and Helen McDade, Committee Member, Planning Democracy;

and will then consider—

[PE1532](#) by Garry Stagg on stopping public bearing of arms by police.

2. **Consideration of current petitions:** The Committee will consider—

[PE1098](#) by Lynn Merrifield, on behalf of Kingseat Community Council and [PE1223](#) by Ron Beaty on school bus safety;

[PE1431](#) by Nick Riddiford, on behalf of the Fair Isle Community, on a marine protected area for Fair Isle;

[PE1493](#) by Peter John Gordon on a Sunshine Act for Scotland;

[PE1506](#) by Alison C Tait, on behalf of the Robert Burns World Federation Ltd, on renaming Glasgow Prestwick Airport to "Robert Burns International Airport";

[PE1517](#) by Elaine Holmes and Olive McIlroy, on behalf of the Scottish Mesh Survivors - "Hear Our Voice" campaign, on polypropylene mesh medical devices;

[PE1521](#) by George Eckton and Jane O'Donnell on no more Page 3 in the Scottish Sun and Scottish Parliament;

[PE1524](#) by James Macfarlane on free Wi-Fi in Scottish public buildings;

[PE1525](#) by Catherine Fraser on access to justice.

3. **External research (in private):** The Committee will discuss options.

Anne Peat
Clerk to the Public Petitions Committee
Room T3.40
The Scottish Parliament
Edinburgh
Tel: 0131 348 5186
Email: Anne.peat@scottish.parliament.uk

The following papers are attached for this meeting—

Agenda item 1

PE1530 Note by the Clerk PPC/S4/14/16/1

Centre for Intelligent Design UK Letter of 10 October 2014 [PE1530/A](#)

British Centre for Science Education

Email of 17 October 2014

[PE1530/B](#)

Professor Paul Braterman Letter of 23 October 2014

[PE1530/C](#)

PE1533 Note by the Clerk PPC/S4/14/16/2

PE1534 Note by the Clerk PPC/S4/14/16/3

PE1532 Note by the Clerk PPC/S4/14/16/4

Petitioner Email of 28 October 2014 [PE1532/A](#)

Agenda item 2

PE1098 and PE1223 Note by the Clerk PPC/S4/14/16/5

Scottish Government Letter of 2 October 2014

[PE1098/VV](#)

Transport Scotland Letter of 3 October 2014

[PE1223/DDD](#)

Welsh Government Letter of 27 August 2014
(received 29 October 2014)

[PE1223/EEE](#)

COSLA Email of 31 October 2014

[PE1223/FFF](#)

Petitioner Letter of 31 October 2014

[PE1223/GGG](#)

ATCO Scotland Email of 5 November 2014

[PE1223/HHH](#)

PE1431 Note by the Clerk PPC/S4/14/16/6

Marine Scotland Email of 30 October 2014 [PE1431/K](#)

PE1493 Note by the Clerk PPC/S4/14/16/7

Petitioner Email of 10 April 2014

[PE1493/P](#)

Scottish Government Letter of 17 April 2014

[PE1493/Q](#)

Department of Health Letter of 18 September 2014

[PE1493/R](#)

Petitioner Emails of 6 October and 3 November 2014

[PE1493/S](#)

PE1506 Note by the Clerk PPC/S4/14/16/8

Scottish Government Letter of 30 September 2014

[PE1506/B](#)

Petitioner Letter of 31 October 2014

[PE1506/C](#)

PE1517 Note by the Clerk PPC/S4/14/16/9

NHS Grampian Letter of 16 June 2014

[PE1517/D](#)

Adam M Slater Letter of 13 June 2014

[PE1517/E](#)

NHS Shetland Email of 14 June 2014	PE1517/F
NHS Greater Glasgow and Clyde Letter of 1 July 2014	PE1517/G
NHS Lothian Letter of 21 June 2014	PE1517/H
NHS Western Isles Letter of 2 July 2014	PE1517/I
NHS Ayrshire and Arran Letter of 1 July 2014	PE1517/J
NHS Fife Letter of 8 July 2014	PE1517/K
NHS Forth Valley Letter of 3 July 2014	PE1517/L
Petitioner Letter of 12 August 2014 (revised 3 November 2014)	PE1517/M
NHS Borders Letter of 14 August 2014	PE1517/N
NHS Lanarkshire Letter of 14 August 2014	PE1517/O
NHS Orkney Letter of 14 August 2014	PE1517/P
Medicines Healthcare Products Regulatory Agency Email of 14 August 2014	PE1517/Q
NHS Tayside Email of 22 August 2014	PE1517/R
BMA Scotland Letter of 28 August 2014	PE1517/S
European Commission Letter of 1 September 2014	PE1517/T
NHS National Services Scotland Letter of 3 October 2014	PE1517/U
NHS Highland Letter of 16 October 2014	PE1517/V
Royal College of Surgeons Edinburgh Letter of 4 November 2014	PE1517/W

PE1521 Note by the Clerk PPC/S4/14/16/10

Scottish Parliament Labour Group Letter of 30 September 2014	PE1521/C
Scottish Parliament Liberal Democrats' Group Letter of 15 October 2014	PE1521/D
Scottish Parliament Conservative Group Letter of 15 October 2014	PE1521/E
Scottish Parliament Chief Executive Letter of 3 November 2014	PE1521/F
Scottish Parliament Independent/Green Group Letter of 4 November 2014	PE1521/G
Petitioner Email of 4 November 2014	PE1521/H
Scottish Sun Letter of 5 November 2014	PE1521/I
Scottish Government Letter of 5 November 2014	PE1521/J

PE1524 Note by the Clerk PPC/S4/14/16/11

NHS Greater Glasgow and Clyde Letter of 18 September 2014	PE1524/A
NHS Lanarkshire Letter of 30 September 2014	PE1524/B
NHS Tayside Letter of 30 September 2014	PE1524/C
Highland Council Letter of 1 October 2014	PE1524/D
Scottish Court Service Letter of 2 October 2014	PE1524/E
Essential Edinburgh Letter of 15 October 2014	PE1524/F
NHS Dumfries and Galloway Letter of 15 October 2014	PE1524/G
Kirkcaldy 4 All Letter of 15 October 2014	PE1524/H
City of Edinburgh Council Letter of 15 October 2014	PE1524/I
NHS Western Isles Letter of 17 October 2014	PE1524/J

Scottish Government Letter of 16 October 2014
Glasgow City Council Letter of 17 October 2014
Aberdeen City Council Letter of 29 October 2014
Petitioner Letter of 3 November 2014

[PE1524/K](#)
[PE1524/L](#)
[PE1524/M](#)
[PE1524/N](#)

PE1525

Note by the Clerk

PPC/S4/14/16/12

Scottish Human Rights Commission
Letter of 28 August 2014
Scottish Government Letter of 24 September 2014
Scottish Legal Aid Board Letter of 13 October 2014
Law Society of Scotland Letter of 9 October 2014

[PE1525/A](#)
[PE1525/B](#)
[PE1525/C](#)
[PE1525/D](#)

Agenda item 3

PRIVATE PAPER

PPC/S4/14/16/13 (P)

Public Petitions Committee

16th Meeting, 2014 (Session 4), Tuesday 11 November 2014

PE1530 on guidance on how creationism is presented in schools

Note by the Clerk

PE1530 – Lodged 4 September 2014

Petition by Spencer Fildes, on behalf of the Scottish Secular Society, calling on the Scottish Parliament to urge the Scottish Government to issue official guidance to bar the presentation in Scottish publicly funded schools of separate creation and of Young Earth doctrines as viable alternatives to the established science of evolution, common descent, and deep time.

[Link to petition webpage](#)

Purpose

1. This is a new petition that the Committee is invited to consider and agree what action to take. The Committee has invited the petitioner to speak to his petition.

Background – the following information is taken from the SPICe briefing

2. The petition asks for specific government guidance that creationism should not be taught as science. It is not asking that discussion of different world beliefs is curtailed.

