



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Thursday 25 October 2018**

**Session 5**



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**PUBLIC PETITIONS COMMITTEE**

**15<sup>th</sup> Meeting 2018, Session 5**

**CONVENER**

\*Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Angus MacDonald (Falkirk East) (SNP)

**COMMITTEE MEMBERS**

\*Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

\*David Torrance (Kirkcaldy) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jackie Baillie (Dumbarton) (Lab)

Alan MacPherson (Scottish Natural Heritage)

Eileen Stuart (Scottish Natural Heritage)

**CLERK TO THE COMMITTEE**

Sarah Robertson

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Public Petitions Committee

Thursday 25 October 2018

[The Convener opened the meeting at 09:16]

### New Petitions

#### Wildlife Crime (Penalties and Investigation) (PE1705)

**The Convener (Johann Lamont):** I welcome everyone to the 15th meeting in 2018 of the Public Petitions Committee. The first item on our agenda is consideration of new petitions.

The first petition is PE1705, by Alex Milne. Members have a copy of the petition and the briefing prepared by the Scottish Parliament information centre and the clerks. The petition calls for a review of the penalties that are available for incidents of wildlife crime and the methods by which wildlife crime is investigated. The petitioner considers that by increasing the minimum punishment to three years in prison, a crime would be categorised as serious, which in turn would allow investigating authorities to use covert video surveillance. The issue of wildlife crime has previously been considered by the Environment, Climate Change and Land Reform Committee.

Do members have any comments or suggestions for action?

**Angus MacDonald (Falkirk East) (SNP):** I am a member of the ECCLR Committee, which has followed the issue extremely closely over the past few years. I have a lot of sympathy for the petition.

Given that there does not seem to have been much movement on the Scottish Government's side with regard to Professor Poustie's recommendation to increase penalties, the petition is quite timely. We need to know where the Scottish Government is with regard to its proposed consultation and the introduction of primary legislation. If there is to be primary legislation, time is running out in this parliamentary session. It would therefore be good to have some clarity on that.

**The Convener:** We agree to write to the Scottish Government to seek its views on the action called for in the petition and on Angus MacDonald's point about timescales. A general nod in the direction of the issue would not be sufficient; we would want something more specific.

**Angus MacDonald:** Indeed.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Angus MacDonald mentioned the ECCLR Committee. Perhaps we should flag up the petition with that committee in advance of scrutiny of the 2017 annual report on wildlife crime in Scotland.

**Angus MacDonald:** The committee is due to look at the wildlife crime report in January, so the sooner that it is made aware of this petition the better.

**The Convener:** Are there any other suggestions?

**Brian Whittle (South Scotland) (Con):** Can we seek the views of other stakeholders? I am not sure who would that be.

**The Convener:** That is an important idea. We can ask the clerks to look at which might be the best groups. Obviously, people who are closely involved with this issue in the ECCLR Committee might have views and suggestions. We know from coverage yesterday on social media that there has been further commentary on cruelty to animals and protection of wildlife. The committee has dealt previously with this theme in relation to mountain hares and other creatures. It is something that there is a lot of interest in.

We agree to write to the Scottish Government, to take the views of other stakeholders and to flag the petition up to the ECCLR Committee. Is that agreed?

**Members indicated agreement.**

**The Convener:** We thank the petitioner for their timely petition.

#### Rented and Supported Accommodation (Pets) (PE1706)

**The Convener:** The next petition for consideration is PE1706, by Geraldine Mackenzie. The petition calls for a law to be introduced so that all Scottish residents who live in rented and supported accommodation are allowed to keep pets. Our briefing states that there is no legislation in Scotland that specifically bans pets from being kept in rented or supported accommodation and goes on to explain that it is the type of tenancy agreement that a tenant has that determines whether they can keep pets in their property.

The petitioner argues that there are legal precedents that support legislation that bans no-pet covenants, citing a journal article providing examples of legislation in other countries prohibiting the use of no-pet covenants.

Do members have any comments or suggestions for action?

**Rachael Hamilton:** This is a difficult one. I completely understand that pets help with social isolation. There is also the fact that there is no legislation in Scotland that bans pets from being kept in rented or supported accommodation. However, to support the petitioner perhaps we could write to the likes of Shelter Scotland and the Scottish Association of Landlords. There may be other rental sector organisations and housing associations that the clerks could get in touch with. On that point, it may be in the interest of the petitioner to be in touch with more housing associations. I am not clear whether that is our responsibility.

**The Convener:** We could contact the Scottish Federation of Housing Associations; I expect that it will have a view and that it gives advice to its members.

A general issue, perhaps for older people, is that a pet can be a great companion. We know that some homeless people will not accept accommodation if they are unable to take their pet with them. Some people end up on the streets because their companion cannot be accommodated with them. That strikes me as an issue that must be dealt with. On the other hand, neglected pets in properties can cause problems for other residents. I would be interested to know how housing associations that allow pets get the balance right. How easy is it to police tenants who are not looking after their pets properly?

Are there any other views?

**Brian Whittle:** We could seek the Scottish Government's views on the petition.

**The Convener:** Claudia Beamish, in my party, has raised the issue, which she sees as one of inclusion. I am not sure whether the Scottish Government has responded to that, but it must be aware of the issue. Representations have been made by groups such as Shelter Scotland. It would be interesting to know whether the Scottish Government thinks that there is an issue and whether it thinks that it requires legislation—those are two different things. We acknowledge the social good, but it may be worth establishing whether legislation is required.

**David Torrance (Kirkcaldy) (SNP):** Might it be worth seeking the thoughts of the Convention of Scottish Local Authorities? Whether they are for or against it, local authorities have to deal with the issue all the time.

**The Convener:** Is it agreed that we contact the Scottish Government, COSLA, Shelter Scotland, the Scottish Association of Landlords and the SFHA? That would give us an opportunity to reflect not just on whether what is asked for in the petition is a good thing, but on whether we need to

legislate for it, and what kinds of safeguards and protections should be put in place.

**Members indicated agreement.**

**The Convener:** I thank the petitioner for the petition. We will seek those responses and come back to the petition at a later date. At that point, the petitioner will have a further opportunity to respond to any submissions that have been made.

I suspend briefly to allow witnesses for the next item to join us at the table.

09:25

*Meeting suspended.*

09:25

*On resuming—*

## Continued Petitions

### Countryside Ranger Services (National Strategic Framework) (PE1678)

**The Convener:** The next item on our agenda is consideration of continued petitions. PE1678, which is on a national strategic framework for countryside ranger services in Scotland, was submitted by Ranger Bob Reid on behalf of the Scottish Countryside Rangers Association.

We will take evidence on the petition from Scottish Natural Heritage. I welcome Eileen Stuart, head of policy and advice, and Alan MacPherson, people and places unit manager. Thank you for your attendance today. You have an opportunity to provide a brief opening statement of no more than five minutes, after which we will move to questions from the committee.

