



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 6 December 2018

Session 5



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PUBLIC PETITIONS COMMITTEE

18th 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:

Mark Banahan (Vegan Society)

Barbara Bolton (Go Vegan Scotland)

CLERK TO THE COMMITTEE

Sarah Robertson

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament

Public Petitions Committee

Thursday 6 December 2018

[The Convener opened the meeting at 09:30]

New Petitions

Vegan Food (Public Sector Menus) (PE1708)

The Convener (Johann Lamont): I welcome everyone to the 18th meeting in 2018 of the Public Petitions Committee. The first item on our agenda is consideration of new petitions. The first petition is PE1708, on catering for vegans on all public sector menus, which was lodged by Mark Banahan on behalf of The Vegan Society and go vegan Scotland.

Mark Banahan, campaigns and policy officer at The Vegan Society, and Barbara Bolton, co-founder of go vegan Scotland, will give evidence. Welcome to you both. You have an opportunity to provide a brief opening statement of up to five minutes, after which we will move to questions.

Barbara Bolton (Go Vegan Scotland): Thank you for inviting us to speak to our petition. As well as being from go vegan Scotland, I am a solicitor specialising in vegan law. I will speak to the human rights and equality position in relation to vegan rights, and Mark Banahan will speak to tackling climate change and improving health.

Vegans have legal protection under human rights and equality law because the vegan philosophy passes the test for a non-religious belief—that is, it is serious, cogent and worthy of respect. The vegan philosophy is essentially that, because animals are alive in the same way that we are, we should not use or kill them. The European Court of Human Rights has confirmed that that philosophy qualifies, and that has been conceded by the United Kingdom Government and acknowledged by the Scottish Government and the Equality and Human Rights Commission.

The protected status of veganism means that we have a right to live in a way that avoids using or killing animals—or paying somebody else to do that for us—and not to be discriminated against on account of our veganism. That applies in the public and private spheres, although our focus today is on the public sphere, where there is an additional obligation to take positive steps to address inequality.

Unfortunately, there is very little awareness of the rights of vegans—we know that from the many

cases that have been reported to us. To get a broader picture, we carried out a survey of Scottish vegans. More than 500 responded, and they highlighted a systemic failure across the Scottish public sector, particularly in hospitals and schools, to provide for vegans.

In many of our hospitals, vegans are not provided for at all, leaving vegan patients having to rely on family or friends to bring in food, or having to discharge themselves before they are well enough. Not everyone has family or friends who can cater for them in that way, and many wards do not allow food to be brought in.

Many examples were provided in response to our survey, and the full results are available on the go vegan Scotland website. One person said:

“I was in for two weeks when my son was born and they said they couldn’t cater for me. My partner had to bring in all my meals. I wasn’t allowed to use their fridge or microwave”.

Another person said:

“A particular issue is that it is not possible to pre-book dietary requirements”.

Someone else said that the hospital chef told them that

“he was under no obligation to provide”

for them.

Scotland’s schools do not generally have meals that are suitable for vegans. Most have vegetarian options but they generally contain dairy or eggs, or both. Even when vegan parents specifically request provision for their children, in many instances they are told that schools do not have to provide for them. I was contacted just yesterday by a vegan mother living in Glasgow who is trying to get suitable food for her daughter in nursery. Glasgow City Council has refused. One respondent to our survey said:

“Our local primary has vegetarian but not vegan options. In order to obtain ‘other’ dietary requirements you have to prove medical need.”

Someone else said that, for their children, the

“Only vegan school dinner option is dry baked potato ... They do not do school dinners for this reason. This means ... my youngest misses out on ... free school meals ... and is the only child ... Who”

takes a “packed lunch.”

We have also learned that some food providers are under the impression that they cannot provide vegan meals in schools unless there is a health requirement that is signed off by a national health service professional. There is clearly a lot of misinformation, which is resulting in vegan children being refused suitable food, including those who are entitled to free meals. The Scottish Government’s position is that it is up to local

authorities is not good enough when local authorities are failing and refusing to provide vegan meals.

The Government must take steps to ensure that there is consistent provision across the country, and the proposed legislation would be the best way to achieve that. Mark will now speak to the environmental and health benefits of vegan food.

