



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 11 May 2017

Session 5



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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
NEW PETITIONS	2
Dog Breeding (PE1640)	2
Energy Drinks (PE1642)	18
Country Sports Tourism (PE1644)	21
Legal Aid (PE1645)	23
CONTINUED PETITIONS	25
Residential Care (Severely Learning-disabled People) (PE1545)	25
Restraint and Seclusion in Schools (National Guidance) (PE1548)	26
Shared Space Schemes (Moratorium) (PE1595)	28
Speed Awareness Courses (PE1600).....	29
Deaths by Suicide (Inquests) (PE1604)	31
Diabetes (Continuous Glucose Monitoring Sensors) (PE1619)	32
Child Welfare Hearings (PE1631)	33

PUBLIC PETITIONS COMMITTEE

9th Meeting 2017, Session 5

CONVENER

*Johann Lamont (Glasgow) (Lab)

DEPUTY CONVENER

*Angus MacDonald (Falkirk East) (SNP)

COMMITTEE MEMBERS

*Maurice Corry (West Scotland) (Con)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Eileen Bryant

Emma Harper (South Scotland) (SNP)

Mark Rafferty (Scottish Society for the Prevention of Cruelty to Animals)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Public Petitions Committee

Thursday 11 May 2017

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Johann Lamont): I welcome you to the 9th meeting in 2017 of the Public Petitions Committee. I remind members and others in the room to switch phones and other devices to silent.

The first item of business is consideration of whether to take item 5, which is consideration of our draft annual report, in private. Do members agree to take item 5 in private?

Members indicated agreement.

New Petitions

Dog Breeding (PE1640)

09:30

The Convener: Agenda item 2 is consideration of new petitions. The first petition for consideration is PE1640, on action against irresponsible dog breeding, which was lodged by Eileen Bryant. Members have a copy of the petition, a note by the clerk, and the Scottish Parliament information centre briefing. I welcome Emma Harper MSP to the meeting for this item.

The petitioner will give evidence on her petition. She is accompanied by Mark Rafferty, who is chief inspector in the special investigations unit of the Scottish Society for the Prevention of Cruelty to Animals. Thank you for attending this morning. You have an opportunity to provide a brief opening statement of up to five minutes, after which committee members will ask questions.

Eileen Bryant: I am here because I represent a pressure group that was formed in response to the BBC's "Panorama" programme that exposed puppy farmers. I am privileged to have had dogs of varying sizes and breeds as part of my family all my life, and the horrors that I saw on that programme spurred me on to be a voice for those defenceless creatures.

As a nation, we welcome dogs into our homes. They become family members and we trust our children with them. They are domestic animals, not commercially bred farm animals for the food chain. There is a reason for that. They say that all dogs are 99 per cent wolf; if I know anything about wolves it is that they are strong family animals that create a family structure and socialise and engage with one another.

A puppy from a puppy farm never has that opportunity. It is bred in isolation from human contact and its mother never has the time to instil in that baby its place in the pack before it is whipped away from her and she is returned to the living hell that she endures. The pup is then sold on—usually far too young and having had no socialisation, and very often into a family with children. Apart from the hell that the pup might suffer through illness and so on, it is then in a position of trust in a family. With no idea how to behave, the animal can become a burden on the family, which may have to pay heavy vet fees. It might get cross with children and then, if it is lucky, end up in a rescue centre.

It is obvious that there is no easy way to deal with puppy farmers or the puppy dealers that form the other part of the equation. When I ask the Scottish Government to look at irresponsible

breeding, I am asking it to investigate what actions could be taken to put a robust licensing system in place, and to look at the rules around licensed breeders. How do we know what they are breeding? How do we decide how many breeding bitches they should have? How do we control how many litters each bitch has? What is to prevent the bitch from being injected with hormones to bring her straight back into season after the litter that she has been feeding has been taken away from her? What could be put in place to stop the cruelty? How is best practice addressed? What about the rescue centres that some of the pups end up in? How do we license them?

Yesterday, on Facebook, a litter in Kirkcudbright was advertised on a site called “Dumfries and Galloway Pets for Sale”. They are cockapugs—a cross between a cocker spaniel and a pug—priced at £500 each and there are eight puppies, which adds up to a nice £4,000, thank you. When I suggested to the sellers that the money would be handy for the summer holidays, they blocked me—surprise, surprise. Those two breeds have serious genetic faults. Apart from the cruelty involved in their breeding, think of the possible vet bills for families. Will those puppies end up in rescue situations, too?

How could the Government enlist the help of the experts—the Kennel Club—to stop such cross-breeding? How can we make vets take some responsibility for monitoring the situation? I tackled another woman about a cockapoo, which is a cross between a cocker spaniel and a poodle. She told me that it was well bred because it was a filial 1—F1—hybrid, but I do a bit of gardening and the F1s that I come across are usually cucumber plants. That highlights the huge problem of the back-street breeders who are out to make money from a few litters every year.

Going back to healthy breeding, what actions could the Government take to ensure that only fit and proper persons are granted licences? What conditions could be attached to licences to ensure best practice, and who will police the system? Should it be compulsory for breeds that have known genetic faults to undergo screening before they are allowed to breed?

In Dumfries and Galloway, we have formed a great relationship with trading standards and, with the SSPCA, some great and groundbreaking work is being carried out. I am sure that any questions that members have about that work will be answered fully by Mark Rafferty, who is from the SSPCA. That is not the case all over Scotland, though. What thought could be given to ensuring that all councils behave in the same way? There is no use in there being law or best practice in Dumfries and Galloway if the same rules do not apply in all 32 local authorities.

Other issues around licensing, including microchipping, should be considered. What information should a microchip contain? Should it be a direct line to the breeder? Should the microchip contain health reports and information on lineage? Who should be allowed to microchip and what database should the information go on? At the moment, anyone can take a course in microchipping, and there seems to be no regulation regarding where the information is stored. On the same Facebook site that I spoke about earlier—the joys of social media—a woman offers cheap chipping. What is the value of chipping if it is unregulated?

I now come to illegal importation of dogs. We are seeing farmed puppies coming in through the ferry ports. The sellers say that they are coming from Northern Ireland when, in fact, they are coming from the Republic of Ireland. How will the Scottish Government deal with that? What actions will it take? A pup from the Republic of Ireland has to carry a pet passport, be microchipped and be inoculated against rabies. In addition, because of the inoculation situation, pups cannot travel legally until they are 15 weeks old. Apart from having to be microchipped, a pup from Northern Ireland does not face any of those restrictions. How will that illegal importation be stopped?

We have been working closely with our opposite numbers in Ulster and in the Republic of Ireland, and I am sure that Mark Rafferty will answer questions about the success of operation Delphin. Puppies are big business: we know that organised crime sees them as a great money-making venture, and those people have no worries about animal welfare, so all efforts to disrupt the importation of the pups are difficult. In fact, we have been hearing lately about various ways other than ferries that they are brought into the country, as the puppy dealers try to beat the system.

Lastly, I will address the issue of education. Until we cut off the demand for puppies, there will always be some people who are willing to risk anything for the large rewards. How will the Scottish Government address education? Should there be a media campaign? Should there be a long-term campaign through the schools? Research is being carried out into the psychology that is involved in buying a pup; that work will provide solutions for the Government to consider as it seeks to educate people on how to buy a puppy. People should make sure that they see the pup’s mum and should not meet the seller in a car park somewhere—the list goes on and on. What resources would be needed to carry out an education programme, and should it be included in the school curriculum?

In my opinion, the way forward for the long term has to be through education, a co-ordinated

nationwide approach to registration of appropriate breeders and the introduction of enforceable legislation to ensure that that happens.

Thank you for your time. I am happy to answer any questions. I am sure that you will have plenty for Mark Rafferty.