**Eileen Stuart (Scottish Natural Heritage):** I propose to provide a brief overview of Scottish Natural Heritage's role in relation to rangers, and to give some thoughts on the petition and on actions that we might take forward to address the concerns that were raised in the petition.

First, SNH is supportive of Scotland's rangers. Rangers play a hugely valuable role in connecting people with nature. Their blend of local knowledge and skills in engaging people mean they are ideally placed to encourage the public to enjoy the outdoors and to care about the environment. As well as these traditional roles, they increasingly contribute to a wide range of Scottish Government outcomes, particularly in relation to supporting the health and wellbeing of our communities and encouraging community engagement and social inclusion.

We very much welcome the SCRA petition and the spotlight that it shines on the role of rangers. It has highlighted the need to focus collectively on ensuring that the full value of ranger services is recognised and that support from all parties is maintained in the long term.

We agree with the analysis in the SCRA petition that these are challenging financial times, and what is needed now is renewed recognition by all parties of the value of what rangers deliver for the people of Scotland and also for visitors to Scotland. We need to find creative solutions to the problem of reduced resources so that we can collectively make a fresh commitment to deliver the ranger framework.

We will continue to work with the SCRA and other partners to take forward a series of actions

to engender this renewed commitment to support rangers and provide a sustainable future for what we think is a highly regarded service across Scotland. We have had recent meetings with SCRA representatives—I can explain some of the discussions that we have had—on developing a plan of work for the coming year to encourage that wider engagement and support for ranger services.

The petition expresses concern about the decline in the number of ranger posts and reduced recognition of the brand "Scottish rangers". As with other public bodies, we work within the budgets that are allocated to us. We are committed to ensuring that our funding for community and private ranger services is tailored to support our corporate plan, which has a particular emphasis on connecting people with nature and also supporting other Government outcomes.

Our continued support is built into our business plan, and we have made some notable new commitments this year. For example, as part of the year of young people, we are developing a junior ranger scheme in Scotland's urban areas, commencing with a pilot scheme in Aberdeen. That will involve working with local authorities and partners to get young people involved in the nature on their doorstep, learning about the environment and, most importantly, having fun outdoors. As part of the Aberdeen junior ranger services we are trialling kit libraries as we understand that there are barriers to young people enjoying the outdoors, particularly if they do not have specialist equipment such as boots and outdoor waterproofs. We are also in discussion with the SCRA about updating the junior ranger toolkit and looking at ways to support additional resources to relaunch the SCRA junior ranger programme. We will follow up with the SCRA in the near future how we can work together on those commitments, and we are hoping to take that forward at a ranger development partnership meeting that we aim to host on an SNH nature reserve in January.

09:30

We understand the concerns of the SCRA in relation to the loss of local authority ranger services posts and the perception that ranger services do not always receive the recognition that they deserve. We will continue to work with partners to highlight the important role that rangers play in improving health and wellbeing, as well as in assisting with the enjoyment of the natural environment. The vision, purpose and aims that are set out in the 2008 framework are still relevant but we will be happy to talk about refreshing that in the new year.

Finally, we would like to work with the SCRA and other partners to explore new funding avenues in creative ways to highlight the valuable work rangers do. We very much welcome the committee's reflections on how we can do more in this field and can work together with other partners to raise the profile of ranger services and encourage broader support for them in the future.

**The Convener:** Thank you. I hear what you say about the value of the SCRA and the value of the ranger service. How would you respond to the questions that were put by the petitioner in his submission dated 23 September, particularly with regard to the withdrawal of grant aid support? The petitioner appears to suggest that that indicates that SNH, despite what you have said, does not believe that the service offers value for money.

I also hear what you say about constrained budgets, but you still make choices within your constrained budget. I wonder whether your budget choices reflect the value that you place on the service more than what you have just said.

**Eileen Stuart:** That is a good point and is obviously something that we have to think through carefully. We have to make choices across all the work we do. It is also worth noting that ranger services have never remained fixed. Our funding has always supported where ranger services are developing or where there are particular challenges and we think that they need support. In some cases, they have then developed and found other sources of funding or have found other sustainable ways of maintaining their service. There has always been a dynamic suite of ranger services.

What we have tried to do, as our budgets have been restricted, is to make sure that we focus on ranger services where the opportunities for alternative funding are limited, particularly in remote and rural areas such as Foula and the Western Isles, where there are limited opportunities to gain commercial support or visitor income receipts. We recognise that we have to put our funds where we get the most value for money. We have also focused very much on supporting ranger services where they are working with disadvantaged communities on social inclusion, so we reach out to communities and individuals who might otherwise not have that access to the countryside. It is not a reflection at all on our lack of support for or recognition of rangers; it relates to our desire to target our funds where they will have the most impact.

**The Convener:** Do you think that there is a role for having a recognisable Scotland-wide ranger service, which is what the petitioner wants? You are effectively funding individual projects rather than developing an approach to the countryside.

**Eileen Stuart:** We have already done both. We have always supported a small number of ranger services. Prior to 2009 we contributed to ranger services across local authorities. Due to the change in the way financial support for local authority ranger services was made through Government settlements, we no longer support local authority ranger services. They have that responsibility and have taken that forward in a range of diverse ways. Since that time, our funding has focused on community services and supporting private landowners to provide ranger services. We have never supported the whole suite of ranger services, we have always supported those where we feel that there are particular needs.

The other important thing is that we have never been the sole body responsible for ranger services. We have tried to provide the framework and support so that the brand is maintained and there is a recognisable ranger service provided by a range of different employers, so that people can access the countryside and know they will get a welcome and support there.

**The Convener:** Do you have any role in monitoring what local authorities have done? You are saying that the funding has gone to them and that they are not necessarily providing that service across the whole of Scotland, yet you have a responsibility to have a Scotland-wide service. Are you reporting on what local authorities are doing? Do you have a role in advising Government that, effectively, the approach is not working?

**Eileen Stuart:** We have a role in monitoring services. I will ask my colleague to say a bit more about that. We have twice gone out to all the local authorities to check what they are doing and to ask for support, and to try to get an overview based on information from all the local authorities about ranger services, the numbers of rangers and the types of activities that they are involved in. We have produced a couple of reports on that, which are available on our website. There is some useful information out there.

Part of what we were trying to do was to get them to share good practice and to find out some of the new methods and things that were working in different areas. Inevitably, there is not going to be a one-size-fits-all solution to the issues around ranger services. We recognise that local authorities have chosen to take forward the work of rangers in some different models and now deliver some of the ranger service functions in a slightly different way, through biodiversity officers, access officers and so on.