Mark Banahan (Vegan Society): Increasing vegan food provision will support environmental initiatives. The evidence is clear that animal agriculture causes significant harm to the environment in terms of greenhouse gas emissions, inefficiencies leading to extensive land and water usage, deforestation and eutrophication.

In June, researchers from the University of Oxford conducted a landmark study, which concluded that:

“A vegan diet is ... the single biggest way”

that an individual can reduce their impact on the earth.

In October, the Intergovernmental Panel on Climate Change’s report announced that we need to aim for a global temperature increase of no more than 1.5°C, rather than 2°C as was previously thought. The report estimates that we have just 12 years to avert catastrophic temperature increases, so we need to do everything in our power now to mitigate those temperature increases, which are caused by greenhouse gas emissions.

Harvard University research shows that the livestock sector could use almost half of the 1.5°C greenhouse gas emission budget allowed by 2030, so addressing that should be a key part of the strategy to hit climate targets. With a growing global and national population, it is clear that our diets will need to change in order to do that. The Scottish Government has made a number of commitments to tackling climate change. By increasing the availability and accessibility of vegan food, we hope that longer-term diet choices will be more environmentally friendly and help to mitigate climate change.

Ensuring the availability of vegan food will also improve public health. The British Dietetic Association recognises that totally plant-based diets are suitable for every age and life stage, including pregnant and breastfeeding women and young infants. In addition, a considerable body of research links vegan diets with lower blood pressure and cholesterol, as well as lower rates of heart disease, type 2 diabetes and some types of cancer.

People in the United Kingdom are currently falling woefully short of meeting the

recommendation to eat five portions of fruit and veg a day—according to research, people eat, on average, three-and-a-half portions a day. It is estimated that diet-related ill health costs the NHS £5.8 billion annually—more than smoking, alcohol or physical inactivity. Businesses and the economy also suffer through missed work days due to sickness.

Scotland currently has the highest numbers of overweight and obese people of any UK nation. Building people’s familiarity with plant-based foods in public sector settings could help to address that issue and reduce the amount of long-term diet-related illness that puts a strain on the NHS. Children who are exposed to vegan food in school at a young age will begin to understand that meals do not need to include animal products.

The good food nation policy aims for everyone in Scotland to have ready access to the healthy, nutritious food that they need, to decrease dietary-related diseases and to reduce the environmental impact of our food. The proposed change would make a significant contribution towards achieving those admirable goals. Scotland has the opportunity to take the lead in the UK and recognise the many benefits that that change would bring to the growing number of Scottish vegans, the environment and public health.

The Convener: Thank you very much. You mentioned some of the issues that you identified in your survey, and that you presented its findings to the Scottish Government. Have you received a response from the Government specifically about the survey, as opposed to the general issues? If so, how did it respond?

Barbara Bolton: The Government responded by saying that it recognises that veganism is a protected non-religious, fundamental belief, but that it is the responsibility of local authorities to address provision. That was it.

The Convener: That would not be the case with regard to the health service, so what did the Government say about that?

Barbara Bolton: I do not believe that that is the case for the health service or education. I believe it is the Government’s responsibility to take steps, but it does not appear to accept that.

The Convener: What was the Government’s response to the findings of the survey about the experience in hospitals?

Barbara Bolton: The response was very limited. There was one letter, which simply stated that it is the responsibility of local authorities. The approach seemed to be that it should be dealt with case by case.

The Convener: So the Scottish Government has not looked at the survey. The survey deals

with what is happening not just in schools, but in hospitals. In the Scottish Government's view, the matter might not be the responsibility of the health boards either, but to say that it is the responsibility of local authorities is simply to miss out that point altogether.

Barbara Bolton: I think that that is right. Essentially, we have been given the brush-off up to this point. That is why we felt the need to lodge the petition—we needed to air those issues. Ultimately, if nothing is done on the human rights and equality issues, claims will go to court. We would prefer to avoid that, because that is not the ideal way to resolve such issues.

Angus MacDonald (Falkirk East) (SNP): The petition's background information states that the number of people who choose to live a vegan lifestyle has doubled

"twice in the last 4 years."

You can probably tell at first glance that I am not one of those people. However, stranger things have happened.

Our briefing on the petition says:

"The Vegan Society estimates that there are currently around 600,000 vegans in Great Britain".