The Convener: Thank you very much for a very helpful opening statement on many of the issues.

I will start off with a question for Mark Rafferty. Can you explain what operation Delphin is, when it commenced and where it stands at the moment?

Mark Rafferty (Scottish Society for the Prevention of Cruelty to Animals): Good morning. Operation Delphin was the brainchild of the Scottish Society for the Prevention of Cruelty to Animals and was created primarily in response to welfare complaints in respect of pups that had been purchased by consumers; the pups had quickly become unwell, and many died. We looked at the puppy trade; in particular, we looked at importation of pups into Scotland and were able to establish that there are two main areas from where pups enter Scotland: Ireland and Europe.

Operation Delphin then linked up with various other animal welfare charities in the United Kingdom and in southern Ireland—the Royal Society for the Prevention of Cruelty to Animals, the Ulster Society for the Prevention of Cruelty to Animals, the Dublin Society for Prevention of Cruelty to Animals and the Irish Society for the Prevention of Cruelty to Animals—to work collaboratively and assess the problem that is affecting each country. It was agreed that the same problem affects each country but does so differently in each.

It has been established that Scotland does not have breeding establishments on the same scale as those in southern Ireland and, to a lesser degree, Northern Ireland. Both have huge establishments, some of which are licensed and some of which are not. Some of them have as many as 1,000 breeding bitches in cattle sheds; those bitches are treated as agricultural animals. We have spoken to vets who have been treating the animals and have been trying to establish a regime to ensure the welfare of the breeding bitches, as well as the pups.

In any regime in which there is intensive rearing of animals, there is an increased likelihood of disease and parasites, which then get passed over to the pups, so the consumers who buy them then have to deal with pups that become unwell and often die. Common diseases and conditions include parvovirus infection, giardiasis and campylobacter poisoning, which all involve very serious conditions that can quickly infect fragile little pups.

The animal welfare organisations came together approximately five years ago under the auspices of operation Delphin with the primary goal of detecting and disrupting unlicensed breeders and unlicensed traders in the hope of improving the welfare of the pups and the bitches. That is the role of operation Delphin, which now includes Police Scotland, various police forces in England and Wales and the port police at Cairnryan. We also have a relationship with Dumfries and Galloway Council, which identified a particular difficulty in relation to enforcement. In order to overcome that, the council authorised the SSPCA to enforce the regulations on import and export of pups. The people who trade the dogs come across on ferries at 3 o'clock in the morning in order to avoid detection, and the council had difficulty resourcing the means to address that. However, we are now working with the council, under the umbrella of its authorisation, to enforce the regulations.

Having gone to operation Delphin meetings in the UK and southern Ireland, I think that Scotland is, to a degree, ahead of the game on the matter. We still have a long way to go, but we are assessing the problem and making inroads, and we are having a positive effect in reducing and disrupting the trade.

The Convener: That was very helpful. Thank you.

Brian Whittle (South Scotland) (Con): Good morning. I would like to explore the issues around the licensing of breeding. Our briefing material on your petition indicates that puppy farms are not necessarily unlicensed or illegal. Is it your understanding that licences are needed only for what are called breeding establishments, which are establishments that produce five or more litters in a year?

Mark Rafferty: Yes. That is an interesting question. There are two main licences, one of which is a breeding licence that restricts how many bitches a breeder can have and how many pups they can breed in a year. That does not seem to be a particular problem in Scotland. The main problem in Scotland appears to be with dealers, who require a dealer's licence or a pet shop licence because they are, in effect, operating as a pet shop. They do not have the breeding bitches or the fathers of the pups; they source their dogs and puppies from breeders and then deal the pups.

A difficulty with the breeder's licence is being able to quantify how many breeding bitches the licence holder has. People are entitled to a set number of bitches. Once a licence is granted, follow-up checks seem to be inconsistent, to say the least. People might start off with five or six breeding bitches, but they might soon end up with

20 breeding bitches, and few checks are done to regulate the system.

Another difficulty with the licence is how breaches are dealt with. Once a council has granted a licence, it cannot revoke it—only a sheriff can do that. Therefore, the matter must go to the sheriff court as part of a criminal case and it is up to the sheriff to decide whether to revoke the licence. Councils can grant licences but they are unable to revoke them.

09:45

Brian Whittle: I will stick to the topic of licensing. In the background information to the petition you offer suggestions, including

“the creation of a unique breeder number for every legitimate dog breeder”.

How might that system work in practice? For example, who would be responsible for operating and monitoring the system? How would you define a “legitimate dog breeder”?

Mark Rafferty: The licensing system is not unique to puppy breeders—licensing is required throughout Scotland for many reasons, including in the liquor trade. I suggest that licensing remain with the council. However, a system must be put in place to create funding so that councils are able to inspect, regulate and enforce licences better than they are able to do at the moment.

Some councils charge little for a licence; some charge a bit more. I suggest that more thought be given to having a realistic licence charge that would fund the regulation and the inspections that are required.

Brian Whittle: The final part of my question was about how you would define a “legitimate dog breeder”.

Mark Rafferty: Legitimate dog breeders would have to apply for their licence and stand up to the rigours of inspection by the council just the same as anyone else who applied for a licence for another issue. Under the licence, people would need to be deemed a fit and proper person by the local council, and their establishment would have to be inspected and determined to be suitable for what they proposed, whether it was for two dogs or for five dogs.

Councils need to regulate and inspect more in order to have a realistic idea of how the breeders are trading. At the moment—and in certain cases—licences are issued with little, if any, inspection of the activities of the person who is trading under the licence.

I have been talking about the licensed trade, but there is an unlicensed trade, too. I appreciate that that is a different matter, but there are many

people out there who, because of the low penalties that are associated with breaching a licence or trading without a licence, are prepared to take the risk of trading without a licence instead of going through the rigours of getting a licence.

The Scottish SPCA is not against dog breeding or the selling of dogs. However, it is looking to promote responsible breeding that ensures the dogs’ welfare. Therefore, the debate might be about how we increase responsible puppy breeding as opposed to how we restrict puppy breeding.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Good morning. In a way, my question follows on from Brian Whittle’s questions. I am interested in getting a sense of the demand for puppies.

Our briefing refers to the RSPCA’s report “Sold a pup? Exposing the breeding, trade and sale of puppies”, which estimates United Kingdom demand for puppies to be between 700,000 and 1.9 million a year. Battersea Dogs’ and Cats’ Home estimates that just under 70,000 puppies are bred by licensed breeders. The rest come from a number of other sources, including small-scale breeders who produce fewer than five litters a year and do not require a licence, as has just been outlined. However, that figure includes illegal and unlicensed breeders and imports from elsewhere in Europe. The RSPCA estimates that about half the puppies in the British marketplace could come from unlicensed breeders. What is the estimated number for Scotland?

Mark Rafferty: That is really difficult to quantify, but I can say something that may help you. There has always been a demand for pups—people will always want to have a puppy in their family, and they should be entitled to have a puppy. However, at the moment, there seems to be an unquenchable appetite among the public for some particular breeds of dog that are defined as either new breeds or designer breeds. It is a question of supply and demand.

If you look at the internet and at the advertising platforms in Scotland, you will see the prices that those cross-breed pups are commanding—£1,000 is probably the average price. Unfortunately, I cannot tell you the number of pups that are sold, but it is definitely a significant number.

The other issue is that we live in a culture that is increasingly a consumer culture in which items, including animals, are looked on as commodities. Pups are throwaway commodities for some people. They buy a pup on a Saturday and, a month down the line, they no longer want it and they hand it in. Those designer breeds are being handed in to rescue shelters because people no longer want them—the pups do not fit in with their

lifestyle and they have not planned properly for having them.