Curriculum for Excellence

3. The broad outline of the curriculum is set out in guidance published by Education Scotland. It leaves considerable scope for teachers to decide on the detail. The content of national qualifications is set by the Scottish Qualifications Authority.
4. Principles and Practice for science includes among the purposes of studying science that children and young people, “demonstrate a secure knowledge and understanding of the big ideas and concepts of the sciences.” It does not however list what those ‘big ideas’ are, although it might be expected that evolution would be considered a ‘big idea.’
5. Education Scotland published “concept development in science” which explains how evolution is introduced around P5 (second level):
http://www.educationscotland.gov.uk/Images/Conceptdevelopmentinthesciences_2_tcm4-550290.pdf

“Evolution is introduced at the second level (**SCN 2-01a**), where learners relate the physical and behavioural characteristics of living things to their survival and extinction. They develop their understanding of the diversity of plants and animals by exploring a range of resources, including the local environment. They can explore simple adaptations which have taken place

in plants and animals, such as features that allow flight and swimming, feeding mechanisms, and plant adaptations for drought or living on water. The concept of evolution can be introduced by studying the evidence of fossil records to develop an appreciation of organisms which have become extinct. Learners could study features which did not allow these organisms to survive in the changing environment e.g. flightless birds such as the dodo; and dinosaurs. Examples of living things under threat due to environmental changes can also be discussed.”

Creationist beliefs in Scottish Schools

6. In September 2013, the head teachers at a South Lanarkshire primary school were removed from their posts following publicity in the media about classroom assistants handing out books that supported creationism. The classroom assistants were members of the Church of Christ and had worked at the school for 8 years. See: <http://www.scotsman.com/news/education/creationist-row-headteachers-removed-from-school-1-3091562>

Guidelines in England

7. There is far more detailed prescription of the curriculum at national level in England, and the outline of the curriculum is statutory. It is necessary to consider the guidelines on creationism within this wider context.
8. In 2007, [guidance](#) was published for maintained schools in England. Similar provision has since been extended to cover academies and free schools. The 2007 guidance states:

“Creationism and intelligent design are not part of the science National Curriculum programmes of study and should not be taught as science. However, there is a real difference between teaching “x” and teaching *about* “x”. Any questions about creationism and intelligent design which arise in science lessons, for example as a result of media coverage, could provide the opportunity to explain or explore why they are not considered to be scientific theories and, in the right context, why evolution is considered to be a scientific theory.”

9. In September 2014, the new primary curriculum included a new unit on evolution. See [British Humanist Society](#) for further information on the campaign against presenting creationism as science.

Scottish Government Action

10. In answer to a PQ by Patrick Harvie, MSP asking for specific guidance on creationism, Michael Russell said:

“The curriculum in Scotland is not based on statutory prescription. It is for schools, in light of the curriculum framework within which they operate, to determine how best to organise the syllabus.”

“However, there are no plans to include intelligent design within Curriculum for Excellence guidance and there is no evidence to suggest that intelligent design is being taught in science classes.” (PQ S3W-39797)

11. In answer to a more recent question about the measures which are in place to prevent the teaching of creationism in Scotland's schools, Alasdair Allan, MSP said he expected teachers to use their professional judgement, referring to support materials published by Education Scotland (S4W-1754, answered 29th October 2013).
12. During education questions on 21st November 2013, Minister for Schools, Alasdair Allan, MSP and Patrick Harvie, MSP had an exchange on the issue of creationism. The Minister said:

“the content of biology and physics courses, for example, promotes none of the ideas that he listed. I therefore have complete confidence in our teachers to deal objectively with contentious issues as they arise. I make it clear that the science curriculum in Scotland is not dictated by any of the agendas that the member suggested influence it.” (Official Report 21st November 2013).

13. A Scottish Government spokesperson was quoted in the Sunday Herald on 31st August 2014 as saying:

“Teachers, head teachers and professional educationalists decide what is taught in Scotland’s schools. This longstanding tradition that politicians should not determine the curriculum is highly valued and remains a cornerstone of Scottish education.”

Submissions

14. The Committee has received three submissions already on this petition from the Centre for Intelligent Design, the British Centre for Science Education and Professor Paul Braterman, who will accompany the petitioner giving evidence to the Committee.

Action

15. The Committee is invited to consider what action it wishes to take in relation to the petition. The Committee may wish to—
 - (1) Consider whether it wishes to seek any information from the Scottish Government.
 - (2) take any other action that the Committee considers appropriate.

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1533 on abolition of non-residential social care charges for older and disabled people****Note by the Clerk****PE1533 – Lodged 1 September 2014**

Petition by Jeff Adamson, on behalf of Scotland Against the Care Tax, calling on the Scottish Parliament to urge the Scottish Government to abolish all local authority charges for non-residential care services as under Part 1, Paragraph 1, Subsection (4) of the Community Care and Health (Scotland) Act 2002.

[Link to petition webpage](#)

Purpose

1. This is a new petition that the Committee is invited to consider and agree what action it wishes to take. The Committee has invited the petitioner to speak to the petition.

Background – the following information is taken from the SPICe briefing

2. The petitioner contends that “non-residential social care is an equality and human rights issue” and, therefore, should be “free at the point of delivery”. Additionally, the petitioner argues that the current system is unfair, because charging procedures for these care services differ considerably between local authorities.

Charging for non-residential social care services by local authorities

3. The [Social Work \(Scotland\) Act 1968, Section 87](#) provides local authorities with the power to charge for non-residential social care services (also referred to as community care services). This does not include nursing care at home, which is an NHS service and, therefore, is provided free for people of all ages if they require it. Additionally, since the [Community Care and Health \(Scotland\) Act 2002](#) and the introduction of the associated [Community Care \(Personal Care and Nursing Care\) \(Scotland\) Regulations 2002](#), those over 65 have been entitled to free personal care.
4. Briefly, personal care is “anything done for you that is of a personal nature”¹ and includes assistance with personal hygiene, dressing, and food preparation and eating, among other services, all of which are outlined in [Schedule 1](#) to the 2002 Act referred to above.

¹ Care Information Scotland (2014). *Care at home*. Available [here](#) [Accessed 23 October 2014]

5. Other non-residential social care services, such as “meals on wheels”, help with housework, and community alarms are “still subject to charges at the discretion of the local authority”². Under [Part 1, Paragraph 1, Subsection \(4\) of the 2002 Act](#), Ministers can regulate these charges. However, subsequent administrations have chosen to support self-regulation through the Convention of Scottish Local Authorities (COSLA).
6. Although not legally binding, local authorities are expected to follow COSLA’s charging guidance for non-residential social care, the latest issue of which is available [here](#). COSLA indicates that this guidance “draws on the principles of the European Charter of Local Self-Government”, which recognises that “councils should be empowered to raise income in order to ensure that the provision of local services are optimised”. However, COSLA also stresses that councils are not required to charge for these services, and that it wants to see greater consistency between councils’ charging policies.

Financial assessments

7. After being assessed for their care needs by the Social Work Department of their Local Authority, a financial assessment then determines how much a person should pay. This amount can vary, under the current system, depending on the local authority area in which the person lives. However, COSLA is planning to introduce a standard financial assessment template in the near future, something COSLA states will “go a long way toward improving fairness from the service user perspective”³.

Exemptions for terminally ill patients

8. A number of recent news articles^{4,5,6} have highlighted that some councils may be charging terminally ill people under 65 for their personal care. COSLA guidance recommends that such charges are waived but not all councils define “terminally ill” in the same way. However, the Scottish Government has advised⁷ that COSLA has recently agreed to change its guidance. It now recommends that terminally ill people under 65 should not pay for personal care if they have less than six months to live. Councils will also have the discretion to “extend the waiving of charges beyond this time period, should that be merited by the circumstances of a particular case”. It should be noted that, at the time of writing, these recommendations have not been added to the published guidance.