I am curious about how those figures are estimated.

You stated in the petition's background information:

"More people are ... choosing plant-based food for health, environmental and ethical reasons."

Can you point us towards the evidence to support that statement?

Mark Banahan: The Vegan Society has done independent polling with Ipsos MORI, which forms the basis of our figures. The figure is an estimate; we will do a more comprehensive survey in 2019 to find out an accurate figure. We expect the figure to be higher than 600,000, as there has been a huge increase in the number of vegans in the past two years—and that increase is showing no signs of stopping.

A growing number of people are consciously reducing their animal product consumption, even though they may not be vegan. People may limit that consumption to one day a week or take certain days of the week off. They are also increasing demand for vegan food, which buoys demand for it in the public sector.

Barbara Bolton: Anecdotal evidence can be added to that. Go vegan Scotland has vegan information stalls on Scottish streets every week—in Glasgow, Edinburgh and any towns that we can manage to reach. Over the past two years, we have increasingly been approached by people

who are already vegan. We have noticed a marked difference in the number of people who are already living vegan, including in smaller towns. The growth of the plant-based food industry can be seen in Kirkcaldy, for example. Today, Kirkcaldy is opening its first vegan venue. Vegan venues are popping up throughout Scotland; we are not talking about only the major cities any more, although Glasgow has many vegan venues. It has around 17, and Edinburgh is rapidly catching up with it. We are seeing a real transformation in the food industry.

Angus MacDonald: Okay. I want to move on to the section in your petition on equality. The petition refers to the Equality Act 2010, and our briefing refers to the European convention on human rights, the Human Rights Act 1998 and the position of the United Kingdom Equality and Human Rights Commission. Our briefing outlines specific duties that public bodies have to meet. Taking that detail into account, what is your view on how public sector bodies are meeting those requirements?

Barbara Bolton: I believe that they are currently failing, although not in every case. We got some positive stories in response to our survey. For example, there are hospitals that have a full vegan menu. Some hospitals actually have the food that is on that menu, whereas many have the menu in theory, but nobody really knows that it exists. If somebody has a back and forth with a patient and manages to uncover the menu, they might discover that they do not have the food on it, or they can find a frozen meal that has been sitting in the freezer for however many months and pull it out. However, there is no consistent provision across the board.

If members have a look at the full responses to our survey, they will see that people refer to many hospitals under various health boards across Scotland. Therefore, we are not talking about isolated cases.

In Scottish schools, the general position is that no vegan meals are available. Some vegan parents have been successful in getting good provision for their children from open-minded and obliging schools or nurseries. However, generally, there is a complete lack of such provision.

09:45

In relation to schools, an important thing to remember is that vegan children do not necessarily come from affluent vegan families. There is still a perception that vegans are generally affluent and eat avocados for every meal, but that is not the case. Vegans come from all walks of life. Many children make for themselves the moral decision to go vegan, and

they might be the only vegan in their family. We cannot assume that a vegan child is supported at home, that their parents can advocate for them or that their parents can provide them with packed lunches. Such children should get free meals.

To return to the question, I believe that there is a systemic failure in all Scotland's public institutions. We have not looked in detail at prisoners, but there were responses that related to police custody. We propose that a vegan option should be available in all state entities.

Angus MacDonald: You mentioned health boards and the varying degree of provision of vegan meals. Do you know of any health boards in Scotland that definitely do not provide that service?

Barbara Bolton: I do not think that provision is broken down by health board. It is specific to the hospital and to the ward, and then it depends on a person's luck as to who is on duty and what their level of awareness is. The situation varies.

David Torrance (Kirkcaldy) (SNP): As the member for Kirkcaldy, I know that a vegan restaurant and a vegan coffee shop have just opened in my constituency. I also attended the first vegan Christmas fair that has been held, on small business Saturday, and it was well attended. I am interested in your comments about the public sector and the improvements in increased provision that could be made. Have you any examples of such improvement?

Mark Banahan: The Vegan Society has quite a few examples. We are aware only of limited examples in Scotland, but we have contacted lots of hospitals and universities in the wider UK that have decided to implement a full vegan menu. The Vegan Society collaborated with those institutions on that work, because we have lots of resources that can help them to make changes. We have the services of a registered dietician, who is registered by the British Dietetic Association. They can help institutions to make changes and to come up with nutritious menus and meal plans that work over a week or month, in order to ensure that institutions provide healthy food for their vegan clients.