Unfortunately, I cannot give you a number, but a serious and significant amount of animals are coming into Scotland.

Rona Mackay: It is almost as though they are a fashion trend, which dictates the demand.

Mark Rafferty: Yes, and I think that that fashion is perhaps being promoted by celebrities in the media, including on television. These little designer handbag dogs are extremely popular in the media, and that has a knock-on effect on consumers.

Rona Mackay: Thank you. Sorry, convener—I should have declared an interest as a member of the cross-party group in the Scottish Parliament on animal welfare.

Maurice Corry (West Scotland) (Con): Mr Rafferty mentioned the public's desire for designer puppies. Is that having a significant impact by driving up demand, potentially leading to an increase in unlicensed breeding?

Mark Rafferty: Yes, I think that it is. One of the issues with the designer breeds, new breeds or cross breeds in particular is that there is no breed standard. What does a cavapug look like? What is the breed standard? There is no breed standard, so there is irresponsible or downright deceitful breeding. The adult dogs are producing pups that do not fit the breed standard because there is no breed standard.

The breeders have a cavalier, irresponsible approach to the puppies—the item or the product that they are producing—in relation to not only the physical aspect of the dog but the temperament, behaviour or socialisation of the pups. We therefore have pups not being bred particularly well in the first instance, which have a congenital defect or inherited health problems as well as behavioural or socialisation problems that often stay with the dogs throughout their entire lives. That is having a negative effect on the population of dogs in Scotland as a whole.

Maurice Corry: Are there particular areas in Scotland where there are significant instances of designer dog breeding?

Mark Rafferty: At the consumer end, the dogs are being bought in all the major cities. Thankfully, Scotland does not have puppy farms on the scale of those in southern Ireland and Northern Ireland. We do not have institutions where there are hundreds of—or 1,000—breeding bitches. Thankfully, Scottish councils have taken a different approach and have regulated that activity. That is one of the positives. Unfortunately, however, because of the inconsistency across different councils, very little regulation is done at the sales

end. Very little enforcement is being done by councils in relation to people who are selling dogs without a licence or who are breaching their licence.

When councils are considering issuing licences, we encourage them to speak to the organisations that can give them information that will assist them in their decisions, including the SSPCA, because we are often at the forefront of dealing with the issues. If someone buys a pup and it becomes unwell and dies, they can tell us that it came from a particular person. We are able to give that information to councils and they can then make a decision on the basis of that information. Many councils are beginning to buy into that now, which should have a positive effect on their granting of licences in the future.

Angus MacDonald (Falkirk East) (SNP): In your opening statement, you mentioned that there are different levels of commitment to addressing the issue, which is not satisfactory, and said that there must be clearer implementation of the regulation throughout the country. You have identified a range of agencies that have been involved in working on the issue, and the briefing that we have received from the Scottish Parliament information centre says that councils are responsible for the enforcement of the various regulations that are associated with the importing of pet dogs and certain other animals. Have local authorities been included in those agencies?

Eileen Bryant: Yes, we have had local authority representation through trading standards. Dumfries and Galloway trading standards has played a large part in our meetings, and we have been able to discuss various situations with it. Trading standards has been very co-operative.

Angus MacDonald: That is good to hear. When I was on Falkirk Council's planning committee, a number of years ago, we had to deal with an unlicensed puppy farm and I saw the situation at first hand. To say that the conditions were shocking is an understatement.

It is probably fair to say that council officers could have done with greater enforcement powers at that time, given that they were dealing with a well-known gangster on that occasion—I have no qualms about using that word publicly. It is good to hear that local authorities are on board and are addressing the issue of enforcement.

Rona Mackay: What barriers might there be to ensuring that enforcement efforts are effective?

Mark Rafferty: One of the barriers is the historical lack of joint working or collaboration between the various organisations. I do not think that there is a single organisation that will be able to solve the issue. There needs to be a joined-up approach by a number of organisations using their

expertise, resources and powers in an attempt to disrupt the trade.

When I first became involved—particularly when we were discussing whether it was appropriate for the SSPCA to be authorised to enforce the council's powers in relation to people importing dogs—my concern was about whether it was just a matter of regulation and paperwork. That is what I thought the issue would be. However, the more I looked into it, the more I found that there are serious welfare issues throughout the industry. Because of the drive for profit, much of the industry—particularly the unlicensed or unregulated part of it—is built on a foundation of compromised welfare from the very start to the very end. Given the SSPCA's statutory responsibility to enforce the Animal Health and Welfare (Scotland) Act 2006, it is entirely appropriate for the SSPCA to address the issue on that footing and to try to get as many organisations as we can to buy in.

Because there are so many councils, some are better than others. Some have really not addressed the problem at all. However, I am sure that, as people become aware of the issue—particularly given the large amounts of money involved, the serious amount of suffering and the fact that organised crime has identified this avenue for exploitation—they will be forced to pick up on it and address it.

It is now not just about profiting from the dogs. Until recently, organised criminals were selling dogs to make money, but they are now using the puppy industry as a means of laundering the profits from conventional criminality. They are justifying having large sums of money through illicit dog dealing when it comes from other, more conventional, criminality such as drug dealing or whatever. We are working closely with the police, through their intervention strategy, because the activity affects communities, not just the animals.

10:00

Rona Mackay: I suppose that, with greater public awareness—the more it is talked about and the more publicity it gets—there will eventually be an impetus for agencies to come together to solve the problem.

Mark Rafferty: Yes. The consumer has a big part to play in this, and the public must be involved. While we are striving to get responsible breeders, they should be responsible buyers and not look to save a few quid by buying a puppy in an Asda car park at 11 o'clock on a Saturday night. They would not buy a consumable item or even a fridge-freezer in that scenario, so why would they think of buying an animal that they are going to have for 15 or 20 years in those

circumstances? Why are they surprised when something goes wrong?

Rona Mackay: I was curious about one other thing. You mentioned the massive puppy farms in Ireland where there are up to 1,000 breeding bitches. Given that you know about those, what happens? Do the authorities go in and close them down? Do they get closed down and just reopen?

Mark Rafferty: Many of them are licensed. It is an issue for southern Ireland and its authorities and local councils. We are working to provide the information from our end. We tell them that the pups are coming over and that we know that some people in the industry are willing to break the law and breach the regulations on microchipping. Pups that come from southern Ireland into the illegal trade are not microchipped specifically to avoid their being traced back to southern Ireland, and the people who are responsible for that are licensed. We are passing information on to southern Ireland so that the authorities there can address that. They are dealing with it, but, as in Scotland, England and Wales, it is taking them time to address the problem and come up with a strategy. It is a developing issue there as well.

Rona Mackay: Okay. Thank you.

Angus MacDonald: Have you looked at the licensing regimes in other parts of Europe? Are there good practices there that the Scottish Government could consider?

Mark Rafferty: That is an interesting question. We have not yet looked at practice in other European countries. I know the regime in southern Ireland, which has a lot of work to do and is in a similar position to us—if not in a worse position—in terms of how councils license, regulate and carry out follow-up inspections. How other countries in Europe deal with the issue could be something for us to take on board.

It is also interesting that the prices that the pups are commanding—£2,500 for a French bulldog, for example—are not being met in places such as Germany, France and Belgium. It seems that only people in the UK are prepared to pay those prices, for some reason. Those other countries do not have the consumer-end problem that we have.

Angus MacDonald: Some people are prepared to pay those prices. I get my border collies free from the Isle of Lewis.

Mark Rafferty: Good on you. That is the sensible way.

Maurice Corry: In your opening statement, Mr Rafferty, you talked about current microchipping practice. You also posed questions about which database details should be registered on the microchip and the regulation of those who carry

out microchipping. How would you answer those questions if you were designing a new system?