² Scottish Government (2002). *Free Personal and Nursing Care in Scotland: Guidance for Local Authorities, the NHS and Other Service Providers*. Available [here](#) [Accessed 24 October 2014]

³ COSLA (2014). *National Strategy & Guidance: Charges Applying to Non-residential Social Care Services*. Available [here](#) [Accessed 27 October 2014]

⁴ BBC News (16 June 2014). [Councils charging terminally ill for care](#).

⁵ BBC News (16 August 2014). [Terminally ill man denied free care again 'for applying too early'](#).

⁶ BBC News (16 August 2014). [East Ayrshire Council changes free care decision for terminally ill man](#).

⁷ Personal communication (Scottish Government), 23 October 2014

Income received by councils from charges

9. In the 2012/13 financial year, local authorities in Scotland received a combined income of around £51.6 million from charges for non-residential social care services.
10. This corresponds to approximately 3.2% of total gross local government expenditure on these services over that period⁸.

Scottish Government Action

11. The Scottish Government's position on charging for non-residential social care services was outlined in a [letter](#) to the Public Petitions Committee. This was sent in response to a related petition, [PE01466](#), which was lodged in January 2013. The letter stated that "it is important that local authorities have the autonomy to set their own charges to take account of local priorities and needs". However, the Scottish Government also wants to ensure that the charging policies are "fair, consistent and transparent".

Scottish Parliament Action

12. The previously mentioned [PE01466](#) petition called on the Scottish Parliament "to urge the Scottish Government to review the implementation and regulation of local authority charges for non-residential services". In this case, the petitioner was proposing the introduction of legally binding regulations for charges rather than removal of them entirely.
13. After consideration by the Public Petitions Committee, the petition was referred to the Health and Sport Committee. Following an [evidence session](#) on 17 December 2014, the Committee agreed, on 4 March 2014, to close the petition and draw it to the attention of the Local Government and Regeneration Committee.

Action

14. The Committee is invited to consider what action it wishes to take in respect of the petition. The Committee may wish to—

(1) Write to the following seeking their views on the petition—

- Scottish Government/NHS Scotland
- COSLA

(2) Take any other action that the Committee considers appropriate.

⁸ Personal communication (Scottish Government), 28 October 2014. *Note that figures exclude Assessment, Casework, Care Management, Occupational Therapy and Criminal Justice Field Work.*

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1534 on equal rights of appeal in the planning system****Note by the Clerk****PE1534 – Lodged 3 September 2014**

Petition by Clare Symonds, on behalf of Planning Democracy, calling on the Scottish Parliament to urge the Scottish Government to review the current rights of appeal within planning and other consenting processes which give deemed planning consent, considering the benefits of widening the scope of appeal, and providing an equal right of appeal.

[Link to petition webpage](#)

Purpose

1. This is a new petition that the Committee is invited to consider and agree what action it wishes to take. The Committee has invited the petitioner to speak to her petition.

Background – the following information is taken from the SPICe briefing

2. The right to appeal against a planning decision is currently limited to the applicant. Third parties to a planning application (that is people other than the applicant or planning authority) have no right of appeal.
3. The possible introduction of a third party right of appeal was considered during parliamentary scrutiny of the Planning etc. (Scotland) Bill in 2006. At that time, several major environmental groups, including Friends of the Earth Scotland, WWF and RSPB Scotland, supported the introduction of a third party right of appeal for the following types of development:
 - where the planning permission would be a departure from an adopted development plan
 - where the local authority has an interest in the planning application;
 - where the application is a 'major development', defined as those which fall under either Schedule 1 or 2 of the Environmental Impact Assessment Regulations;
 - where a planning officer has recommended refusal of planning permission and the planning authority decides to grant permission.
4. Friends of the Earth Scotland¹ gave the following arguments in support of the introduction of a third party right of appeal:

¹ Friends of the Earth Scotland (2004) Briefing on the Introduction of a Third Party Right of Appeal in Scotland. Edinburgh: Friends of the Earth Scotland.

- It would help to create a level playing field between the public and developers, providing a foundation for trust and cooperation, and a disincentive for developers to produce repeat, twin-tracked or poor quality applications
 - It would increase local authority accountability, since there would need to be reasons given for a decision, and thus improve the quality of planning decisions.
 - It would enhance the status of a development plan if one of the criteria for third party appeals were to be departures from the development plan, and may act as an incentive to councils to make sure plans are up to date.
 - It would enable the cumulative impact of decisions to be challenged, especially in areas which have a high number of negative developments.
 - The lack of a third party right of appeal is not consistent with the spirit and objectives of the Aarhus Convention on environmental rights, and may also be pertinent to the European Convention on Human Rights.
5. While the introduction of a third party right of appeal had support amongst environmental and community groups there was considerable opposition from the business community, e.g. CBI Scotland² questioned whether the introduction of third party rights of appeal would really benefit community groups as its supporters argue, stating:

“...the introduction of third party rights of appeal could give rise to appeals by businesses against businesses (small and large), individuals against individuals, businesses and individuals against each other, and various parties against health and social developments.”

6. The Scottish Chambers of Commerce³ agreed with the view of the CBI and argued against the introduction of third party right of appeal for the following reasons:

Undermine economic investment: by increasing delays in planning, make Scotland a less attractive place to invest in and shift the balance in favour of those who want to prevent development.

Undermine social and environmental investment: important social and environmental improvement projects, e.g. hospitals or renewable energy developments, would also be open to a third party right of appeal.

Be Impractical to Administer: concerns have been raised about the resources available to local planning authorities and SERU [now DPEA] to cope with the increased workload caused by any new right of appeal.

Have Unintended Consequences: an example given would be the use of the system by business rivals to scupper competing developments

² CBI Scotland (2004) CBI Scotland's Response to the Scottish Executive's Consultation – “Rights of Appeal in Planning”. Edinburgh: CBI Scotland

³ Scottish Chambers of Commerce (2004) Scottish Chambers of Commerce response to the consultation on Rights of Appeal in Planning. Glasgow: Scottish Chambers of Commerce.

7. Malcolm Chisholm MSP, then Communities Minister, made it clear in his statement to Parliament on 29 June 2005 that the then Scottish Executive did not intend to introduce a third party right of appeal, stating that the:

“...white Paper does not propose a third-party right of appeal. Our aim is to strengthen the participation of local people from the outset of the process in order to make the system fairer and more balanced; to avoid building new delays and unpredictability into the system, which could add costs to development and act as a deterrent to investment in sustainable growth; and to strengthen rather than undermine local authority decision making. I hope that everyone in the chamber and throughout Scotland will consider the package of reforms as a whole and consider their views on issues such as rights of appeal in the light of the proposals.”

Scottish Government Action

8. The Scottish Government is not considering the introduction of a third party right of appeal.

Scottish Parliament Action

9. In addition to the scrutiny of this issue during consideration of the Planning etc. (Scotland) Bill, the Public Petitions Committee considered [petition PE916](#), calling for the introduction of a third party right of appeal, on 18 January 2006. The petition was referred to the then Communities Committee and it was considered as part of that committee’s scrutiny of the Planning etc. (Scotland) Bill.
10. Sandra White MSP lodged a proposal for a members’ Bill on [Third Party Rights of Appeal](#) on 11 May 2005. The Bill was never introduced and the proposal fell at dissolution in April 2007.

Action

11. The Committee is invited to consider what action it wishes to take in respect of the petition. The Committee may wish to—

(1) Write to the following organisations seeking their views on the petition—

- The Scottish Government
- Royal Town Planning Institute Scotland
- Planning Aid for Scotland
- Heads of Planning Scotland

(2) take any other action that the Committee considers appropriate.

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1532: Stop Public Bearing of Arms by Police****Note by the Clerk****PE1532 – Lodged 3 September 2014**

Petition by Garry Stagg calling on the Scottish Parliament to urge the Scottish Government to prevent Sir Stephen House, Chief Constable of Scotland, from allowing armed police to routinely patrol the streets of Scottish towns and villages and cities.