**Alan MacPherson (Scottish Natural Heritage):** In 2008, it was recognised that we needed to do more to achieve broader recognition of the value of rangers, particularly with the



declining budgets at that time. That is when we devised this idea of an annual report from all ranger services, which was relatively easy to do for the ones that we were directly funding. We also asked all the other ranger services across Scotland to contribute basic quantitative information once a year about what they were delivering and examples of where they were being innovative in engaging with new audiences and working with different partners and so on. We could then publish that information and it could be used to build awareness among the elected members and senior decision makers to build support. Rangers are involved in so much work that there is a slight danger they are not noticed. The idea behind what we were doing was to demonstrate that they are important and are involved in doing a lot of things.

Unfortunately, we did not get a huge uptake from a number of local authority ranger services. We published a couple of reports back in 2011 and 2012 and there are some good case examples there. Because of the limited information that we have, we have not done that since then. Again, that is the way in which we would ask for information on things like ranger numbers as well as what they do.

**The Convener:** What proportion responded? Was it 50 per cent?

**Alan MacPherson:** It was probably less than that. Again, the situation was different in the years that we did it.

**The Convener:** Do you have any statutory role in informing Government? It is a concern if you are monitoring something and get a response of less than 50 per cent. Does the Scottish Government even know what the state of the ranger service is?

**Eileen Stuart:** There is not a statutory requirement to report. This was something that we committed to in the ranger framework and something that all parties agreed was a good idea, but there was no requirement on local authorities to respond or to provide that information to us. We have limited teeth, as it were, in relation to requests for information. We have done a lot of work to encourage the ranger services that we have contact with and the SCRA to try to get their support in the gathering of that information.

As the responses that you have received revealed, some local authorities have well-established ranger services and support them with good networks and good infrastructures. However, in other local authorities it is a rather mixed picture.

**Angus MacDonald:** The information that you have has clearly increased since the submission that we received on 27 February. Can you expand on the monitoring of ranger services and ranger

numbers? You confirmed in that submission that you do not monitor ranger numbers but that you are aware of anecdotal evidence that numbers are dropping, particularly in local authorities. You stated that the funding of ranger posts is a matter for each local authority

“in the context of other funding priorities and budgetary pressures”.

You said that you are monitoring ranger services, but has SNH given any consideration to introducing a system to monitor ranger numbers?

Do you know how many private and community-based ranger services that were previously funded by SNH have succeeded in finding sustainable alternative sources of funding?

**Alan MacPherson:** The mechanism that we had for monitoring ranger numbers was through the annual reporting return; as discussed previously, we got a rather limited response. We have the numbers for the services that we support directly, but only some information on the others.

Looking back over the past three years, there are probably only two services that we previously supported that are no longer operating. That is not simply because of SNH funding. A service might decide to do something differently for a host of reasons; there might be different local priorities and that sort of thing.

Over the years there has been a constant turnover in services coming on stream and going off stream, so it is difficult to answer that question. We know that the services that we support all need to look for other sources of funding and have been looking for new sources over the past few years, because our funding contributes only a proportion of their costs. Some of the novel services—particularly up in the northern isles—have been trying to get contributions from the cruise ships and ferry operators who bring quite a lot of customers to the ranger service. That is very welcome.

**Angus MacDonald:** Have the cruise ship companies contributed?

**Alan MacPherson:** Yes, that has happened as a proportion per head of the visitors that they bring in.

**Angus MacDonald:** The committee received a number of responses after its first consideration of the petition. For example, the National Trust for Scotland stated that it believed the strategy should be supported, and that ranger functions should be supported with added value through co-ordination and sharing ideas. How is that happening on the ground? Are the local authority biodiversity officers whom you mentioned filling the gap?

**Eileen Stuart:** As we mentioned, a range of different models has developed; some of the submissions have reflected that. In Highland Council, ranger services are supported through High Life Highland, which is an independent organisation. In Aberdeenshire Council, there is still a traditional model with six ranger services, a supporting officer, a framework and so on.

We work with the SCRA through the ranger development partnership. We have worked with a range of bodies in that forum to try to find out what support the ranger services need in terms of professional development, sharing ideas, sharing experience of generating income through charging, and the range of things that we have talked about. There have also been forum days, and days on which we got all the rangers together to share ideas and work together.

There is a range of formal and informal mechanisms for that sharing of expertise. We see value in that. Many of us started our careers as rangers and we see that there is value in that career path and the career development function that is provided. However, that is perhaps quite difficult now, given that new models are emerging and ranger services are being deployed in different ways, doing slightly more diverse roles in different places.

09:45

One of the things that is new, which is encouraging, is that we are also supporting some of the project work that rangers do. In Dundee, for example, we are supporting a health partnership. We are not providing funding to the ranger services, but providing support for the range of work that they are doing to support health and inclusion, and to encourage people to get outdoors and enjoy the natural environment with the health benefits that that brings.

Increasingly, local authorities might follow that model by recognising that although ranger services are still very important in getting people out of doors and enjoying nature, they are also important in getting people outdoors so that they get the full benefits of improvement in health, social inclusion and some of the wider functions that they support. In the future, it will be about trying to make that funding model slightly different—understanding that the services will deliver more and that there is not just a very narrow environmental focus—because we recognise that they are contributing, in a preventative spend way, to health outcomes and a range of other things that local authorities are investing in. That may be a model and way in which we think that the services will grow in future.

**Angus MacDonald:** That is clearly the main thrust of SNH's policy at the moment. Thank you.

**Brian Whittle:** This is probably a good time to declare that I have a family member who is a ranger, although that is down in England. Therefore, I am well aware of the valuable work that rangers do by including the community in the opportunity to get into the great outdoors.

We have received submissions that appear to indicate that many local authorities do not have in place a three to five-year strategy that would probably help the case. Do you have any thoughts on that?

**Eileen Stuart:** It is tricky. There is good practice out there. I mentioned Aberdeen City Council, which has that strategy, forward plan and annual reporting. There are definitely examples of good practice and models that other local authorities could use. To a certain extent, it depends on the focus and the priority in different local authorities. We do as much as we can to ensure that that good practice is shared and that there are opportunities for other local authorities to use those models, but I guess that local authorities do things in ways that they think are suitable for their areas. Some local authorities see their range of services as part and parcel of a wider group of staff that deliver more specialist functions, so they would not necessarily see them needing a stand-alone ranger strategy.

It is quite hard to dictate a one-size-fits-all approach, and that is where we saw the framework as being quite important. It establishes some broad principles and key things that we thought that rangers should do to effectively set that scene and framework across the piece but which could then be adapted and tailored to local circumstances. We still think that that is an appropriate model. It is important to have that backstop and that scene setting.

**Brian Whittle:** My concern is what the map of Scotland looks like in terms of gathering that information. What is happening in all the local authorities? Who is gathering that information? How is that reported on and how is that knowledge then brought to the Scottish Government so that we have that understanding of where the gaps are in the offer?