Mark Rafferty: Microchipping definitely needs to be looked at. In each country in the UK and in southern Ireland, microchipping dogs is a statutory, legal requirement, but each country is having its own problems with people adopting that procedure.

Sticking with Scotland, I think that, in principle, the ability to trace animals back to where they came from is a good idea, not just in respect of breeding but also for the more obvious reason that pets can get lost and need to be returned to their owners. However, the difficulty in Scotland is that you can buy a microchip off the internet, have it implanted by someone who has got themselves approved and register the microchip on any one of a number of databases—or you can do a more illicit thing that a lot of people do, which is to microchip the animal but not register it. When such a dog comes through Cairnryan or the ports, it is scanned; if it has a chip, everyone thinks, “It must be legal.”

We have too many databases, and they need to be consolidated or restricted, ideally to one—southern Ireland, for example, has two—and we need to look at the amount of organisations where a chip can be registered. More robust enforcement is also required to get across the message that this is a legal requirement with penalties for people who do not comply with the law. However, that has to happen in conjunction with educating people and facilitating microchipping by the SSPCA or the Dogs Trust to make it more available. That would make it easier for people with dogs to get them chipped.

Maurice Corry: When I took my dog to the vet a year ago, he said that I had to have my dog chipped because of the regulations that were being introduced. What pressure has been put on veterinary surgeries, and on surgeons as professionals, to enforce the regulations?

Mark Rafferty: It should be the responsibility of the owner or breeder. To try to squeeze it on to the vets may not be the right approach. That would be like someone telling you, “You need to get your car MOTed”, and then you going back to the company and saying, “You need to make sure that my car’s MOTed.” This is the responsibility of the people who own or breed the dogs. Vets have tried to promote it and make the process easier.

Maurice Corry: Do you see no way of getting the local authority to tell vets to enforce the regulations?

Mark Rafferty: Maybe that question needs to be explored or considered more. I have to say that I am not prepared for answering it, but I can see difficulties, particularly with the veterinary

profession. We want to encourage people to take their dogs to the vet for welfare, and we do not want people to be reluctant to take them for fear of being reported or of enforcement.

Maurice Corry: I had my dog microchipped, so that is fine.

The Convener: I should think so, too.

Emma Harper (South Scotland) (SNP): I declare an interest in that I have worked on illegal trafficking and animal welfare issues and I am on the cross-party group on animal welfare. I have also worked directly with Mark Rafferty and Eileen Bryant, because the South Scotland region that I look after also includes the port of Cairnryan.

I am interested in pursuing the issue of further licensing, because as part of our work, we have contacted national trading standards to look at standardising the approach to licensing across all 32 councils. Having a standardised cost might cover the issue, no matter whether a person had five, 50 or 500 dogs. For example, in Dumfries and Galloway, a breeder’s licence is currently £175, which is half the cost of a pup if we are talking about a designer dog. What do you think of the suggestion that the Convention of Scottish Local Authorities and trading standards engage on finding a standard approach to take across Scotland?

Mark Rafferty: It is a really good idea. COSLA and the councils are key to having an impact or solving the issue. The councils have to be engaged, and there must be consistency across them and a realistic expectation about what they can do based on the cost. I think that £175 for a licence for an establishment that can make many hundreds of thousands of pounds seems a bit out of kilter. I would certainly welcome that suggestion.

Emma Harper: Should vets across Scotland track the number of puppies coming in that might have parvovirus or some other disease? Should the owner be asked where they got their dog? Should the treatment be tracked to see whether the puppy survived or was euthanised? When £500 is spent on a brand new puppy without its being seen with its mother—and allowing it to be seen with its mother is the best practice—should vets be helping by asking those kinds of questions?

Mark Rafferty: I would say that we do get buy-in from vets. Many vets contact us about cases ranging from Joe Bloggs bringing in 300 pups every month for vaccination, with the suspicion that they are coming from an intensive regime and that the individual is operating a puppy-dealing business, to instances of pups with parvovirus.

The difficulty for some vets is that their responsibility is to look after both the animal and the confidentiality of their client; after all, the fact that a dog has parvovirus does not mean that it has come from an intensive regime. Parvovirus is a condition that any dog can get, and that is why we vaccinate our dogs against it. It is just a particular issue or risk in intensive regimes, because pups that are bred intensively are often removed from their mothers and are not inoculated. As a result, they are susceptible to parvovirus.

More education and more work to encourage vets to come forward and tell us their suspicions or whatever would be welcome. On a vast number of occasions, however, vets do that already.

Emma Harper: If we are going to educate vets, we should be educating the public, too.

Mark Rafferty: Most definitely.

Emma Harper: The Government is looking at research about what motivates people to buy a dog from Gumtree or Facebook. I know that their policies are not to endorse the sale of animals, but, given that we know that that sort of thing is happening, how are they enforcing those policies?

Furthermore, if there is to be a public information campaign, should it be on television, on radio or in the papers? How do you suggest we take that forward and who would be the audience?

Eileen Bryant: Any such campaign should use all those channels, and I would also like to see it in schools. As I have said, the subject should be covered in the curriculum to ensure that we educate children, because they, in turn, will educate their parents and help them choose where a puppy comes from. We need to get children to understand that people should not buy from car parks but should go and see the puppy with its mum.

The most important thing is to get that understanding into the children, but we need to educate people in all ways. Such a campaign should be absolutely everywhere.

Mark Rafferty: In an attempt to gather information that will assist, the Scottish SPCA is working with the University of Edinburgh to study the puppies and the puppy trade, what motivates people to buy and why they buy from particular people and at particular times, as well as the health of pups from intensive breeding regimes. We have identified many people who have bought pups from intensive regimes and we have also looked at people who have bought pups that are not from such regimes.

We are now looking at all that data to see whether there are health issues, what those health issues are and how many times someone who

buys a pup from an intensive regime is likely to visit the vet. We are also looking at behavioural issues. For example, does the pup bite? Is it unsocial? Is it difficult to train? We are going to get the results of that this year, and the information will be made available. I think that that is the kind of information that the public need to make informed choices about what they buy.

Emma Harper: Can I ask one more supplementary question, convener?

The Convener: Briefly.

Emma Harper: Does Her Majesty's Revenue and Customs have a special task force that is looking at people selling dogs and not declaring the income?

Mark Rafferty: Yes. I should make it clear that I am not speaking on behalf of HMRC, but it has played and is playing a significant part in operation Delphin. People who sell pups and make an income from them are liable for tax in the same way that anyone else is for any other income. HMRC is looking at the puppy trade and has launched a task force specifically to identify those people, and my understanding is that it is making significant inroads in respect of people who are not paying income tax or VAT. We are talking about many hundreds of thousands of pounds for individuals; indeed, I understand that the amounts of tax and VAT that have not been paid might be as high as £500,000 for some individuals.

That is having a significant impact on the trade. People are beginning to learn that, if they run this sort of business and are making an income from selling pups, they are liable for tax and for VAT if they reach the threshold. I would welcome the continuing support of HMRC in that respect. Although it is working under the umbrella of operation Delphin, it also works in isolation and under its own guidelines, and the work that its staff have been doing has been extremely helpful.

10:15

The Convener: Thank you for your evidence. With regard to public awareness, I think that, if this sort of thing is supposed to be fashionable and something that celebrities aspire to, shining a light on some of these practices could provoke the kind of reaction and sense of shock that people felt about the fur trade, with people who were role models to others for aspirational consumer goods becoming advocates for the cause and saying that it was not acceptable. What you have done in shining a light on the trade contributes to the idea that this is not something that people should want to be associated with, and I thank you for coming along to the committee today.