[Link to petition webpage](#)

Purpose

1. This is a new petition that the Committee is invited to close.

Background

2. The petition arose after incidences of police carrying fire-arms carrying out routine policing tasks. The [SPICe briefing on the petition](#) includes more detailed information.
3. A debate was held in in the Chamber on [5 August 2014](#) and the Justice Sub-Committee on Policing took evidence on the topic on [21 August 2014](#).
4. On 1 October, Police Scotland announced, in [a letter to the Justice Sub-Committee on Policing](#), that “firearms officers attached to Armed Response Vehicles will now only be deployed to firearms incidents or where there has been a threat to life.”
5. In light of Police Scotland’s announcement last month, the petitioner has written to the Committee stating that he no longer wishes to pursue the petition.

Action

6. As the petitioner has indicated that he no longer wishes to pursue his petition, the Committee is invited to close it.

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1098 and PE1223 on School Bus Safety****Note by the Clerk****PE1098 – Lodged 2007**

Petition by Lynn Merrifield, on behalf of Kingseat Community Council, calling for the Scottish Parliament to urge the Scottish Government to make provision for every school bus to be installed with three point seatbelts for every school child passenger and to ensure that, as part of a local authority's consideration of 'Best Value' in relation to the provision of school buses, proper regard is given to the safety needs of the children.

[Link to petition webpage](#)

PE1223 – Lodged 2009

Petition by Ron Beaty calling on the Scottish Parliament to urge the Scottish Government to take all appropriate action, whether through amending guidance, contracts, agreements or legislation, to require local authorities to install proper safety signage and lights on school buses, to be used only when school children are on the bus when necessary, and make overtaking a stationary school bus a criminal offence.

[Link to petition webpage](#)

Purpose

1. The Committee considered these petitions most recently on [5 August 2014](#).
2. In relation to PE1098, the Committee agreed to write to the Minister for Transport and Veterans to seek confirmation that progress was being made on the devolution of powers relating to the provision of seatbelts on dedicated school transport.
3. In relation to PE1223, the Committee agreed to write to COSLA and the Association of Transport Coordinating Officers (ATCO) Scotland for their views on the difficulty in identifying a local authority to take part in a pilot scheme on improved signage. The Committee also agreed to write to the Welsh Government for details of its approach to the issues of signage and lighting on school transport.
4. Responses have been received and the Committee is invited to consider what action it wishes to take in relation to the petitions.

PE1098

5. On 18 March 2014, the Minister for Transport and Veterans announced an "in principle agreement" to proceed with a Section 30(2) Order. The Minister wrote to the Committee the same day outlining the anticipated completion of this process during 2015 and the Scottish Government's intention to introduce legislation in

the next Scottish Parliament that “will ensure that seatbelts are provided for children...travelling to and from school on dedicated school transport.”

6. In his most recent response of [2 October 2014](#), the Minister confirms that a finalised version of the draft section 30(2) Order has been agreed with Department for Transport lawyers and is with the Office of the Advocate General for review. The Minister reiterates his expectation for the Order to be made as early as possible in 2015.

PE1223

7. In relation to the petitioner’s call to make overtaking a stationery school bus a criminal offence, the Minister has stated on several occasions that the Scottish Government does not support this.
8. On the issues of signage and lighting, Transport Scotland previously provided details of a pilot scheme it was attempting to pursue. However, it had not been able to identify a local authority to take this on. Transport Scotland has also stated that a request by the Minister for Transport and Veterans to the UK Secretary of State for Transport – to either have legislation regarding construction and use regulations strengthened or devolved to Scottish Ministers – had been refused.
9. Since the Committee last considered these petitions, the following submissions have been received—
 - [PE1223/DDD: Transport Scotland Letter of 3 October 2014](#)
 - [PE1223/EEE: Welsh Government Letter of 27 August 2014](#)
 - [PE1223/FFF: COSLA Email of 31 October 2014](#)
 - [PE1223/GGG: Petitioner Letter of 31 October 2014](#)
 - [PE1223/HHH: ATCO Scotland Email of 5 November 2014](#)
10. Transport Scotland has provided an update on the pilot scheme of enhanced school bus signage. Its letter states that agreement has been reached for Glasgow City Council to undertake this initiative. COSLA advises that several local authorities have now offered to be involved in the pilot.
11. The petitioner also raises the issue of the pilot scheme taking place in an urban authority, as opposed to a rural one, where passing speeds are much lower. The petitioner is still concerned that the guidance issued to local authorities on signage and lighting is being ignored.
12. The Welsh Government has confirmed that, as it is for Scotland, legislating on signage for school transport remains reserved to the UK Parliament.

Members’ Business Debate – November 2014

13. Stewart Stevenson’s Members’ Business debate on motion [S4M-11008](#) “The Importance of School Bus Safety around Scotland” took place on [4 November 2014](#). It focussed on Ron Beaty’s efforts with his petition.

14. The Minister for Transport and Veterans highlighted the action that the Scottish Government is taking on the issue of school bus safety including the devolution of powers relating to seatbelt provision and the proposed pilot scheme with on enhanced signage.

Action

15. The Committee is invited to consider what action it wishes to take in relation to the petitions—

- (1) In relation to petition PE1098, the Committee may wish to defer further consideration of the petition until early 2015 and seek an update from the Scottish Government on the progress of the devolution of powers relating to seatbelt provision at that stage;
- (2) In relation to petition PE1223, the Committee may wish to write again to Transport Scotland regarding the views of the petitioner and ATCO Scotland that a rural local authority should take part in the pilot scheme on enhanced signage.

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1431 on a Marine Protected Area for Fair Isle****Note by the Clerk****PE1431 – Lodged 4 May 2012**

Petition by Nicholas John Riddiford, on behalf of the Fair Isle Community, calling on the Scottish Parliament to urge the Scottish Government to implement a condition of the Council of Europe Diploma to Fair Isle by designating Fair Isle waters as a Marine Protected Area.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [12 November 2013](#) and agreed to defer further consideration until this year to await the final assessment of Fair Isle's Demonstration and Research proposal. An update has been received from Marine Scotland and the Committee is invited to consider what action it wishes to take in relation to the petition.

Background

2. The Marine (Scotland) Act 2010 introduced a general duty to protect and enhance the marine environment, and Part 5 contains new powers to designate Marine Protected Areas (MPAs) for the protection and enhancement of marine biodiversity as well as powers to create a network of conservation sites. Included within this Part is a provision for communities to recommend MPAs through their involvement in Marine Planning Partnerships.
3. The European Diploma of Protected Areas is an established international award by the Committee of Ministers of the Council of Europe (the Council) to natural and semi-natural areas and landscapes of exceptional European importance for the preservation of biological, geological and landscape diversity which are managed in an exemplary way. Fair Isle has held the Diploma continuously since 1985.
4. The Diploma is awarded to areas because of their outstanding scientific, cultural or aesthetic qualities, but also because they are protected by a suitable conservation scheme. Diploma designation involves an initial evaluation undertaken by Council specialists. A further evaluation follows every five years and is conducted by independent scientists on behalf of the Council. Renewal of the Diploma depends on their recommendations (known as resolutions).
5. Following the 2010 Fair Isle renewal, the Committee of Ministers placed the following condition on further renewal:

In recognition of the internationally important seabird colonies and associated marine environment currently experiencing severe pressure, the United Kingdom and Scottish Governments should use the powers invested in them through the Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010 to establish the protected marine area which has been called for in successive diploma renewals. A new protected marine area should be in conformity with the Fair Isle Marine Action Plan (FIMP).

Rural Affairs, Climate Change and Environment Committee Consideration

6. As part of its consideration of marine issues, the Rural Affairs, Climate Change and Environment Committee agreed to scrutinise both the National Marine Plan and plans for MPAs. The Committee held evidence sessions on the Scottish Government's designation of MPAs on [13 August](#) and [20 August](#) 2014. However, the Committee has no plans to consider individual proposals for MPAs as part of its future work.