**Eileen Stuart:** We touched on that earlier. We have tried a couple of times to gather that information and we have pulled together as much as we could. Obviously, we have comprehensive information on the range of services that we support but partial information on what local authorities have been doing. That information has been published and shared with the Scottish Government. It has been very open and transparent, but there is not a statutory reporting

mechanism. Reporting has been done on a voluntary basis. We have invited and encouraged responses, but I would say that that has been partially successful. We would like to continue with that, but it is hard for us to be sure whether we will get greater traction. COSLA could have a role in this, but to date it has not been able to enable that greater support.

**Alan MacPherson:** Over the years, we have continued to push the advantages of providing us with information and what we can do with it. In some ways, we have found it quite frustrating that we have not been provided with the information or had the support from some of the partners to do that because we can see the advantages of doing it. If there is anything that the committee can do to encourage a stronger response, that would be helpful. However, I think that 14 out of 32 local authorities responded to your own request for information, and that is probably indicative of the situation that we find ourselves in.

**Brian Whittle:** Would you report on the lack of information? Part of any report would be reporting on those that do not respond.

**Eileen Stuart:** We did. We made it quite clear the number that responded and the fact that there had been a relatively low response from local authorities. That has been a pattern and we have been quite open about that.

**Rachael Hamilton:** A number of written submissions have commented on concerns about the additional value that rangers provide. Bearing in mind that a few local authorities no longer offer a ranger service, or offer a diminished service, do you believe that the role that the rangers play in supporting education and exercise, raising awareness of biodiversity, and the general enjoyment of the countryside, is being compromised?

**Eileen Stuart:** Whether it is being compromised is, I suppose, a matter of opinion. Certainly, there is potential missed. Ranger services have a crucial part to play in the whole picture of encouraging people outdoors. In the current circumstances, we are realising more and more the importance of that connection with nature and that experience of learning in an outdoor environment. Spending time outdoors is important not only for people's health but for children's learning and development.

Some interesting and novel approaches are being used. You might have read in the press that general practitioners in Shetland are now prescribing time outdoors and nature walks as part of their mental health response. At the moment, there is a lot of recognition but no joined-up support and funding to provide the response and the preventative spend potential that could be delivered by rangers in particular, but also by other

types of outdoor provision. Rangers are ideally placed because they have that unique experience of skills and working with people. Their education potential is huge and that is one of the key roles that they play. There is a big opportunity for local authorities to use rangers in a more holistic way.

**Rachael Hamilton:** There seems to be a disjointed approach. Alan MacPherson asked whether the committee could help with the lack of information that the local authorities have been giving. However, should SNH not be prioritising the value of the rangers? You speak highly about their value.

**Eileen Stuart:** I am not sure whether there is a disjointed approach. There is certainly a varied and diverse approach. In many ways, we see our role as providing the background information and the support. We certainly have a role in promoting the good work that rangers do and the benefits that rangers can provide. We have continued to do that through the work that we are doing with the rolling out of the young ranger schemes and the support for rangers in certain areas. A key part of our role is to raise awareness and to support the good messages about what rangers do.

We cannot do it all ourselves and we rely on a number of other partners. Other Government agencies are involved, too. The national parks have a core role. Loch Lomond and the Trossachs national park and the Cairngorms national park both have different models, but Loch Lomond and the Trossachs national park is now the largest single provider of ranger services. It has a very big team of rangers and a very large number of volunteers, equivalent to 30 staff postings, all of whom are doing practical work to encourage people outdoors.

SNH cannot do it alone. We can provide the materials. We can provide some of the messages and the awareness raising, but the delivery then has to be rolled out by that range of groups and individuals.

**Rachael Hamilton:** The SNH submission from back in February states that your previous chairman Ian Ross met with the SCRA on 3 August 2016 to discuss various topics. Has the meeting that was promised with the current chairman happened and what were the outcomes?

**Eileen Stuart:** There was a very constructive meeting between the SCRA and our chief executive in March, not long after that discussion. There has not been a meeting with the chair to date. That was followed up by a meeting a few months later with our staff who are taking the work forward. At that meeting, a range of ideas and thoughts were given, which we are developing. There was agreement to have a meeting of the ranger development partnership in January, which

we are framing up. There was discussion about the work that we mentioned on the junior ranger scheme and about ways in which we could jointly promote the work that rangers do. There is ongoing dialogue. The SCRA in January talked about having an ongoing working relationship with our staff on a range of things.

**Rachael Hamilton:** The submission says that Mike Cantlay, the chair of SNH, had planned to have a meeting with the SCRA. Why did that not happen? Is it going to happen?

**Eileen Stuart:** I am not sure, but I think that it was felt that the chief executive was more informed about the work that we were doing and in a better place to be a catalyst and to ensure that there was a follow-up. I think that we felt that a meeting with the chair was not necessary.

**Rachael Hamilton:** That meeting was part of what you stated in your written submission: I do not know why there was a U-turn on that.

**Angus MacDonald:** Would it not be helpful in informing Mike Cantlay for there to be a meeting with the SCRA as soon as possible?

**Eileen Stuart:** I am sure that we can organise that.

**The Convener:** I suppose the core question is what is the role of SNH. You have been quite clear about other organisations that could be doing things. You have said that the ranger service is a good thing, and you talked about benefits in health and wellbeing and in social inclusion. You said that maybe that could be a model. If it is a good model, who will drive it, if not SNH?

**Eileen Stuart:** We will follow that up with the ranger development partnership in January. It is important that everything that we do has the support of the SCRA and other key players including COSLA. We can set the scene and we can come up with possible funding models. We can come up with ways in which we think the ranger service could expand and evolve, but it will need to be delivered by others.

**The Convener:** Why does the service need to be delivered by others? Why could it not be delivered by SNH? Could it be done by another Government body? Could not there be a Scotland-wide organisation with funding that values the service and delivers it?

Part of the problem is the sense from the petitioner that SNH has stepped away from the ranger service and is not funding it. SNH is saying that the service is a good thing, but is not reporting that there is a problem and it is not driving it. You have said a lot of very important things about the service, but have not taken ownership of it. Why not? Who will take ownership? It looks as though good things are happening in various places, but

they are at the mercy of events and there is nothing strategic about the situation.

**Eileen Stuart:** Things took a different direction after decisions about the funding model. Initially—as, I think, we have touched on—SNH contributed to the funding of pretty much all the ranger services in Scotland, including the local authority services. At that point, all the ranger services had agreed programmes of work that were part of the funding package and were to be monitored and reported on or the effect would be that funding would not be committed.

**The Convener:** Did that work?

**Eileen Stuart:** We felt that that was effective, but the decision was made by Government that it was more appropriate for the funding to be routed through the local authorities' settlements, where it was no longer ring fenced for ranger services. Local authorities were to define the best ways to support their ranger services along with all the other functions that they deliver. At that point, our ability to influence and direct the work of rangers across Scotland obviously diminished. Since then, we have supported and funded as far as possible a range of private and, in particular, community-led services, which we will continue to do.