Barbara Bolton: Is one example not Anglia Crown, the caterer?

Mark Banahan: Yes. Often, large companies cater for multiple hospitals and schools. We worked with a company called Anglia Crown to develop its vegan range, which it now supplies to more than 100 UK hospitals. That shows that changes can be made quite easily, and we are more than happy to work with people to make it as easy as possible.

Barbara Bolton: We have with us some examples of dishes that are on those menus, which we can leave with the committee.

Mark Banahan: Yes. We have quite a few resources that we are happy to leave with the committee to consider.

Brian Whittle (South Scotland) (Con): For clarification, what public sector institutions are we talking about? Are we talking about schools, hospitals, councils or prisons? Specifically, at what age do you propose that schoolchildren should have access to vegan meals?

Barbara Bolton: Schoolchildren of all ages should have access.

Brian Whittle: It takes quite a lot of consistent application to maintain a healthy vegan diet. It can be difficult to give very active children food that will supply sufficient calories without the use of supplements. How would you respond to that?

Mark Banahan: There is certainly not an issue in terms of calories. We have a dietician who can provide meal plans that would more than meet any child's calorie intake requirements.

Supplementation is recommended around one nutrient, B12. We would recommend that schools that were providing vegan food would have that available, as well.

There are no real concerns around calorie intake. We can provide menus that have more than enough calories for a growing child.

Barbara Bolton: There are a lot of misconceptions about the vegan diet and its sufficiency in general. For example, the diet of Germany's strongest man, Patrik Baboumian, is totally plant based, and he has no difficulty getting the calories that he needs to create the huge muscles that he has. There are people at the top end of most sports who live in a plant-based way and are thriving. There is no difficulty in ensuring that you get sufficient calories through a plant-based diet. As Mark Banahan said, the only supplement that is essential for a plant-based diet is B12. Of course, that is essential for everybody now, really, because that comes from the soil, which is depleted, so we are all lacking in that.

Brian Whittle: Having come from a sporting background and having had access to some of the top dieticians in the world, my point is not that following such a diet is impossible but that it is quite difficult and there has to be a consistency of application. You mention people at the top end of sport and the gentleman in Germany, but I would have concerns about a five-year-old following that sort of pattern. For my money, the knowledge of a vegan diet within the public sector—hospitals and schools and so on—would not be good enough at

the moment to ensure that there was a consistency of nutrition for our children.

Mark Banahan: We would like a lot more work to be done around education and increasing awareness of the issues. That applies not only to vegan diets but to nutrition in general. Knowledge of how to get the required amounts of vitamins and minerals is something that is lacking in education in general.

If we increased people's knowledge of what types of food they have to eat over the course of a week, for example, and then also increased the availability of vegan food, I do not see that the issues that you raise would be a problem.

There is, obviously, a problem around children becoming obese at the moment. That is not from eating vegan food, is it? It is from eating the current offering that is being provided either at school or at home. A vegan diet can help with things such as heart disease and type 2 diabetes. Giving children knowledge of the nutrients that they need and ensuring that they eat a lot of fruit and vegetables will deliver long-term public health gains.

Barbara Bolton: I would be more concerned by the fact that children are not getting enough fibre at the moment than by anything else. Further, school meals must meet nutritional requirements. Any meals that schools provide have to satisfy those requirements.

Brian Whittle: We should not conflate the fact that people are becoming obese because they are eating a lot of really bad food with the issue of their eating healthy food.

At one time in my life, I had to eat 4,500 calories a day, and I have considered these issues in depth. My perception is that it can be quite difficult to take a certain amount of calories in a healthy way. I am simply concerned about whether children who are completely vegan will have the knowledge that they need in order to consistently apply that diet in a healthy way.

Barbara Bolton: Unfortunately, we do not have a dietician with us here today, and I do not think that anybody around the table has a qualification in nutrition or dietetics, so probably the best thing for us to do is provide you with the information afterwards. Obviously, this has been looked at in depth, as the Vegan Society has been around since the 1970s and has been looking in detail—

Mark Banahan: The 1940s.