Public Petitions Committee Consideration

7. The Committee first considered this petition on [12 June 2012](#) and sought views from various stakeholders. The responses received were broadly supportive of the petition but the Shetland Fisherman's Association (SFA) were not in favour of management measures that could limit or prevent access by Shetland fishing vessels to traditionally fished areas.
8. Marine Scotland was supportive of the Council of Europe Diploma but didn't guarantee that a new or additional MPA would be designated simply to satisfy a condition placed on the Diploma.
9. In letters to the Committee, Marine Scotland sets out the reasons for the delay in the final assessment of the Demonstration and Research proposals, including the proposal for the Fair Isle. At the time, Marine Scotland expected these to take place in 2014. The petitioner was content with this timetable.
10. A further update from Marine Scotland has now been received. The assessment work has been contracted, with advice expected from the assessors in mid-January 2015. Successful proposals will be consulted on after that, in the first half of 2015.

Action

11. In light of this update, the Committee may wish to again defer further consideration of the petition until early next year and seek further information from Marine Scotland on the outcome of the assessment of Fair Isle's Demonstration and Research proposal at that stage.

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1493 on a Sunshine Act for Scotland****Note by the Clerk****PE1493 – Lodged 17 August 2013**

Petition by Peter Gordon calling on the Scottish Parliament to urge the Scottish Government to introduce a Sunshine Act for Scotland, creating a searchable record of all payments (including payments in kind) to NHS Scotland healthcare workers from Industry and Commerce.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [18 February 2014](#) and agreed to write to the Department of Health and the Scottish Government. Responses have been received and the Committee is invited to agree what action it wishes to take on the petition.

Background

2. There is no central register of any payments between health service staff and industry. However, there is UK legislation prohibiting the taking of bribes and professional regulatory guidance that would need to be adhered to. In addition there is guidance made under the auspices of the Scottish Government.
3. Healthcare professionals subject to statutory regulation are required to adhere to standards of ethical and professional conduct set by their regulatory bodies. For example, as part of its role in regulating doctors, the General Medical Council publishes advice which outlines the standards that are expected of doctors. Further specific guidance on these matters is contained in [‘Financial and commercial arrangements and conflicts of interest’](#) (2013).
4. The Scottish Government published [‘A Common Understanding 2012 – Working Together for Patients’](#). It sets out a set of principles and processes under which joint working between the NHS in Scotland and the pharmaceutical industry should take place. The principles set out in the document cover a range of areas. For example, they set out that NHS Boards should establish monitoring arrangements to ensure accountability, and that this register should be published on the websites of all the Boards involved.

Committee Consideration

5. The Committee considered this petition for the first time on [12 November 2013](#) and sought the views of a number of stakeholders.

6. Responses from NHS Boards were broadly supportive of what was sought as it would represent an extension of existing policy. However, NHS Dumfries and Galloway thought that it could widen the gap between disclosure arrangements for NHS staff and independent practitioners such as GPs.
7. The British Medical Association Scotland supported the petition. However, the Royal College of Nursing Scotland's view was that there would be sufficient regulation in place on this issue at a European level from 2016 onwards.
8. UNISON Scotland stated it was supportive of transparency in public affairs and outlined some of the measures that are already in place to address the concerns raised by the petitioner. The General Medical Council highlighted the guidance that is already in place, stating that any compulsory register would require legislative change. It also questioned whether there would be consequences to a change in regulation exclusively in Scotland, as opposed to the whole of the UK.
9. The Royal Pharmaceutical Society supported, in principle, the establishment of a register of payments made to healthcare professionals from commercial organisations. However, it was also of the view that for Scotland to have a standalone database "would not be sensible."
10. Community Pharmacy Scotland was supportive of the principle that such financial payments should be transparent and declared. The General Pharmaceutical Council outlined the standards that are already in place but didn't provide a view on a publically available register.
11. The Committee sought further information on examples in other countries of legislation similar to that proposed in the petition. The examples in the paper provided by SPICe broadly seek to address the issue by requiring companies to disclose payments, as opposed to requiring the individual recipient (or health board if this were to be considered in Scotland or the UK) to disclose or record this information.
12. Since [18 February 2014](#), the following submissions have been received—
 - [PE1493/P: Petitioner Email of 10 April 2014](#)
 - [PE1493/Q: Scottish Government Letter of 17 April 2014](#)
 - [PE1493/R: Department of Health Letter of 18 September 2014](#)
 - [PE1493/S: Petitioner Emails of 6 October and 3 November 2014](#)
13. The Scottish Government has provided a table of the information it gathered from each health board on the measures put in place to ensure compliance with NHS 'Health Department Letter' [HDL \(2003\)62](#). The information indicates there is some inconsistency. Some boards have a register of interests for all NHS employees, which is publically available, whilst some have no single register.
14. The petitioner refers to NHS [HDL \(2003\)62](#), and says that this guidance is largely being ignored by health boards.

15. The Department of Health states that it is for the Scottish Government and the Scottish Parliament to decide what steps to take in relation to this issue and the NHS in Scotland. However, it does summarise the measures in place in England, stating that it has “no reason to believe that they are not taken very seriously by NHS organisations and their employees.” The Department of Health concludes that it has “no plans for a national register” but will watch what steps are taken in Scotland and “consider if there are lessons for England.”

For Decision

16. What is the Committee’s view now? What action does the Committee wish to take on the petition? Given the information provided by the Scottish Government detailing the measures put in place by individual health boards, and the concerns highlighted by the petitioner in this regard, the Committee may wish to write again to the Scottish Government to ascertain what action has been taken since this information was gathered to ensure that the guidance in NHS [HDL \(2003\)62](#) is being complied with fully and consistently by all health boards in Scotland.

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1506 on Renaming Glasgow Prestwick Airport to Robert Burns International Airport****Note by the Clerk****PE1506 – Lodged 22 February 2014**

Petition by Alison C Tait, on behalf of the Robert Burns World Federation Ltd, calling on the Scottish Parliament to urge the Scottish Government to rename Glasgow Prestwick International Airport to Robert Burns International Airport.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [5 August 2014](#) and agreed to write to the Scottish Government. Responses have been received from the Scottish Government and the petitioner. In addition, the [Glasgow Prestwick Airport Strategic Vision](#) has been published. The Committee is invited to decide what action to take in relation to the petition.

Background

2. Glasgow Prestwick Airport is wholly owned by Scottish Ministers and any decision on renaming is a matter for Scottish Ministers and the holding company.

Committee Consideration

3. The Public Petitions Committee considered the petition for the first time on [1 April 2014](#) and agreed to defer further consideration to await any relevant advice from the adviser to the airport's holding board.
4. On [18 June 2014](#), the Infrastructure and Capital Investment Committee held an evidence session on Prestwick Airport during which the Cabinet Secretary for Infrastructure, Investment and Cities stated "there are strong commercial reasons to retain the Glasgow Prestwick airport name rather than to rename the airport."
5. The Public Petitions Committee last considered the petition on [5 August 2014](#) and agreed to write to the Scottish Government to request that it reconsider the decision not to rename the airport.
6. In her response, the Cabinet Secretary for Infrastructure, Investment and Cities reiterated that the airport is being operated on a commercial basis and that there are strong commercial reasons to retain the Glasgow Prestwick name.
7. The petitioner is still of the view that there are commercial reasons for renaming the airport.

Glasgow Prestwick Airport Strategic Vision

8. The [Glasgow Prestwick Airport Strategic Vision](#) was published at the end of October. The document outlines the views of the Board of Directors that—
- It does not see the commercial benefits of changing the name and this could damage the airport's business prospects, notably with inbound passengers;
 - It is not aware of any successful examples where such rebranding had stimulated passenger growth or an airport's economic prospects;
 - It considers that Glasgow Prestwick Airport is a well-recognised name and removing the reference to Glasgow will weaken the link with its main origination and destination market; and
 - It notes that Ryanair, the airport's largest customer, supports keeping the existing airport name.