10:00

**The Convener:** Is it your view that the ranger service is poorer now because of that decision?

**Eileen Stuart:** The committee would have to hear different views from different organisations.

**The Convener:** Is it your view, as an organisation, that when you funded and monitored the service, and people were accountable to you, there was a better service than we have now, and that local authorities, because the funding is not ring fenced, are not necessarily providing an equivalent service?

**Eileen Stuart:** The service is certainly different. It is harder for us to gather information on what is happening and it is harder for us to ensure that there is common and consistent provision across all the local authorities. The change has, however, possibly enabled local authorities finding different ways of providing the service through combining services.

**The Convener:** You do not know that, however, because they are not reporting it.

**Eileen Stuart:** No, we do not—you are absolutely right.

**The Convener:** Your perspective is that there is no longer a Scotland-wide service that you have control over or are in any way actually guiding. For our information, who is involved in the ranger development partnership?

**Eileen Stuart:** I do not have the list with me.

**Alan MacPherson:** The membership has evolved over time, but it includes some of the more significant ranger employers. The SCRA obviously chairs the partnership, and the two national parks are in there.

**The Convener:** Could you provide us with a list? That would be useful.

**Alan MacPherson:** We can do that. Some councils are also involved, as is COSLA, although I do not think that COSLA has ever attended the meetings, which is a bit disappointing.

**The Convener:** This will be my last question. Have you flagged up to the Scottish Government that it now has a suboptimal service, in comparison with what you delivered before?

**Eileen Stuart:** We have updated the Government on the current provision and we have, periodically, had discussions about how ranger services are evolving, although not formal discussions.

**The Convener:** Have you specifically told the Government that its decision about funding of ranger services was not a good idea?

**Eileen Stuart:** We probably have not said it in quite those terms.

**Rachael Hamilton:** I have the list here of the ranger development partnership members if you want them, convener. It is very short. It includes the Scottish Countryside Rangers Association, SNH, the National Trust for Scotland, Cairngorms National Park Authority, Loch Lomond and the Trossachs National Park Authority, Historic Environment Scotland, a local authority ranger service representative and a regional park ranger service representative.

**The Convener:** It might be worth our while to explore how often the partnership meets, whether there are minutes of the meetings and whether it discusses concerns about the quality of the service.

There are no more questions. I thank the panel for their evidence, which is very useful and has illuminated some issues around the petition. Do members have a view on how best we might take this forward?

**Brian Whittle:** What is obvious is that there is no overall picture of what is happening in the ranger service across Scotland. There seems to be a lack of responsibility for driving the service. The fact that local authorities are not responding on the matter probably tells a story in itself.

For me, we need first and foremost to look at two things. First, where are the gaps and what is the overall picture? Secondly, who is responsible

for that and for delivering the service? I think that everybody would agree that access to the outdoors is something that we want all our children, let alone adults, to have. Maybe COSLA is the way forward. Why is it not responding? I would like to write to the Scottish Government to understand who is responsible for reporting on the service.

**The Convener:** There will be a meeting of the ranger development partnership in January: we should ask for an update after that. It would be interesting to get the Cabinet Secretary for the Rural Economy in to talk about this, because if the agencies involved are having problems but nobody has ownership of the service, it is because of a decision at Government level that might be having consequences that nobody would want. SNH has made it clear that it values the ranger service. Perhaps we should consider to what extent the Scottish Government is aware of the concerns and hear what its response is to them.

**Rachael Hamilton:** It would certainly be useful either to have written evidence or to hear in committee from ranger development partnership members about the impacts, because there is a good representation within that group. I agree about COSLA. Its lack of a response is unusual because the SNH submission says:

“This statement was prepared with close involvement of a number of key stakeholders including COSLA and SCRA”.

I do not know where we are on this.

**The Convener:** We will take reflect further on how we will take this forward. A number of suggestions have been made and I do not think that we want to let the matter go. It looks as though there are consequences to previous financial decisions that are now being played out in our communities and which, from the evidence that we have heard this morning, people certainly do not want. We need to get a sense of whose responsibility it would be to change direction. There is quite a lot there for the clerks to look at; we can reflect further on who we will have as witnesses at a future meeting.

I thank our witnesses today very much. It has been a very useful session and I appreciate the time that you have given us.

10:06

*Meeting suspended.*

10:08

*On resuming—*

### **Prescribed Drug Dependence and Withdrawal (PE1651)**

**The Convener:** I propose a slight change to the order of the agenda by going on to consider PE1651, by Marion Brown on behalf of Recovery and Renewal, on prescribed drug dependence and withdrawal. I welcome to the meeting Jackie Baillie MSP, who has an interest in this petition. I will allow her to participate and then we can go back and deal with the two petitions that we have moved away from.

Members might wish to note that some new written submissions have recently been received on this petition. They will be brought to our attention once they have been checked by the clerks to ensure that they comply with the Parliament's policy on submitting written evidence.

At our previous consideration of this petition, we agreed to write to the Scottish Government to ask what engagement it had had with Public Health England on its review of the evidence for dependence on and withdrawal from prescribed medicines. The Government explains that it wrote to Public Health England to ask it to consider extending the scope of the review to include Scotland, but it responded by stating that, although it was happy to share the review's outcomes, it had no plans to extend it. The Government's response also states that it is currently exploring the possibility of taking forward a Scotland-focused review, which would run in parallel with the Public Health England review.

The committee will recall that it also agreed to write to the British Medical Association to ask about its current position on the roll-out of a national 24-hour helpline, recognising that it had been over two years since the organisation had made that policy call. The response indicates that although the BMA continues to support the call, the establishment of a helpline

"should be clearly understood as a supplement to ongoing care from prescribers, not a replacement."

The committee also wrote to the Royal College of General Practitioners and the British Medical Association's Scottish GP committee to establish the extent to which GPs in Scotland recognise the issues raised in the petition and to find out what guidance and training was available to GPs to support people in withdrawing safely from drugs such as benzodiazepines and anti-depressants. Responses have been received and are included in our meeting papers.

In her most recent written submission, the petitioner draws our attention to the UK

Parliament's all-party parliamentary group on prescribed drug dependence, which has published a report based on an analysis of personal accounts of prescribed drug dependence and withdrawal submitted in petitions in Scotland and Wales. The petitioner wishes to draw particular attention to the patient journey maps that are featured in this report and which for ease of reference have been printed out and placed on our desks for review at today's meeting.

I also think it worth while to comment on the very substantial number of submissions that we have received from individuals. Having read them all in detail, I can say that I have found them very interesting and thought provoking, and I want to thank the people who have taken the time to respond. It should also be noted that the submissions contain responses from GPs and people from the medical profession as well as people who have identified concerns as a result of their own experience of prescribed drug dependence.