Barbara Bolton: I am sorry—it became a charity in the 70s, but it has been around since the 40s. We are not speaking from a platform of no knowledge about the nutrition or dietetics position on the issue. Is there anything else that you want to say on that, Mark?

Mark Banahan: We can certainly give you more detailed information on nutrition from a dietician who is registered with the British Dietetic Association. The association says that it is suitable for all ages and life stages, including for young infants. If schools implemented a vegan meal plan that, over the course of a week or month, covered everything, there would be no danger for a child to eat that food every day.

Barbara Bolton: I have remembered the second point that I wanted to make. It sounds as though you are approaching this on the basis that, if we make the food available, children will go vegan. However, it is the other way around: children are already vegan, having made the decision that they do not want to eat animals or animals to be killed for them, but they are not being given vegan food. What is a child supposed to do in that situation? In essence, they cannot eat—that is what we are saying.

Brian Whittle: I am coming from the perspective of ensuring that children get the proper nutrition. I want children to be more active and to eat more healthily. I am certainly not against a vegan diet, but I want to ensure that the knowledge is out there. The problem that I have is that, in evidence, the NHS has said exactly what I said about the difficulty in maintaining healthy nutrition.

Barbara Bolton: The NHS also recognises that a vegan diet is entirely sufficient, as long as people eat the right things. We find that vegan parents tend to be much more knowledgeable than non-vegan parents about nutrition, because of the lack of general information and the misinformation that is out there. From the point that they become pregnant, they know that they will be quizzed about what they feed their children, so they really know their stuff. If the vegan child is in a vegan family, they will get all that support at home.

The Convener: The first vegan who I knew was vegan for medical reasons, as she was dairy intolerant. What proportion of vegans are in such circumstances? For them, having another diet is not an option. Is that another sub-set of issues for vegans?

Barbara Bolton: I want to clarify one thing, then I will ask Mark Banahan to speak to the figures, as the Vegan Society has those.

The term “vegan” is used as shorthand for plant-based food. It is a handy term and we all use it, especially when we are online and need short words. However, it is important to clarify that veganism is not just about food and diet; it is about recognising that animals are alive. We do not want them to be killed for us, so we do not eat them, wear their skin, use them for entertainment, buy

them or use things that have been tested on them. That is a vegan: somebody who lives their life in a way that recognises animal rights.

Every vegan is plant based—they follow a plant-based diet—because, by default, if they do not eat animals, they are plant based. However, not everyone who follows a plant-based diet is vegan. There are a lot of people who do not eat animal products for various reasons. As the convener said, they might abstain from animal products because they have dietary requirements or religious reasons, or because they recognise that it is important for the environment, but if they do not live their lives in a way that avoids exploiting and killing animals in all those other ways, I would say that they are plant based and not vegan. However, we use the term “vegan” broadly.

The Convener: They might call themselves vegan.

Barbara Bolton: Yes, a lot of people do that, but a lot of people are not aware of the history of veganism. If we look back at the roots of veganism in the 1940s, we see that it was about animal rights; it has been a social justice movement since that time. Although it has been co-opted by the plant-based food industries and diluted by that, we have to remember what veganism really is for the purposes of the equality and human rights position. I ask Mark to speak to the figures.

10:00

Mark Banahan: I do not have the figure on how many people are vegan because of dairy intolerance—

The Convener: But you consider them vegan anyway, so perhaps it is academic.

Mark Banahan: We would consider that they are eating a vegan diet. The petition is about providing vegan food in public sector settings. That group of people would also need vegan food in order to be provided for.

We know that most people go vegan for ethical reasons, but there are a considerable number of people who decide to eat a vegan diet for environmental or health reasons as well. Those groups are increasing in number.

The Convener: Barbara, you spoke about misunderstanding and misinformation, which are obviously two different things. To what extent do you think that the lack of provision is because of misunderstanding and to what extent is it because of misinformation and perhaps hostility to veganism?

Barbara Bolton: I would say that it mostly stems from misunderstanding what veganism is and misinformation about the rights of vegans.

They go hand in hand. Most people believe that veganism is about diet. Many people still believe that it is just a personal choice.