Action

9. The Committee is invited to consider what action it wishes to take on the petition. The Scottish Government has responded to say that it does not intend to change the airport's name. In light of the response from the Cabinet Secretary for and the views of the airport's Board of Directors outlined in the Glasgow Prestwick Airport Strategic Vision, the Committee may wish to close the petition.

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1517 on Polypropylene Mesh Medical Devices****Note by the Clerk****PE1517 – Lodged 1 May 2014**

Petition by Elaine Holmes and Olive McIlroy, on behalf of the Scottish Mesh Survivors – “Hear Our Voice” campaign, Calling on the Scottish Parliament to urge the Scottish Government to:

1. Suspend use of polypropylene Transvaginal Mesh (TVM) procedures;
2. Initiate a Public Inquiry and/or comprehensive independent research to evaluate the safety of mesh devices using all evidence available, including that from across the world;
3. Introduce mandatory reporting of all adverse incidents by health professionals;
4. Set up a Scottish Transvaginal Mesh implant register with view to linking this up with national and international registers;
5. Introduce fully Informed Consent with uniformity throughout Scotland’s Health Boards; and
6. Write to the MHRA and ask that they reclassify TVM devices to heightened alert status to reflect ongoing concerns worldwide.

[Link to petition webpage](#)

Purpose

1. The Committee last considered this petition on [17 June 2014](#) when it heard evidence from the Cabinet Secretary for Health and Wellbeing. A number of submissions have since been received and the Committee is invited to consider what action it wishes to take in relation to the petition.

Background

2. Transvaginal mesh (TVM) can be used in [pelvic organ prolapse](#) (POP), and transvaginal tapes (TVT) can be used in the treatment of [stress urinary incontinence](#) (SUI). TVM and TVT products are medical devices. The regulation of medical devices is a matter reserved to the UK Parliament. The Medicines and Healthcare Products Regulatory Agency (MHRA) is the competent authority in this area for the UK.
3. Although the MHRA has an overarching role, adverse incidents in Scotland are handled by Health Facilities Scotland. HFS received 14 adverse incident reports concerning TVM and TVT between 24 December 2012 and 27 March 2014¹.
4. Whether a particular technology is used is a matter for individual clinicians and NHS Boards taking account of evidence and guidance. There are structures

¹ Scottish Government. Personal communication 28 May 2014

within the NHS in Scotland that can provide advice, including the Scottish Health Technologies Group², though it has not undertaken any work on TVM or TVT.

Committee Consideration

5. The Committee first considered this petition on [3 June 2014](#) and agreed to seek the views of a number of stakeholders. Since then, the following submissions have been received—
 - [PE1517/C: NHS Dumfries and Galloway Letter of 10 June 2014](#)
 - [PE1517/D: NHS Grampian Letter of 16 June 2014](#)
 - [PE1517/E: Adam M Slater Letter of 13 June 2014](#)
 - [PE1517/F: NHS Shetland Email of 14 June 2014](#)
 - [PE1517/G: NHS Greater Glasgow and Clyde Letter of 1 July 2014](#)
 - [PE1517/H: NHS Lothian Letter of 21 June 2014](#)
 - [PE1517/I: NHS Western Isles Letter of 2 July 2014](#)
 - [PE1517/J: NHS Ayrshire and Arran Letter of 1 July 2014](#)
 - [PE1517/K: NHS Fife Letter of 8 July 2014](#)
 - [PE1517/L: NHS Forth Valley Letter of 3 July 2014](#)
 - [PE1517/M: Petitioner Letter of 12 August 2014 \(revised 3 November 2014\)](#)
 - [PE1517/N: NHS Borders Letter of 14 August 2014](#)
 - [PE1517/O: NHS Lanarkshire Letter of 14 August 2014](#)
 - [PE1517/P: NHS Orkney Letter of 14 August 2014](#)
 - [PE1517/Q: Medicines Healthcare Products Regulatory Agency Email of 14 August 2014](#)
 - [PE1517/R: NHS Tayside Email of 22 August 2014](#)
 - [PE1517/S: British Medical Association Scotland Letter of 28 August 2014](#)
 - [PE1517/T: European Commission Letter of 1 September 2014](#)
 - [PE1517/U: NHS National Services Scotland Letter of 3 October 2014](#)
 - [PE1517/V: NHS Highland Letter of 16 October 2014](#)
 - [PE1517/W: Royal College of Surgeons Edinburgh Letter of 4 November 2014](#)

6. At the Committee's subsequent meeting on [17 June 2014](#), the Cabinet Secretary for Health and Wellbeing announced that NHS boards would be requested to suspend the use of mesh implants, pending an independent review. The review is due to report at the beginning of 2015. At the time of this announcement, several health boards had already responded to the Committee.

7. A number of the health boards either do not carry out procedures that would require the use of mesh implants, or have already suspended their use following safety concerns. Several boards have confirmed that they will suspend the use of mesh devices following the request from the Chief Medical Officer. However, some boards indicate that they intend to continue to use mesh implants.

² This is an advisory group that sits within Healthcare Improvement Scotland that provides advice on the evidence about the clinical and cost effectiveness of existing and new technologies that are likely to have significant implications for patient care in Scotland.

8. In relation to reporting and informed consent, health boards are supportive of both these principles, with several outlining the measures that they already have in place in this regard. There is an acknowledgment, however, from some boards that the systems for reporting adverse incidents have not been robust in the past. Of the boards that expressed a view on the creation of a register, there are differing opinions on how this should be approached.
9. BMA Scotland states that it would not be appropriate for it to respond on this petition and suggests that the Committee may wish to contact the Scottish division of the Royal College of Obstetrics and Gynaecology. The Royal College of Surgeons of Edinburgh also states that it is not well placed to provide a view on the petition.
10. MHRA reiterates its view that “the benefits of these tapes and meshes currently still outweigh the risks.” However, it also states that the decision to use a particular medical device is a matter for individual health boards, individual clinicians and their patients, taking account of risks and benefits.
11. The European Commission outlines the action it has taken on this issue. This includes requesting an opinion from the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR), which is expected early next year.

Scottish Parliament Consideration

12. On 30 October 2014 Neil Findlay asked [S4O-03628](#), whether the Scottish Government had suspended the use of transvaginal mesh implants. He advised that since the Chief Medical Officer wrote to health boards on 17 June 2014 requesting that the use of mesh devices be suspended, 29 women have received mesh devices from NHS Greater Glasgow and Clyde.
13. In his response, the Minister for Public Health said, “there will be individual circumstances where clinicians, in consultation with the women involved, will consider all the potential risk factors and potential complications and the women themselves may choose to go ahead with the procedure.”³

Action

14. The Committee may wish to defer further consideration of the petition until early in 2015 to await the outcome of the independent review set up by the Scottish Government and the opinion of the Scientific Committee on Emerging and Newly Identified Health Risks requested by the European Commission.

³ <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9589>

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1521 on no more Page 3 in the Scottish Sun and Scottish Parliament****Note by the Clerk****PE1521 – Lodged 20 May 2014**

Petition by George Eckton and Jane O'Donnell calling on the Scottish Parliament to urge the editorial team of the Sun and Scottish Sun to voluntarily remove the page 3 feature permanently.

Furthermore, until the Sun/Scottish Sun ceases its page 3 feature we request the Scottish Parliament no longer stock/sell The Sun or Scottish Sun newspaper given its objectification of women and gender stereotyping both seem at odds with the Scottish Parliament's equalities framework.

[Link to petition webpage](#)

Purpose

1. The Committee first considered this petition on [17 June 2014](#) when it heard from the petitioners and agreed to write to a number of organisations, most of which have replied. The Committee is invited to discuss what further steps it may wish to take in regard to this petition.