Do members have any comments or suggestions for action on an issue that has clearly generated a degree of interest that goes broader than the committee? I do not know whether it would be worth asking Jackie Baillie for her views. Ms Baillie, I think that one of the petitioners is a constituent of yours, and you might want to inform our thinking with your comments.

**Jackie Baillie (Dumbarton) (Lab):** Thank you very much, convener. I am grateful for the opportunity to speak in support of the petition.

You are quite right: Marion Brown, who brought this petition to Parliament, is my constituent. I have also been working with another constituent who has experienced very severe withdrawal from anti-depressant medication and who has been involved in the petition, too.

Perhaps I can make a couple of brief observations. First, it is important that whatever we do—whether it be the committee or the Government—we take an evidence-based approach. I think that the target for anti-depressant prescribing was moved away from in 2010, since when the number of people receiving anti-depressant medication has gone up, with a consequent rise in the prescribing bill. Despite the ever-increasing numbers, we have not looked at that other end of the pipeline and considered the impact on people who, in coming off this medication, are having severe withdrawal symptoms.

Evidence suggests that the guidance for GPs is out of date. Some GPs are not aware of the range of symptoms of withdrawal and, therefore, do not acknowledge them as such. However, as you have said yourself, convener, the GPs who are

aware of these problems want to do something about the situation.

Having explored this issue for years with my constituent, I can tell the committee that there are no specialist services out there—and certainly not in NHS Greater Glasgow and Clyde, which happens to be Scotland's largest health board. During this journey that we have been on, there has been little acknowledgement of the scale of the petitioner's individual problems, never mind the scale of the problem overall.

Like you, convener, I have considered some of the evidence that has been presented to the committee by the hundreds of people who have experience of anti-depressants. All of them cannot be wrong in what they are describing. Therefore, I ask the committee to continue its very positive engagement with the petition and implore you not to wait for Public Health England's review but to urge the Government to carry out a review in Scotland. We should not be tied to delays elsewhere. Health is a devolved matter, so we should be seizing the initiative here.

Perhaps I might be very cheeky and test the convener's patience just a little by saying that I always think it is great when the committee bids for debates in Parliament and that this might be a candidate for consideration.

**The Convener:** By your standards, Jackie, that is not cheeky at all. Thank you for those comments.

Do members have any comments on how we might take the petition forward?

**Brian Whittle:** I think that the whole committee is very sympathetic to this petition, but it strikes me that it sits within a wider issue around the prescribing of anti-depressant drugs. What worries me is that a lot of the evidence is quite anecdotal and, as Jackie Baillie has suggested, I would like to push the Scottish Government to have its own review of the matter. As we know, Scotland has an entirely devolved and therefore different relationship with this issue, and I want to capture the picture in Scotland, get some cold, hard evidence and focus on what is undoubtedly a big issue.

10:15

**Angus MacDonald:** The salient point is the Scottish Government's statement that it is exploring the possibility of taking forward a Scotland-focused review, which would run in parallel with the one in England. We note the attempt to link with the Public Health England review and that organisation's—in a way, unfortunate—refusal in that respect, but we do, of course, need a Scotland-specific review.

I am interested in the information from the BMA, and I would be keen to pursue with the Scottish Government the BMA's continued call for a 24-hour helpline for prescribed drug dependencies. It is well over two years since the BMA's letter to the Scottish Government, saying that that was what it wanted. Although the BMA recognises the Scottish Government's view that resources cannot be made available for a dedicated helpline, I do not think that we should give up on that. I certainly admire the BMA's tenacity with regard to this proposal; it certainly seems to be part of the solution, and it would help a number of the people from whom we have received submissions.

**The Convener:** The BMA's point about the helpline was that it was not a substitute for the role played by prescribers. It probably ought not to have had to be said, but that was part of the rebuttal by the Scottish Government. The idea that GPs were suggesting that this would substitute for patient care is nonsense, but if that kind of expertise was to be made available, it would be better if people were able to have confidence in it. In any event, my sense is that some of that is already happening informally through forums and social media. Nevertheless, although there are support groups that are important to people who are dealing with this issue, I feel that as far as getting the appropriate advice is concerned there is a strong argument for having a helpline.

**Rachael Hamilton:** Jackie Baillie also mentioned the other end of the spectrum with regard to increased prescribing. I think that, as well as looking at the overall impact on patients, we should look at the prescribing element, too. I hope that that would form part of the Scottish Government review, which I agree should run in parallel with the PHE review.

**The Convener:** I hear what Brian Whittle has said about anecdotal evidence, but I think that there is a point where a pattern emerges and anecdote and testimony become evidence. I acknowledge that a pattern might not mean that there is a causal link, but we have to find out. I think that there has to be an investigation.

What also struck me in the evidence was the lack of trust and the degree of suspicion. We might want to ask the Scottish Government how, if it were to carry out a review, it would give people confidence that it was independent. A theme that recurs is people saying, "Well, they would say that—they have a vested interest." It is not that I am just accepting that view, but I think that any review would have to address that lack of confidence and trust as a result of people's experiences.

Do we agree to return to the Scottish Government and ask specifically about the question of the helpline, reflecting the degree of

interest in the petition itself and the way in which people have responded? Do we also agree to seek more detail, urge the Government to carry out a Scottish-focused review and highlight the importance of any such review being independent?

**Brian Whittle:** I think that this issue is much bigger than what the petitioner has raised in their petition. Do we intend to recommend looking at the reasons for the increase in the prescribing of these drugs against the potential for—or lack of—other treatments being available?

**The Convener:** I think that the committee knows about the issues around prescribing. After all, we have explored with the current and previous mental health ministers the suggestion that GPs are prescribing these drugs to patients, because they simply do not have the time to spend with them. In fact, the evidence shows people's frustration with 10-minute appointments. How can you possibly have a proper conversation with somebody in your surgery when you have only 10 minutes? The fear is that instead of carrying out the much longer-term work required to support somebody, people just jump to prescription. I am not saying that that is what happens, but we would hope that any review would look at the matter.

I think that the committee is agreeing to take this issue forward by asking the Scottish Government about the helpline. We also want to press the Government on the issue of a Scottish-focused review, a timescale for that, who would be involved in it, the issues that would be covered and its independence. The evidence that we have received shows that the issue has generated a degree of interest, and the Scottish Government itself must be aware of that. We are also alive to Jackie Baillie's suggestion that we might want to explore the matter through a debate in Parliament once we have a bit more to say about it.

Are members agreed?

**Members** *indicated agreement.*

**The Convener:** We again thank the petitioners for all the information that has been provided, including the very useful infographic, and I also thank Jackie Baillie for her attendance.