We now have to think about how we want to take the petition forward. We want to take it forward, and there are a number of people whom we can contact. Obviously we will want to speak to the Scottish Government and, as Maurice Corry has suggested, we could ask the British Veterinary Association for its views on the balance between responsibility to the animal's welfare and the broader questions. One of the themes that have emerged strongly concerns local authorities, so we could also seek a view from them.

Rona Mackay: We should write to COSLA.

Brian Whittle: It would be interesting to see the Government guidelines for local councils. Based on what has been said, there seems to be no consistency across all councils on the cost of licensing or on how we deal with the illegal trade.

Rona Mackay: As well as COSLA, we should speak to the ferry companies, Police Scotland, trading standards, port authorities and the Dogs Trust. They are all interested stakeholders.

The Convener: There are a number of animal welfare organisations that might have a view, and the cross-party group on animal welfare will have a view, too.

Maurice Corry: Would it be sensible to include HMRC? That would be interesting.

The Convener: Yes, and we could write specifically to Dumfries and Galloway Council, which has clearly been trying to address the question and is probably a lot further forward than other local authorities are.

Mark Rafferty: Perhaps I might add a final point about one of the issues that we are finding difficult. At the moment, we have a prosecution relating to a seizure of 100 dogs—and that is just one case. We have now had those dogs in our care for approaching 18 months, and the cost of looking after them is far in excess of £100,000. It is not in the interests of a pup to keep it in institutionalised kennels, no matter how good they are, during its formative years, but it is difficult for us to deal with those pups in any other way apart from holding them until the conclusion of the case. There is legislation for other animals, including cattle, sheep and other agricultural animals, that allows them to be disposed of, sold or moved on to better circumstances instead of their being held in limbo. Unfortunately, one of the main issues to consider in relation to seized animals, apart from the cost, is whether it is in their interests to keep them in kennels for nearly two years as we await the result of a court case. That is an area that you might want to explore.

The Convener: The clerks can advise us on whom we should speak to. It might well be that we seek the views of the Cabinet Secretary for Justice

on the court-related aspects of the issue. It makes perfect sense that any delay in a prosecution will have a detrimental impact on the welfare of the animals.

Mark Rafferty: They have to be rehomed, and whoever takes them will be rehoming an animal that has come from an intensive regime and then held in kennels for two years. What is that animal like at the end of that period when it goes to a family?

The Convener: There is a whole range of organisations and interested groups that we can contact. The very fact that the petition has been heard will have highlighted what lies behind the massive celebrity fashion for certain dogs.

Emma Harper: Can the Kennel Club also be added to your list? It is interested in looking at designer breeds, genetic deficits and anatomical issues such as dogs' breathing being compromised.

Rona Mackay: Furthermore, when we write to the Scottish Government, can we ask for its views on a possible public awareness campaign?

The Convener: Okay. We have given the petition more time than I had originally planned, but that reflects the significance of the issue to the committee. I thank the witnesses very much for their attendance today.

I suspend the meeting briefly.

10:20

Meeting suspended.

10:22

On resuming—

Energy Drinks (PE1642)

The Convener: Agenda item 3 is consideration of new petitions on which we are not taking evidence. PE1642, on the sale and marketing of energy drinks to under-16s, has been lodged by Norma Austin Hart. We have a note by the clerk and the SPICe briefing. The petition seeks to ban the sale of caffeinated energy drinks to children under 16 years of age and to encourage the maximum use of local authorities' existing powers to restrict the sale and marketing of energy drinks to children. Do members have any comments or suggestions for action?

Brian Whittle: Are we sitting comfortably? I think that it is a huge issue. The Scottish Government is considering the publication of an obesity strategy, which I hope will address the issue, and there is an on-going conversation around a possible sugar tax. In my view, energy

drinks are targeted specifically at a younger market and whatever way we can take them out of the system for those younger people, it will be appreciated. It is especially an issue for the long-term health of the nation. I will be interested to hear what the Scottish Government says about the issue, as it is already working on an obesity strategy.

The Convener: An issue that has been flagged up in the evidence that we have received on the petition is that quite a lot is being done about sugary drinks but not about caffeinated energy drinks. I wonder whether those are not being given as much attention because people are less aware of the issue.

Rona Mackay: To be perfectly honest, I did not know that local authorities had the power to restrict the sale and marketing of energy drinks to children. In any shop that you go into, those drinks are sitting there, freely available, and I see school kids going in and buying them.

Brian Whittle: They even buy them for breakfast.

Rona Mackay: I know.

Maurice Corry: I was a councillor in Argyll and Bute, where we took steps to remove energy drinks and sugary drinks from our schools, replacing them with water. However, parents will put into their kid's lunch bag what the kid wants. It goes back to the need for education. Local authorities have quite a lot of enforcement powers, but they do not use them.

Rona Mackay: Local authorities do not enforce such restrictions. A lot of children go to the local shop for their lunch and the cans are all sitting there—they just pick them up and that is it.

Brian Whittle: What powers do local authorities or the Government have to prevent parents from putting this sort of thing into their children's lunch boxes? When headteachers ban chocolate, for example, parents can go absolutely berserk and say, "How dare you tell me what I can feed my child!" It is obviously a Big Brother thing.

The Convener: My sense is that schools and local authorities can do a lot. When I was still teaching, people could routinely buy chocolate and fizzy drinks on the school campus. They cannot do that any more.

Rona Mackay: We had a tuck shop.

The Convener: I suspect that very few schools will have tuck shops with that sort of thing available.

If people are going out for their lunch, there is an argument about the balance of rights in relation to young people being outside school at lunch

time, although I think that primary schools are more likely to keep them on the school campus.

We can do what we can do and we can impress on people what the expectation is. We can also educate people so that parents do not put that kind of stuff in their children's lunch boxes or look a bit more closely at what they put in. However, if it is more of a problem for schools, we need to be careful about the idea of policing the issue inside schools to the point where we are interrogating people's lunch boxes—for the generation of pupils who have lunch boxes. However, once it gets to the point where they will not take a lunch box and they want to go to the local chippy, that is another issue. There is also quite a challenge for parents in managing that process.

Rona Mackay: The sale of cigarettes is quite well policed so that retailers do not sell cigarettes to under-16s, so why can that not be applied to caffeine drinks? I just do not think that that is enforced particularly.

The Convener: There has not been a lot of conversation about energy drinks, I suppose. We would need a person who is willing to do so.

We should look at the issue further. We would be interested in what the Scottish Government is doing and in what COSLA and education authorities expect of their schools.

Maurice Corry: Perhaps we should bring NHS Scotland before us and inquire what it advises through general practices.

Brian Whittle: When I go to a hospital, it never ceases to amaze me what foodstuffs can be bought from the shop and vending machines. It all seems to be the exact type of food that people should not have in that environment,

The Convener: I suppose that we would want to know what challenges there would be for local shops if they had the power and how easy it would be for them to enforce it. Youngsters who are over 16 go into these shops. We already know that there are pressures in some of our communities that mean that students are not entirely biddable when they go into a shop, so there might be management issues for the shops. I do not know who would be best to contact about that although there is an organisation that represents local convenience stores.

Perhaps we could also contact some of the research organisations that are doing some work on the issue.

Rona Mackay: And universities.

Maurice Corry: Labelling has been brought up by the British Soft Drinks Association—I must declare an interest here because I was a member of the BSDA some years ago. There was a big

push for labelling on bottles. There is evidence that labelling raises awareness that there is a high risk factor, so a lot is being done to make people aware of the risk. However, you can take a horse to water but you cannot make it drink. That is one of the problems that we have. It seems to me that education is the way forward, as we said when we discussed the previous subject.

The Convener: Okay. We will establish what the Scottish Government is doing and find out what advice is being given by health bodies and academic bodies that are working in this area. We will also look at what has to be done to change the attitudes of young people and how these things can be enforced realistically. We want to get a sense from some of the organisations that represent retailers how realistic it is for them to be involved. Is there anything else?