Background

2. The [No More Page 3 campaign](#) began in the summer of 2012 when Jessica Ennis won an Olympic gold medal, and yet the most prominent female image in The Sun was of a topless young woman on page 3. This frustrated Lucy Ann Holmes, who wrote to the then editor Dominic Mohan. The campaign has received support from a number of organisations.
3. In February 2013, [Rupert Murdoch](#), in response to a tweet about Page 3 being old fashioned, suggested he was considering whether to remove Page 3 and replace it with a 'halfway house with glamorous fashionistas'. In September of this year, Mr Murdoch commented that page 3 is old fashioned¹. At the same time, The Sun toned down its Page 3 feature for a few days².
4. This petition focuses the campaign on the Scottish Sun, and requests that the Scottish Parliament stops stocking the Sun until Page 3 has been removed arguing that the feature is at odds with Parliament's equalities framework.

¹ BBC News (10 September 2013) <http://www.bbc.co.uk/news/uk-29140217>

² The Guardian (8 September 2013)

<http://www.theguardian.com/media/greenslade/2014/sep/08/page-3-sun>

Scottish Parliament Action

5. A members' debate ([S4M-07500](#)), led by Jackie Bailie MSP, on the issues raised by the No More Page 3 campaign took place on 6 November 2013. The debate garnered cross-party support. Members debated the impact of Page 3 images on Scottish society and the connection between sexualised images and the reinforcement of sexist attitudes, harassment, abuse and violence towards women.

The Scottish Parliament's Equalities Framework

6. In the [foreword](#) on the Equalities Framework, the Presiding Officer and the Clerk/Chief Executive state,

“As one of the Parliament's four founding principles, equality is at the heart of our organisation. The SPCB recognises that everyone should have an equal opportunity and where there are barriers to participation, the SPCB will take steps to remove these so that no one is excluded from the activities of the Parliament and that people from all walks of life have the opportunity to engage, freely without discrimination, with its Members and staff.”

7. There are two key drivers in the Framework:
 - ‘The importance of having a culture where everyone feels valued and respected and can contribute freely without fear of being judged because of a personal characteristic’.
 - ‘The need to deliver accessible services, by recognising the diversity of people's needs so that everyone can experience, and take part in the activities of the Parliament’.

Scottish Government Action

8. The Scottish Government has sent a [letter of support](#) to the No More Page 3 campaign, signed by an official (March 2014).

Committee Consideration

9. The Committee first considered this petition on [17 June 2014](#). The Committee sought views from a number of organisations and the political groupings at the Scottish Parliament. The Committee has received responses from most of the organisations it sought views from.
10. The Scottish Labour Group and the Scottish Liberal Democrats support the petition, including its call that the Sun not be stocked by the Scottish Parliament while Page 3 remains a feature.
11. The Independent/Scottish Green group of MSPs also agreed with the aims of the petition and called upon the Committee to write to the Sun/Scottish Sun to urge it to remove the Page 3 feature. Furthermore, the Independent/Scottish Green

group asked that the Committee write to the Clerk/Chief Executive of the Scottish Parliament requesting that the Scottish Sun is no longer sold in the Parliament; however, the group recommended that a copy remain available in SPICe for reference.

12. As Chief Whip, John Lamont MSP replied on behalf of the Scottish Conservative Party. He expressed sympathy with the campaign but is not comfortable with politicians interfering with the media and is not in favour of removing the Scottish Sun from sale in the Parliament. There is no party view on the petition.
13. Gordon Smart, Editor of the Scottish Sun, wrote to the Committee on 5 November. He disagreed that there is a link between Page 3 and domestic or sexual violence but advised that the future of Page 3 was under consideration by Mr Murdoch. Nevertheless, he stated that what is published by the Sun is an editorial decision and will be taken with regard to the views of its readers and not political pressure.
14. The Cabinet Secretary for Commonwealth Games, Sport, Equalities and Pensioners' Rights recognised the principle that content of newspapers is for each paper but that an aim of Government is to address negative portrayals of women in the media. She urged the Sun to consider re-evaluating the Page 3 feature.
15. The SPCB indicated that it has no plans to prohibit the sale or availability of the Scottish Sun in the Scottish Parliament given the right of the publisher to publish and the right of the individual to choose whether to purchase.
16. The SPCB does not provide a definite view on whether the sale or display of the Scottish Sun is in breach of the Parliament's Equalities Framework. It argues that "there would only be a breach [of the Framework] if the stocking or sale of the publication amounted to sexual harassment under the Equality Act 2010" and notes that there is no case law to suggest that this is the case anywhere in the UK.
17. The petitioners welcome the support expressed by the party groupings for the No More Page 3 campaign but are disappointed with the SPCB's response and question whether the response is in accordance with best practice under the Public Sector Equality Duty in Scotland.

Action

18. The Committee is invited to agree what action it wishes to take in respect of the petition. The Committee may wish to consider writing to the Equalities and Human Rights Commission asking for its views on the sale and availability of the Scottish Sun in the workplace while it carries the Page 3 feature.
19. Alternatively, the Committee could choose to close the petition on the basis that the content of the Scottish Sun is not a matter for it and that the SPCB has considered the matter and decided that it will not cease stocking the publication.

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1524 on Free Wi-Fi in Scottish public buildings****Note by the Clerk****PE1524 – Lodged 27 May 2014**

Petition by James Macfarlane calling on Scottish Parliament to urge the Scottish Government to issue a code of practice setting out a minimum standard for wifi connections provided by public authorities to members of the public; and to urge all Scottish public authorities to provide wifi connections that meet this standard in all their public buildings.

[Link to petition webpage](#)

Purpose

1. This is the Committee's second consideration. The Committee first considered the petition on [5 August 2014](#). It heard from the petitioner and agreed to write to a number of organisations seeking views on the petition. Most organisations have responded and the Committee is invited to consider the responses and decide what action to take in relation to the petition.

Background

2. The petition states that it has two goals:
 - i. to develop a national standard for public wifi connections; and
 - ii. to encourage public authorities to provide public wifi that meets this standard in public buildings such as council offices, libraries, schools, hospitals and courts.
3. The petition notes that, although many public buildings do have wifi connections, they are not always of a high standard and that the following are the "desirable criteria" for a public wifi network:
 - it should be available to the public throughout the opening hours of the building;
 - it should provide a decent speed (e.g. over 10 Mbps);
 - it should be available straight away without users having to register or login (having to ask for a password or sign up for an account can be time consuming, off-putting and unnecessary);
 - it should be secure to ensure traffic cannot be intercepted;

- it should not be filtered excessively (filtering of extreme material may be necessary, but public connections often overdo this and block access to legitimate sites); and
- activity should not be monitored by the authority providing the connection (i.e. so they can see what users are doing).

Scottish Government Action

4. In 2011, the Scottish Government published [Scotland's Digital Future: A Strategy for Scotland](#) which sets out how the Government intends to achieve its ambition that:

- next generation broadband will be available to all by 2020, and significant progress will be made by 2015; and
- the rate of broadband uptake by people in Scotland should be at or above the UK average by 2013, and should be highest among the UK nations by 2015.

5. Although the Strategy does not focus on wifi provision in public buildings, it does state that:

“Technological change can make contributions to both improving outcomes and reducing costs. There is significant potential to completely transform public services, by making entirely new services and products possible. For example, it is already clear that technology will play a key role in delivering health and social services in many countries throughout the world in the 21st century. It will deliver better care for all, integrate services more cost-effectively and efficiently, and gradually become part of everyday life.

As importantly, the online delivery of public services will also provide services which are easier, quicker and more convenient for people to use, and at a lower cost than other methods allow.”

6. In 2012, the Government published [Scotland's Digital Future: Infrastructure Action Plan](#), which provided more information on proposed improvements to Scotland's digital infrastructure.

7. The Plan notes that:

“All trends point towards an increase in the coverage and speeds of digital access required as the number of internet enabled devices increases and as technology continues to evolve, such as cloud computing and TV through the internet. To accommodate these trends it is clear that we will need faster, more reliable upload and download speeds and the ability to use multiple devices in our homes, hospitals, further and higher education institutions, workplaces and in our schools.”