If people think that it is just a diet, I can understand why, if somebody is in hospital, people might think, “Well, just put your diet to one side and eat what we give you. You are in hospital, this is the NHS, it is publicly funded—just suck it up.” However, if people understand that it is not a diet and that that person is doing their absolute best to avoid animal exploitation and killing—that to suggest to them that they eat something taken from an animal that has been used and/or killed for them is equivalent to trying to get somebody to do something that is against any other fundamental conviction, religious or non-religious—there might be more understanding.

There is also a lack of awareness that vegans have these rights and have to be catered for in the same way that you would cater for somebody who had a certain religious belief. I do not know whether that answers the question.

The Convener: That is fine. Thank you.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I think that we are diluting the argument slightly. In relation to choice and human rights, if a person walked into an NHS setting wearing leather shoes and asked for vegan food, would you deny them that food? We should get back to this being about choice. I believe that you are confusing your argument about the definition of veganism in terms of it being plant based. You can defend your argument in a minute.

At the moment, many private sector restaurants and public sector organisations are having to offer various diets—allergen free, gluten free, kosher, halal and so on. When I was a South of Scotland regional MSP, I went to Dumfries prison, where various diets were being offered, and people spoke to me about the cost of that.

I agree that there should be choice, but perhaps we need to look at the matter from the perspective of asking about barriers? If it is working in NHS trusts in England—you talked about Anglia Crown and its plant-based diet being delivered to more than 100 hospitals—what is the barrier in Scotland? What did the NHS trusts in England do to make that transition and to change their policies, while taking into account the financial obligations that come with the more expensive plant-based diet? What did they do to train catering staff or upskill them in offering different dishes, such as stir fries, quinoa or other plant-based meals?

Mark Banahan: The proposal does not have to cost more: in fact, it could be cheaper. I was speaking yesterday to Mark Ruskell MSP, who told me about a school in his area that has

decided to have meat-free Mondays. It has found that to be considerably cheaper, because meat is more expensive than fruit, vegetables, pulses and grains. It is using the savings that it has been making to buy local produce in order to increase sustainability.

Such provision also happens in Portugal, where such a law has been in place since last year. We have been speaking to the Portuguese Vegetarian Society, which campaigned for that law, and it has found that vegan options can be up to 40 per cent cheaper than non-vegan alternatives. The Portuguese are finding that, in the long run, their institutions are saving money by offering a lot more vegan food.

Although most people believe the opposite—that offering more vegan food would cost a lot more—we are finding that that is not the case, but instead that it would actually be cheaper. We do not have data yet for the hospitals that have decided to offer more vegan food, because many such developments are very recent, but we hope next year to get some UK-applicable data.

On training and what Rachael Hamilton called upskilling, the changes were made recently and I have not had the chance to revisit those things. We can certainly get that information, if you want me to submit it to the committee after the meeting.

Rachael Hamilton: That would be really useful, because a lot of NHS sites produce meals on site—not everyone uses large companies that deliver meals. It would be very interesting to know whether costs have increased or decreased, and how many NHS trusts in Scotland are using organisations that are able to deliver vegan or plant-based diet options within their budgets.

The Convener: If the question is about the approach that is being taken by NHS boards across the board, that might be something that the committee can do, because that sounds like quite a large exercise. Whatever information you have will be useful to the committee, however.

Barbara Bolton: That would be very helpful.

Mark Banahan: We also believe that serving more vegan food in hospitals and schools will have a long-term cost-saving implication for the NHS in general. As we have said, the cost that is attributable to poor diet is about £5.8 billion in the UK. If, in the long term, we can increase people's ability to make better and healthier diet choices, those costs might decrease, too. Instead of its being a case of, in the short term, people saying, "We've had to change a menu, and that's cost us a bit more", we are thinking long term with the proposal.

Barbara Bolton: On the first part of Rachael Hamilton's question, I clarify that when we make a

distinction between having a plant-based diet and living vegan, we are not in any way trying to suggest that those who follow a plant-based diet should not be respected, or that those who have specific dietary requirements should not be provided for. Clearly, they should be, and I point out that the benefits of the proposal for the environment and health arise from the plant-based aspect.