Rona Mackay: There is a suggestion that we contact the Jamie Oliver Food Foundation, because it has done a lot of work on the issue. Perhaps we could get its views, too.

10:30

Angus MacDonald: If we are to write to the Scottish Government, it would be good to get clarification on its view of the key legal question of setting the age limit for caffeinated drinks. It would seem from our briefing papers that there may be an issue of responsibility, because schedule 5 of the Scotland Act 1998 states:

“Regulation of—

(a) the sale and supply of goods and services to consumers”

is reserved. However, if the issue is considered to be a health issue, that would be a devolved matter.

The Convener: We are taking the view that this is an important issue, that we want to gather evidence and get responses from those who will be focused more on the issues surrounding it than we are, and that we want to come back to the issue. As has been said, the Scottish Government has been thinking about this question in the context of obesity. However, there is a question about whether as much attention has been placed on caffeinated drinks as has been placed on fizzy or sugary drinks. Do members agree to take that approach?

Members *indicated agreement.*

Country Sports Tourism (PE1644)

The Convener: The next new petition is PE1644, by Katherine Perlo, on behalf of Ethical Voice for Animals, which relates to country sports tourism funding. We have a note by the clerk and a SPICe briefing.

The petition seeks to prohibit the future funding of country sports tourism involving the killing of animals, specifically in the directive that is issued by ministers to VisitScotland. Do members have any comments or suggestions for action?

Brian Whittle: I did not know that funding went through VisitScotland directly into such tourism. It is news to me.

The Convener: From the petitioner’s perspective, there is a strong element around the ethics of the pursuit of country sports. The petitioner does not ask for such activities to be prohibited, although I imagine that ultimately, their position is that they should be. There is an argument about whether such activities are ethical. As such activities are currently allowed, the petition is focused not on prohibiting them but on the fact that the Government is supporting a grant to encourage the promotion of Scotland as a destination for such activities. What actions do members feel we should take? We could explore what the Scottish Government considered in making its decision to award the grant and how that reflects the more general issue of animal welfare.

Rona Mackay: I have a lot of sympathy with this petition. We need to find out more about the issue from the Government and tourist bodies such as the Scottish Tourism Alliance, as well as from Scottish Land & Estates, which will obviously have a different view. We need to find out more before we decide where to take the petition.

Angus MacDonald: I am certainly keen to hear from Scottish Land & Estates. The £17,925 grant is not a vast amount of money in the grand scheme of things. I am sure that Scottish Land & Estates would come back and say that it is money well spent, given the number of people who come here to hunt. I am aware that Scandinavians in particular come here to do that. It would also be good to hear the Scottish Government’s view.

Maurice Corry: I agree.

The Convener: In a sense, the dilemma for us as a committee—presumably, it is a dilemma for the Government, too—is the bigger question about whether it is acceptable to have a tourism trade that is based on the hunting of animals. Scotland’s communities will be divided on that issue; I suspect that committee members will be divided on it, too.

The petition has been triggered by the idea that the Government is endorsing such activity, but presumably there is something deeper behind it. In asking those questions, we would probably get a sense of what is significant. As Angus MacDonald said, a number of people come here as tourists to hunt, but what does that look like in economic terms for local communities?

Rona Mackay: I can see why the matter has been raised as an ethical issue.

Maurice Corry: On pheasant shooting, there is also the issue of how the pheasants are reared for the sport, for example. The petition will bring out other issues.

The Convener: Okay. There are a number of organisations that we can contact, including the Scottish Government, the Scottish Tourism Alliance, Scottish Land & Estates and the Scottish Wildlife and Adventure Tourism Association. I am sure that others who have heard about the petition will want their views to be reflected as well. The Parliament has looked at the issue on a number of occasions. Is that action agreed?

Members *indicated agreement.*

Legal Aid (PE1645)

The Convener: The final new petition for consideration is PE1645, by James Ward, which calls for a review of legal aid in Scotland. Members have a note by the clerk and the SPICe briefing, along with a copy of the petition. The petition calls for a review of legal aid legislation, with a particular focus on the discretionary powers of the Scottish ministers. It argues that the legislation is not clearly defined and can be confusing. Our briefing notes that the Scottish Government recently set up an independent group to review the current system. Do members have any comments or suggestions for action?

The whole area of legal aid is exceptionally difficult. I have dealt with constituency cases in which, ironically, there has been an imbalance between somebody who could access legal aid and somebody who could not, which has led to a strangely unequal battle. I suspect that those who sit on the Scottish Legal Aid Board need the wisdom of Solomon to decide who gets legal aid and who does not.

I think that someone would not get legal aid unless they were likely to win, so the Legal Aid Board ends up prejudging what the courts system would decide. Although the petitioner focuses on the fact that the Scottish Government has a broad ability to determine payments, there is a huge question about access to justice and people being able to get legal aid.

Rona Mackay: The independent group was set up just a couple of months ago and is at the beginning of the process. Nevertheless, it would be worth asking the Scottish Government for its view on the petition and the independent review group about what its process is going to be.

The Convener: Yes.

Rona Mackay: We could also write to the Law Society of Scotland and the Scottish Legal Aid Board.

The Convener: We can get views from them and from the Scottish Government about timescales for the independent review, whom it is consulting and what its focus is. I am not sure whether the review can cover everything or whether it will review the rights of Government ministers to make payments in certain circumstances.

Are we agreed that we will contact the Scottish Government, the independent review group, the Law Society and the Scottish Legal Aid Board, asking for their views on the petition and what they think are the challenges in the system? The petitioner focuses on the significant powers that ministers seem to have, but I am sure that they are constrained in other ways. We can return to the petition once we have that information.

Is that action agreed?

Members *indicated agreement.*

Continued Petitions

Residential Care (Severely Learning-disabled People) (PE1545)

10:38

The Convener: The first continued petition is PE1545, by Ann Maxwell, on behalf of the Muir Maxwell Trust, on residential care provision for the severely learning disabled. Members have a note by the clerk and submissions from the Scottish Government and the petitioner. The Scottish Government has provided an update on the data collection work that it is undertaking. The petitioner's view is that the data focuses on out-of-area placements and will not address the gap in data that she has identified in her petition.

Do members have any comments or suggestions for action?

Rona Mackay: I am a bit confused about what out-of-area placements are.

The Convener: My understanding—I stand to be corrected—is that they are made when there is no suitable placement within a local authority area. The petition suggests that people are even moving to other parts of the United Kingdom to get support because there is not enough provision in their local communities.

My sense is that part of the petitioner's request for the right data is about finding out not only who is having to move outwith their area or outwith Scotland to be supported, but where people might be being kept inappropriately or supported inappropriately in a healthcare setting when they could be moved somewhere else. It is also about folk who are being supported by their families at home. There is no recognition that, for some people, residential support might be the most appropriate option. If my understanding is right, that is partly what the petitioner is flagging up.

The petitioner seems to recognise that there has been some progress and they welcome that progress, but there is also a frustration that the Scottish Government is not necessarily addressing the other issue, which is that people are being supported at home because more appropriate support is not available for them and that is not being caught anywhere—it is not being recognised.

Rona Mackay: It is not being captured in the data.

Brian Whittle: That raises the even bigger issue of appropriate residential care for many of the groups that I have come across within my own surgeries—younger adults who have multiple sclerosis, for example, and who end up having to

go into old people's care homes because there is no appropriate support. It opens up a whole different avenue if that is something that we want to explore.

The Convener: If my recollection is correct, there is something in the paperwork about people with learning disabilities and healthcare issues—the complexities of their needs need to be properly supported but that is not necessarily happening because the kind of places that might seem to be appropriate for them are not really appropriate. It is not recognised that people might be dealing with or experiencing a combination of different things.