### **Social Care (Charges) (PE1533)**

**The Convener:** We now move back to the agenda. The next continued petition for consideration is PE1533, on the abolition of non-residential social care charges for older and disabled people, which is by Jeff Adamson on behalf of Scotland against the care tax.

Members will recall that, at our last consideration of this petition, we agreed to write to

the Scottish Government to seek an update on its assessment of Scotland against the care tax's proposals on how to extend free personal care to people aged 65 and under. The Scottish Government's submission explains that a finance sub-group has been set up to consider in more detail the financial aspects of this policy and that the petitioner presented Scotland against the care tax's proposals to the finance sub-group in July. However, the petitioner indicates in the written submission from him that we received last month that, despite delivering that presentation, he is

"none the wiser on how the Scottish Government stands on the implementation of the Free Personal Care policy".

The petitioner goes on to express serious concerns about how the extension of free personal care will be delivered, as outlined in our papers.

I should declare an interest, as this is an area on which I have explored the potential for a members' bill, which in itself is something of a challenge.

There was a demonstration on Tuesday in which people came to Parliament to raise their concerns about the current circumstances of people being supported in our communities. The issue that I am struck by is the importance of the support that people receive to enable them to have equal opportunities in education and work. To me, that is not an add-on; this is a human rights issue that is to do with people's capacity to engage with society. Personally, I was a bit troubled that, although the finance sub-committee took a presentation from the group, the group has no sense of what the implications are or whether there has been a response to that presentation.

There is a question about the way in which this petition was taken alongside the Frank's law petition. I am wondering whether, because the two were taken together and, happily, some of the Frank's law petition was resolved, this aspect, which feels much more complex to me, has perhaps not been given the attention that it merits. I would be interested in hearing the views of other committee members.

**Brian Whittle:** There is an issue around the clarification. I am with the petitioner on this one. I am not quite sure where the Government sits on this. It may be helpful to get the cabinet secretary here to shed light on the direction of travel that the Government wants to take.

**The Convener:** That would be useful, because we know that the previous cabinet secretary made progress on Frank's law, which we should acknowledge. However, it would be useful to know what the thinking is on this other substantial issue.



**Angus MacDonald:** I agree that it would be helpful to get the cabinet secretary in to clarify a number of the issues.

**Rachael Hamilton:** I want to make one point. I found the evidence that local authorities have restricted the services to those in critical need quite disturbing.

The Scottish Government will publish its implementation advice shortly. Will we bring the cabinet secretary after that? When is that advice likely to be published?

**The Convener:** We want the cabinet secretary to come in at the point that is most productive. If her office or she indicates that there is merit in her appearing in front of the committee once that bit of work is done, that makes sense. We want that to be within a reasonable timescale, but we would not want to have her in when she will say that all will be revealed in some report at a later stage. We can negotiate that with her department.

As there are no further comments, do we agree to invite the Cabinet Secretary for Health and Sport to provide evidence to the committee at a future meeting on the issue that has been raised by the petitioner?

**Members indicated agreement.**

**The Convener:** If the petitioner wants to provide a further submission ahead of that session, that would be welcome. Indeed, there is nothing to stop others making such a submission as well. I thank the petitioner again for keeping the committee informed on these issues.

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

**The Convener:** The next petition is PE1545, on residential care provision for the severely learning disabled, which is by Ann Maxwell on behalf of the Muir Maxwell Trust.

At our consideration of the petition in June, we noted the work that the Scottish Government had commissioned to address the data visibility of people with learning disabilities in Scotland, which includes projects by the Scottish learning disabilities observatory. However, the petitioner has raised concerns that that work does not explore the links between people with profound learning disabilities and epilepsy, despite the fact that 60 per cent of people with profound learning disabilities having that condition. The petitioner also suggests that the financial consequences of inadequate care for the profoundly learning disabled should be a focus of the observatory's work.

We therefore wrote to the observatory to ask whether any work was progressing in these areas.

The response states that Scotland already has expertise on epilepsy at the University of Edinburgh and, therefore, it has no plans to try to replicate that. The response also explains that its work was commissioned to undertake secondary analyses of Scotland's existing routinely collected health and administrative data to inform policy and practice and that it was unaware of any existing data sets in Scotland that include a marker for profound learning disabilities.

In her most recent written submission, the petitioner expresses disappointment that her petition has been under consideration by the committee for four years and that, in that time,

"nothing constructive and supportive has resulted."

Do members have any comments or suggestions for action? I share the petitioner's frustration, because it was suggested that the observatory would be the response and the observatory has clearly come back and said no. We would share that frustration. There is almost a conversation that is missing the point. The petitioner is arguing for one thing; the Scottish Government is responding with something that is not really related to the questions that are being raised.

**Brian Whittle:** We should either write to the Scottish Government with a more direct question or ask the cabinet secretary to come in and directly explain—one of the two.

I should probably note that I coach someone in track and field who has learning disabilities and is in this situation.

**Angus MacDonald:** We have been going around the houses for four years on this one and that is long enough. Another letter to the Scottish Government may just prolong the petitioner's anger and immense disappointment, and this committee's frustration. As we have agreed to have the cabinet secretary in to give evidence on the previous petition, we should do the same for this one.

10:30

**The Convener:** That makes sense to me. I feel as if it is a dialogue that is missing the point, whether wilfully or otherwise, and being able to direct the questions to the cabinet secretary would clear that up and afford the opportunity for the petitioner to be quite direct about the questions that she wants posed to the cabinet secretary. We recognise the frustration of the petitioner and think that there are issues here that need to be explored further, so we will invite the Cabinet Secretary for Health and Sport to provide evidence to the committee on the issues raised by the petitioner at a future meeting. Is that agreed?

**Members indicated agreement.**

### **Mental Health and Incapacity Legislation (PE1667)**

**The Convener:** PE1667, by W Hunter Watson, is on a review of mental health and incapacity legislation. The petition calls on the Scottish Parliament to urge the Scottish Government to conduct a wide review of Scottish mental health and incapacity legislation and, when doing so, to take due account of recent developments in international human rights law.

The committee has previously considered written evidence from the Mental Welfare Commission for Scotland, the Scottish Human Rights Commission and the Minister for Mental Health. Following its most recent consideration at the meeting on 22 March, the committee has received an update from the minister on various strands of work that are currently being undertaken and the timeframes for that. We have a response to that from the petitioner, as well as updated submissions supporting his call for action.

Members will also have noted that the petitioner recently met the Minister for Mental Health to discuss the issues that are raised here. Do members have any comments or suggestions for action?

**Brian Whittle:** This is a big piece of work. Mental health is a very strong topic that is consistently coming before Parliament at the moment, and quite rightly so. Again, I suggest that we take oral evidence from the minister just to understand where the Scottish Government is taking this.

**The Convener:** It may be that the cabinet secretary and the Minister for Mental Health, who is of course a new minister, might want the opportunity to have an evidence session in which they are able to outline more clearly what their position is, rather than dealing with it in correspondence.