Scottish Parliament Action

8. In 2012, the Infrastructure and Capital Investment Committee published its report on [Broadband Infrastructure in Scotland](#). Similar to the Government's Strategy, it did not focus specifically on provision of wifi in public buildings.

Committee Consideration

9. All the public bodies approached indicated that there is currently provision of wifi available to the public in some of their premises, aside from NHS Tayside, which cited security and cost as reasons that public wifi is not provided.
10. There is variation in how the service is delivered and made available to the public. Some public bodies use separate systems for corporate and public uses (e.g. NHS Western Isles). Others use the same system for both purposes (e.g. NHS Greater Glasgow and Clyde). Some require users to log on, whereas other systems do not.
11. Aberdeen, Glasgow and Edinburgh City councils outlined their work and plans on improving access to broadband and wifi. The City of Edinburgh Council noted that the quality of wifi connection is dependent on a number of factors: the device being used to access the wifi network; the number of devices connecting to a wifi hotspot; the underlying speed of the network and the broadband connection; and the network security requirements.
12. Many respondents noted that 3G and 4G technology is another option to access online content for a significant and growing number of people.
13. The proposal for a national guidance or standard for the provision of wifi was broadly, if cautiously, welcomed by respondents. Concerns were raised that some areas may be unable to meet national standards because of infrastructure or usage demands or, that a national standard may set a maximum standard and discourage innovation from suppliers.
14. The Scottish Government's letter of 15 October 2014 noted some of the investment made in providing wifi in libraries. The Government noted that the provision of wifi, is a matter for the building owners. The letter stated that national standards or guidance "could play an important role in ensuring that any such service is both secure and easy to use". In addition, the Government suggested that it could co-ordinate and publicise the availability of wifi at <http://www.digitalscotland.org/>.
15. The petitioner has provided the Committee with his comments.

Action

16. The Committee is invited to agree what action it wishes to take in respect of the petition. Given the Scottish Government has responded positively to the concept of developing national standards or guidance, the Committee may wish to press the Government to ask whether it will undertake this work.

Public Petitions Committee**16th Meeting, 2014 (Session 4), Tuesday 11 November 2014****PE1525 on Access to Justice****Note by the Clerk****PE1525 – Lodged 27 May 2014**

Petition by Catherine Fraser calling on the Scottish Parliament to urge the Scottish Government to change the law to provide that legal aid is available to defend actions of defamation and challenge judgements in defamation cases.

[Link to petition webpage](#)

Purpose

1. This petition was considered for the first time at the Committee's meeting on 5 August. The Committee agreed to seek views. Responses have been received and the Committee is invited to consider what action it wishes to take on the petition.

Background – the following information is taken from the SPICe briefing

2. The petitioner has had personal experience of being involved in a defamation case and believes that the restrictions applying to the receipt of legal aid in these circumstances limit access to justice. She is calling for legal aid for defamation matters to be available on the same basis as for other civil law cases.

Legal Aid

3. There are several tests an applicant must pass in order to qualify for Civil Legal Aid. The three key things the applicant must demonstrate to SLAB are that:
 - there is "probable cause" – ie. that there is a plausible legal basis for the case;
 - "it is reasonable in the particular circumstances of the case" that the applicant should receive legal aid – this covers consideration of the costs and likely benefits of the action, as well as the likelihood of success¹;
 - the applicant passes the financial eligibility test.
4. Civil Legal Aid is currently available to those with an income of £26,239 or less **after** deductions for necessary expenditure (e.g. rent/mortgage costs) have been made, although an applicant may still be expected to make a significant contribution to their legal costs from income. SLAB also considers capital (such as savings or other assets) when assessing financial eligibility.

¹ An example of a situation where the reasonableness test might not be met is where the cost of taking legal action significantly outweighs the likely financial return – eg. pursuing an appeal to the Court of Session over a faulty washing machine

Legal Aid in Defamation Cases

5. The availability of Civil Legal Aid in defamation cases is restricted, so that applicants must meet criteria beyond the tests outlined above if they are to qualify. The restrictions are intended to operate to prevent Civil Legal Aid being available in most defamation cases.
6. Civil Legal Aid is generally available to defend a “counterclaim” of defamation made in other proceedings – i.e. only when the (non-legally aided in this respect) defender in legal proceedings raises a claim of defamation against a (legally-aided) pursuer² whose original action was about other matters. Otherwise, in order to get Civil Legal Aid for defamation, an applicant has to demonstrate that at least one of the following criteria is met. That:
 - there is a wider public interest in proceedings (i.e. that the case has the potential to produce real benefits for other individuals);
 - effective representation is not possible without public funding (considering whether the applicant could, without additional assistance, challenge information before the court and/or present their arguments to the court in an effective manner);
 - the European Union directive on access to justice in cross-border disputes³ requires legal aid to be made available.
7. Before 2007, Civil Legal Aid was not available in defamation cases except to defend a counterclaim of defamation. However, the Legal Profession and Legal Aid (Scotland) Act 2007 changed the law in light of the case of *Steel and Morris v the UK*⁴ (the “McLibel” case). This case involved two campaigners who handed out leaflets criticising the food available in McDonald’s restaurants and the practices of the McDonald’s Corporation. McDonald’s sued for defamation, resulting in the longest case in English legal history. The campaigners represented themselves throughout due to the non-availability of legal aid for such cases in England.
8. Ultimately, the campaigners brought a case in the European Court of Human Rights on the basis that the failure to provide legal aid was a breach of the right to a fair trial and the right to freedom of speech guaranteed in the European Convention on Human Rights. The Court found that the UK Government had not done enough to protect the campaigners’ rights and awarded compensation. As a result of the legislative changes which flowed from this case, legal aid is now available in defamation cases in the limited circumstances described above. The Legal Profession and Legal Aid (Scotland) Act 2007 changed the law in light of the case of *Steel and Morris v the UK*⁵ and legal aid is now available in defamation cases in limited circumstances.

² In Scotland, a pursuer is the person/body initiating court action. The defender is the person/body defending the action.

³ Directive 2003/8/EC.

⁴ 68416/01 [2005] ECHR 103.

⁵ 68416/01 [2005] ECHR 103.

Legal Aid – Advice and Assistance

9. “Advice and Assistance” is a type of legal aid available to cover advice (but not representation in court) from a solicitor. It is subject to a financial eligibility test only, although the amount of time a solicitor can spend on the matter is usually capped. Advice and Assistance is available for defamation cases but would not assist with representation in court.

Scottish Government Action

10. The Scottish Government produced the [Civil Legal Aid for Defamation or Verbal Injury Proceedings \(Scotland\) Direction 2010](#), which sets out the criteria highlighted above as additional criteria to be met before Civil Legal Aid can be granted for defamation proceedings. This replaced the [Civil Legal Aid for Defamation or Verbal Injury Proceedings \(Scotland\) Direction 2008](#), which contained slightly different criteria. This, in turn, replaced a 2007 direction.

Committee consideration

11. Written submissions have been received from the Scottish Government, the Scottish Legal Aid Board, the Law Society of Scotland and the Scottish Human Rights Commission. The Scottish Government sets out its policy and the thinking behind it. SLAB disputes that people are excluded from obtaining legal aid other than in exceptional circumstances. It points to the 2010 rules and the overarching tests that must be met: the existence of a legal basis for any challenge and reasonableness. It has been reviewing its online guidance for civil legal aid in defamation cases and will be making some changes shortly.
12. The Law Society suggested that this might be an area for review and has, in the last couple of days, called for views on a discussion paper on [Legal Assistance in Scotland](#). Among its suggestions for civil legal aid are reducing eligibility levels to ensure it is focussed on those who need it most and the introduction of affordable loans.

For decision

12. The Committee is invited to consider what action it wishes to take in respect of the petition. Does the Committee wish to seek any further information? Does the Committee have a view on the current eligibility tests? Does the Committee wish to make any recommendation?