I know that the Scottish Government has looked at the policy requirements in the keys to life strategy but that is about bringing people who are in out-of-area placements back to Scotland—it is about folk who have already been placed elsewhere. I think that the petitioner recognises that that is important but other questions are not being addressed.

Brian Whittle: I visited a really good example down in my area—the Hansel Alliance near Symington—and you can see the difference that living in that environment would make; you can also see the cost that is involved in creating that environment. That is a headache for councils, for sure.

The Convener: It is true that, as you say, this has implications for a range of other issues. We need to think about what we want to do next. A first step could be to ask the Scottish Government to respond to the petitioner's point about its limited response in that the narrow collection of data does not really deal with the broader question. The petitioner would then be able to get a sense of whether the Scottish Government will at some point recognise the bigger question that has been highlighted.

Rona Mackay: Also, the quantitative analysis was due to be completed by February, while the qualitative analysis will go on until September this year. It would be good to hear from the Scottish Government about progress on that and to learn what the results of the quantitative analysis were.

The Convener: Yes—we can ask for an update on that as well. Do members agree to take those actions?

Members indicated agreement.

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

The Convener: Petition PE1548, by Beth Morrison, is on national guidance on restraint and seclusion in schools. At our previous consideration of the petition, the Deputy First Minister said that he expected draft guidance on de-escalation and

physical intervention to be published by the end of May, subject to any feedback from the committee. He explained that the purpose behind it was to encourage “positive relationships and behaviour”.

In her most recent submission, the petitioner welcomed the fact that the Scottish Government has decided

“to promote the use of the communication passport as a pro-active strategy to help staff avoid the use of physical intervention”.

She also welcomed the Deputy First Minister’s indication that he would be happy to review the efficacy of the application of the draft guidance by local authorities, and asked whether he would commit to undertaking a review in May 2019.

However, the petitioner expressed her concern that isolation rooms will remain. The draft guidance is in annex A of our papers. Do members have any comments, taking account of the petitioner’s recent submission and the evidence that we heard from the Deputy First Minister?

The guidance seems a bit silent about a clear distinction between a safe space and an isolation room. The petitioner’s concern is that an isolation room will simply be rebranded as a safe space or seclusion room with the idea that that will get rid of the problem. To be fair to the Deputy First Minister, he explicitly said that he would not play games with language in order to get past what is quite a challenge.

10:45

Rona Mackay: It was very much a last resort.

The Convener: We want the guidance to be explicit about what these rooms would be expected to be like.

Brian Whittle: The guidance lacked a definition of a safe room. I can see the difficulty for the Deputy First Minister, in this environment, in providing a definition, but I would like the guidance to define a safe room.

The Convener: The draft guidance says:

“Where seclusion or isolation is used it should be used under supervision, time limited and should take into account the additional support needs of the child”.

It probably needs to address more explicitly the concern that it is often bare rooms or cupboards that are used—their use is seen as a punishment. By talking about seclusion and isolation as if they are the same thing, the guidance perhaps does not address the fact that the United Nations has said they should not be used at all. Do members have further comments?

Rona Mackay: Mrs Morrison’s letter is encouraging in that she is heartened by the

progress that has been made. She asks us to keep the petition open while the situation is being monitored, which I think that we most certainly will do, because it is a very important issue. It is almost a work in progress, and we need to nail down any other questions that we want to ask about it.

The Convener: To provide reassurance, I flag up the final paragraph in the guidance, which says:

“The rights of all children and young people should be a key consideration where physical intervention is being considered.”

If it were “must” instead of “should”, I wonder whether it would give families confidence about the idea that seclusion or isolation can be used as a punishment. Perhaps they would not need to think about what the room was like—they would know that it would be compliant. Maybe we could flag that up to the Government.

Rona Mackay: It would be worth clarifying that.

Maurice Corry: I agree.

The Convener: We also want to know whether the Deputy First Minister will commit to undertaking a review in May 2019, at which point the Government will reflect on its own guidance.

Rona Mackay: That is sensible.

The Convener: Is that acceptable?

Members indicated agreement.

The Convener: We have agreed not to close the petition. Some reassurance still needs to be provided about the draft guidance, as discussed. We will ask the Deputy First Minister to come back to us with a response.

Shared Space Schemes (Moratorium) (PE1595)

The Convener: Petition PE1595, by Sandy Taylor, calls for a moratorium on shared space schemes. Members have a note by the clerks that sets out an update on developments since our previous consideration of the petition. The paper includes a response from Sustrans and information on the shared space seminar that we invited the Government to arrange. A recent report from the Women and Equalities Committee in the House of Commons is also brought to our attention. Do members have any comments on the petition?

Rona Mackay: I declare an interest in the petition, because Mr Taylor, the petitioner, is a constituent of mine, and I attended the shared space seminar.

The Convener: Did you feel that the seminar was productive?

Rona Mackay: It highlighted certain issues, but I find it hard to say whether it was productive. It was a discussion about concerns, but I am not entirely sure what was achieved by it. To be fair, I missed a lot of it because I was only there for an hour, so perhaps it is not for me to say how important it was. I spoke to our petitioner and he did not feel that it was particularly productive.

The Convener: I understand that a report of the seminars will be circulated so we could probably contact the Scottish Government and ask when it would be reasonable to expect that, as practitioners might have got things out of the seminar or flagged up issues that will feed through.

Is there anything else that we should be doing? I think that we still recognise that there is an issue. The report from the House of Commons Women and Equalities Committee was really interesting.

Rona Mackay: It was very interesting and to the point. We should ask the petitioner whether he would like to make another submission based on that new statement. We should also ask for his impression of the seminar and whether he felt that it moved things forward at all.

The Convener: Shall we seek further views from the petitioner on what progress has been made from the Sustrans seminar and whether he has any comments about the UK Parliament report?

Members *indicated agreement.*

Speed Awareness Courses (PE1600)

The Convener: The next petition is PE1600, by John Chapman, on speed awareness courses. Since our previous consideration of the petition, the Scottish Government has provided an update from the meeting of its strategic partnership board. The submission indicates that the strategic partnership board will meet again in September and that Police Scotland has been asked to provide a more detailed paper for consideration of suggested models for a pilot programme and, if agreed, wider roll-out of speed awareness courses. However, it notes that the board does not consider it appropriate to have more detailed discussions until the results of the UK Government's evaluation are known.

The petitioner has provided a short submission that queries why the Scottish Government is waiting for the UK Government findings.

Do members have any comments or suggestions for action? I am struck by the irony that the petition is about speed, but there does not seem to be much speed in the taking forward of the issues. It is unbelievably—I do not know what

the word is—delayed. It is tottering along at a very slow rate.

Rona Mackay: In the slow lane.

The Convener: Do members have a view? My sense is that the petitioner must be frustrated, because this is pretty basic and it could be done quite quickly. The description of the paper that the strategic partnership board has asked for from Police Scotland for its next meeting talks about consideration of

“suggested models for a pilot programme”

and how that would be rolled out.

Perhaps I am missing something—does anybody else understand why it is so complicated? Is something making it difficult for the Scottish Government to take this forward?

Maurice Corry: Perhaps we should put that question to the Government. We could go back and ask why it is going to take so long. In England, 300,000 people have taken up the courses since 2008, so there is a proven model already sitting there.

The Convener: I accept that there has been some progress, because the strategic partnership board is discussing the matter. The question is why we have to wait. There is a separate question about what is taking the UK Government Department for Transport such a long time to progress it. However, if there is another option in Scotland, why should we not take it forward? As Maurice Corry said, such courses are proven to make a difference.

Maurice Corry: That is the question that we should go back with.