It feels as if the committee may have to put in an extra session specifically to try to co-ordinate the cabinet secretary and Minister for Mental Health coming and doing a session on the relevant petitions. That might be worth while.

**Brian Whittle:** Taking evidence from the minister, rather than doing it by correspondence, would afford us the potential to jump forward quite significantly with this petition.

**The Convener:** Do we agree that it would be useful to take evidence from the Minister for Mental Health and that we can negotiate with the departments how best that can be done so that we have maximum effect of the cabinet secretary and

the Minister for Mental Health being here to pursue these issues and this petition?

**Members indicated agreement.**

### **Child Protection Services (PE1673)**

**The Convener:** PE1673, by James Mackie, is on the operation and running of child protection services in Scotland. Members will recall that the petition calls on the Scottish Parliament to urge the Scottish Government to create an independent, Queen's counsel-led inquiry into the operation and running of child protection services in Scotland.

The papers note that we previously considered the petition on 10 May. The committee agreed that there were some issues around early intervention that might be worth exploring, as well as

“whether we are inappropriately bringing children into care because there is not enough support or because there is a mindset that says that that is the solution.”—[*Official Report, Public Petitions Committee*, 10 May 2018; c 8.]

We have submissions from the Scottish Children's Reporter Administration and Social Work Scotland and a response to those from the petitioner. Do members have any comments or suggestions for action?

**Rachael Hamilton:** The report of the child protection improvement programme stated that there was a commitment to reconvene the child protection system review group in April 2018. It would be useful to ask the Minister for Children and Young People what came out of that group, if indeed it has been reconvened.

**The Convener:** We can do that. Is there anything else?

**Brian Whittle:** We could ask for consideration by the care review. That might shed a bit more light.

**The Convener:** We certainly could be thinking about identifying areas of consideration for the care review. The Education and Skills Committee took evidence from Fiona Duncan, who is heading up the care review. Both her presentation and the evidence that was given by the care-experienced young people who were with her were impressive. I am aware that the review is a very thoughtful and substantial piece of work, which is very much dealing with young people who are in the system. The petitioner, of course, deals with whether people are appropriately coming into the system. I am not sure whether the care review is asking that question, but we can ask whether it is.

I was very struck by the substantial evidence that was given by the Scottish Children's Reporter Administration and Social Work Scotland. I thought that there was a lot of food for thought in

that evidence. It is for the petitioner himself to decide, but reassurance is needed that, when a young person is coming into the hearings system and into the care system, it is done with a great deal of thought. Are there suggestions about how we might take this forward?

We could certainly ask questions of the Scottish Government. We could flag up to the care review that this is an issue that the petitioner has highlighted and get some sense from the Scottish Government as to whether it is something that the review is looking at. I suspect that the remit does not deal with it, but we could check. Is there anything else?

We will be looking for an update from the Minister for Children and Young People on child protection issues and we will be looking at the child protection improvement programme report. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** We thank the petitioner for his engagement with the committee and we thank all those we raised this petition with for their responses.

### **Fireworks Displays (Regulation) (PE1687)**

**The Convener:** The final petition for consideration in public today is PE1687, on the regulation of fireworks displays in Scotland, which is by Jane Erskine. The clerk's note summarises the submissions from the Scottish and United Kingdom Governments, along with the petitioner's response to those submissions.

The UK Government minister's submission addresses the need for appropriate guidance, education and public awareness raising to promote the responsible use of fireworks. He considers that it is a matter for the Scottish Government to work with local agencies to identify what measures are best to apply in the context of this petition.

The Scottish Government acknowledges the issues raised in the petition in the context of animals and livestock in rural areas. It notes the petitioner's concern that, as an animal owner in a rural area, she is liable under the Animal Health and Welfare (Scotland) Act 2006 for any harm to the animals in her care but considers that this may be an unintended consequence.

The Scottish Government's submission outlines activity that it and the Scottish Fire and Rescue Service and Police Scotland have been taking forward since last year, principally in the context of incidents where the Fire and Rescue Service has been subject to attack, but also highlighting the possible impact on the provision of emergency support.

In recent correspondence with the clerks, the Scottish Government has also stated that the Minister for Community Safety has written to all community safety partnerships across Scotland, and also to the UK Minister for Small Business, Consumers and Corporate Responsibility to request an update on any actions following the Westminster Hall debate in January this year.

The petitioner acknowledges the Scottish Government's submission and considers that it serves to highlight the impact that there is on animals and animal owners in rural areas. She indicates that she would like to see the UK and Scottish Governments adopt a preventative and proactive approach to the restriction of fireworks displays in rural areas.

Do members have any comments or suggestions for action?

**Rachael Hamilton:** I am not sure whether I am missing something here, but it is up to the local authorities to enforce the licensing. Have the local authorities been engaged in this whole process, given that, at the end of the day, the Scottish Government said that it is up to the local authorities? Where are we with regard to the Scottish Government's responsibility over this, if responsibility lies ultimately with local authorities?

**The Convener:** Perhaps we can contact COSLA in the first instance. I guess that the petitioner is really talking about the legislative context in which everybody is operating. If you accept that you can have fireworks displays, it is about managing them safely. There is quite an interesting argument about the extent to which, if her animals are in fear and alarm, she is responsible for that as someone who is responsible under the act for the care of the animals. I would not have thought that there would be a court in the land that would blame her if her animals are distressed as a consequence of fireworks displays that the law allows, but that is an interesting insight that I had not really thought about before.

**Rachael Hamilton:** The key point here is the rurality of the displays, because obviously there are going to be more animals in rural areas and the countryside. I am not entirely sure whether the local authorities take that into account when they give the public a licence for a fireworks display.

**The Convener:** An issue that has been raised with me by people who have pets is that, during what can be quite an intense period around 5 November, animals are in fear and alarm in urban areas as well, but that is not the focus of this petition.

We can certainly write to COSLA and we should write to the Scottish Government for an update on its recent action. It might be worth writing to Police

Scotland and the Scottish Fire and Rescue Service, because they must have a view on whether it is creating extra work for them. I know that in one area historically there were problems with the fire service being attacked when it come in to deal with unlicensed fireworks displays, which is maybe a different thing altogether. The Scottish Fire and Rescue Service may have a view on how this is all managed safely and on the specific action that the petition calls for, so it might be worth while contacting it, in particular about the comments in the petitioner's most recent submission. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** We are coming up to that period now, so it will be interesting to see whether the concerns about the implications of celebrations with fireworks continue to have the impact that has been flagged up by the petitioner. We thank the petitioner for providing us with an update on her views.

We now close the public session of the meeting and move into private. We will have a quick break before we deal with the last item on the agenda.

10:43

*Meeting continued in private until 11:02.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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