Brian Whittle: It is a basic question and nobody round this table will be able to answer it.

The Convener: We could go back to the Government and say that we might be missing the point here but that it does not feel like something that is terribly complicated. We believe that it would make a difference and there is evidence that it does. We want to know what the barriers are to the Scottish Government moving forward a bit.

Rona Mackay: It is clear that it is the Lord Advocate's decision, so we might be waiting on him, but that needs to be queried.

Maurice Corry: We should bring that point out.

The Convener: Okay. Is everyone agreed?

Members *indicated agreement.*

The Convener: We will look for a speedy conclusion.

Deaths by Suicide (Inquests) (PE1604)

The Convener: The next petition is PE1604, by Catherine Matheson, which call for inquests for all deaths by suicide in Scotland.

Since we last considered the petition, we have received responses from the Minister for Mental Health and Healthcare Improvement Scotland. We also have a response from the petitioner in which she welcomes the minister's decision to extend the terms of the section 37 review and comments that Healthcare Improvement Scotland could be doing more in its guidance to encourage national health service boards to include families in the review process.

Do members have any comments or suggestions for further action?

Rona Mackay: We should ask the Scottish Government to consult the petitioner on the issue, given that it is so serious. I am sure that her input would be useful. The Government should keep her informed of any opportunities to participate in what is being developed. In addition, any information relating to the involvement of the Scottish Public Services Ombudsman would be useful.

The Convener: I was struck by the comment in Healthcare Improvement Scotland's response that, in the 12 months to February 2017,

"37% of suicide reviews were carried out within 3 months from the date of death."

I do not feel that that can be deemed to be a reasonable level, given what we have heard from the petitioner.

It is progress that the cases of those who committed suicide while under compulsory community treatment orders in the community will be included in the review. We welcome that announcement by the minister. As Rona Mackay said, it is important that the Government speaks to and works with the petitioner. However, I would be interested to know why only 37 per cent of suicide reviews were carried out within three months. Was it because of complexity? The petitioner feels that the response needs to be quick, as well as being considered and thoughtful.

Rona Mackay: The figure of 37 per cent does seem quite low.

The Convener: The petitioner also feels that the family should be included so that they are not left feeling that they are not involved in what is happening.

Rona Mackay: Yes—in limbo.

The Convener: Perhaps we can ask the Scottish Government whether it has a view on that.

Rona Mackay: Some progress has been made with regard to the extension to the section 37 review, but it is really important that the petitioner is kept involved in the progress.

The Convener: Yes. My sense is that the petitioner has highlighted something that the Government was not really aware of and that the Government has moved on it as it recognises that it is important to address the matter. Families have a perspective on suicide. Presumably, it is often the case that families, with the right information, are able to do what they can to support and protect their loved ones. It is important for families to get a sense of what happened and the circumstances in any review.

Do we agree to write again to the Scottish Government about those questions?

Members indicated agreement.

The Convener: Thank you for that.

Diabetes (Continuous Glucose Monitoring Sensors) (PE1619)

The Convener: The next petition is PE1619, by Stuart Knox, on access to continuous glucose monitoring.

Members will recall that the Scottish Government has announced that it will provide £10 million during the current session of Parliament to increase NHS Scotland's provision of insulin pumps and continuous glucose monitoring technology for those with the greatest clinical need.

Last time we considered the petition, we agreed to seek clarification from the Scottish Government of how the people with the greatest clinical need will be identified for the purposes of the funding. The Scottish Government has explained that the Scottish diabetes group has led on identifying the relevant groups, which include very young children. We also sought clarification of how the funding will be split between insulin pumps and continuous glucose monitoring technology, and the Scottish Government has advised that that has yet to be confirmed.

Do members have any comments or suggestions for action? I note that we agreed to hold a fact-finding visit on the matter and that we have deferred it because of circumstances beyond our control that have eaten into our parliamentary time. However, we will want to ensure that we do that at a later stage.

11:00

Maurice Corry: We will have to defer our consideration until we have done that fact-finding

visit. I do not think that we can take an honest approach to the petition until that is done.

The Convener: We will do that, and we will keep in mind that we are looking for information on what the balance of the Scottish Government provision will be. The petition can come back to the committee after the fact-finding visit has taken place. We do not envisage that being too far away, but it could be after the summer recess.

Angus MacDonald: If there was to be a decision in the meantime on the split between the provision of insulin pumps and CGM devices, can we get an early indication of that, perhaps before the fact-finding visit? That would be helpful to us when we take further evidence.

The Convener: Yes. Perhaps we can contact the Scottish Government, highlight the fact that we will be doing that continued work and say that any information about progress in making that decision would help to inform us.

Brian Whittle: I declare an interest as a member of the cross-party group on diabetes. Further to what Angus MacDonald said, how the £10 million will be split and how far it will spread is going to become key.

The Convener: Such decisions are always a question of balance. How do we maximise the impact without spreading the resource so thinly that people do not really get the benefit?

Okay—that is helpful.

Child Welfare Hearings (PE1631)

The Convener: The final petition on today's agenda is PE1631, by Maureen McVey, on child welfare hearings. Members have a note by the clerk and copies of the submissions that we have received.

Members will see that we have been provided with an example of the pro forma that is used to record information in child hearings. The Children and Young People's Commissioner Scotland is supportive of the petition. The Scottish Courts and Tribunals Service and the Scottish Government have both noted that the Scottish Civil Justice Council is looking at case management in family cases. They have also noted that the petition has resource and cost implications.

Do members have any comments or suggestions for action? Although a lot of information has come through saying that there are resource and cost implications, the responses do not say what they are. We do not know whether it is a bit of a resource implication or a massive one. I would have thought that, with modern technology, it was less so.

The fundamental issue is that the petitioner feels that, when people go from one hearing to the next, the full information about what has happened to date is not being provided. That is important, although we do not want to make the system cumbersome or complex. It is interesting to see the pro forma from the pre-hearing panel and how it deals with that. I presume that that information goes into the notes and is made available at the next hearing. One of the issues with the hearings system is that people will not necessarily have the same panel members in front of them in every case.

Rona Mackay: The thing about forms such as that, which are used in children's hearings as well, is that it depends on how well they are filled in and who fills them in. If the hearing was recorded, that would give a more accurate picture of events. It is important to get an idea of what the costs of moving to digital recording would be, because we cannot really compare that with the paper template that we have here. We need to ask for that.

The Convener: I presume that, as someone who has been a panel member, if you got that kind of form in your papers, you would read it. Realistically, if you had a digital recording of a hearing, there would still need to be a summary of it somewhere. I am not saying that the child welfare hearing and the panel are comparable—I understand that they are not the same thing—but I am thinking in practical terms about what somebody who is involved in that work would do. Would you sit through a whole digital recording or would somebody need to summarise it?

Rona Mackay: A recording would be useful if there was not enough information on the form, which is often the case. As I said, it depends on who filled it in and what information they wanted to give. If the information on the form is not clear and the panel member still has questions, a digital recording could be used as back-up. In this day and age, that would seem to be the way to go, but we need to find out the cost implications and get more information on that. Paper forms can get lost or mislaid, so it would also be a more secure approach.

The Convener: If we are agreed, we will write to the Scottish Government for more information about the cost implications of such a move and any other things that it thinks would be a problem. We will also ask whether it has a view on use of the pro forma template.

Is there any other information that we should get from elsewhere? It has been suggested that we write to the family law committee of the Scottish Civil Justice Council to get its views, because there may be something from that perspective that we are missing.

Rona Mackay: Yes. That is important.

11:06

The Convener: In that case, recognising that there are still issues that we want to explore in order to address the petitioner's concerns, we will come back to the petition.

Meeting continued in private until 11:26.

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