The equalities and human rights arguments that are made flow from the right to freedom of thought, conscience and belief, both religious and non-religious. The test with regard to who gets protection under that is subject to quite a detailed list of requirements. The vegan philosophy that I have outlined, under which one avoids the use or exploitation of animals altogether, has been found by the European Court of Human Rights to qualify, and that qualification has been recognised by the Equality and Human Rights Commission. It is therefore important to understand what that means and where the protections arise from.

I would also highlight employment appeal tribunals' decisions that recognise that a person who lives their life in a certain way and with the fundamental belief that what they do is necessary to protect our environment, because of climate change—that includes people who follow a plant-based diet—is protected under the right to freedom of thought, conscience and belief. It is not a matter of segregating plant-based diets from vegan diets to create confusion or difficulties; there is the rights aspect, and people should be provided for under the law. We are currently failing to do that. There are also the wider benefits of plant-based eating to consider.

Rachael Hamilton: Why do we need to make a law in order to do what you call for? Why cannot it simply be done based on choice and nutrition, in the public sector? I am trying to get at why we have to go down that route.

Barbara Bolton: There are still issues in the private sector, but the matter is taking care of itself in that sector to some extent because supply and demand operate in it: demand has gone up so supply is rising to meet it. The public sector does not work like that. When a person goes into hospital—whether or not they know that they are going in—they cannot make arrangements in advance; they simply have to go in and see what it has. As I said earlier, we have heard from people throughout Scotland that there have been many instances in many wards in many hospitals of people being told that there is simply nothing for them, in which case they must rely on friends and family. In some cases, nurses try to be really helpful and nip down to the shop to bring people something back.

That is not the inclusive approach that we want in Scotland. We want to be able to cater for people who need a decent meal after an operation or because they have had difficulties with childbirth or whatever.

As I have said, many people have told us that when they have gone to the school and explained why their child needs meals that do not include animal products, they have been told that the school will not provide for them. It happens frequently.

I have said that I was contacted just yesterday by a vegan mother who is trying to bring up her daughter vegan, but she has been pushed back by Glasgow City Council, which has told her that it simply will not provide such meals at nursery level. Based on the information that we have received from across the country, she might well experience the same issue when her child goes to primary school.

It is clear that allowing the matter to be addressed in the moment and on a case-by-case basis is not working. We should recognise our obligations and the huge benefits of bringing in the approach across the board. We should face up to them and take a bold step, just as Portugal did, not long ago.

Rachael Hamilton: I ask, with all due respect, whether you have enough substantive evidence to show that all local authorities are not addressing the situation? You used the example of Glasgow City Council. More substantive evidence is needed to suggest that local authorities are not committing to, or are pushing back on, delivering that choice.

Barbara Bolton: I would very much like to see a statement from each local authority and each health board telling us what its current situation is regarding provision of plant-based food. That would be very interesting. We are just a voluntary outfit, so we have not had the resources to investigate the matter to that extent, yet. However, I am obviously aware of the freedom of information legislation, so we could take such steps if we need to, but the information should be available. It would be useful to see it.

Mark Banahan: I agree with Barbara Bolton. We would like either independent legislation covering what we ask for, or for it to be covered as part of a wider bill, such as a good food nation bill. If what we are asking for could be part of that, that would be sufficient for us. I know that there will be a consultation on such a bill very soon. I do not know whether there could be questions in that consultation on what we are asking for to get other stakeholders' views on the matter and to bring it into the conversation on how that legislation will be shaped.

Barbara Bolton: There has been a long lead-up to the good food nation bill, and there is real uncertainty about where it will end up, so I do not want this issue to be kicked into the long grass, either. Introducing vegan meals could be done as a stand-alone measure much more quickly.

10:15

Angus MacDonald: Some members have commented that we have been robbed of a good food nation bill; however, I understand that it will be included in a new agriculture bill, although I could be wrong.

I am aware of time constraints, but I want quickly to go back to the climate change aspect that Mark Banahan mentioned. I would not like to close the evidence session before we look a bit more at the IPCC report. You will know that the Scottish Government has been pressured by non-governmental organisations and some Opposition parties into putting a net zero emissions target into the Climate Change (Emissions Reduction Targets) (Scotland) Bill, which Parliament is considering. Meeting that target will be a tall order, but we have to get there, whether it is by 2050 or not. Mark Banahan mentioned the IPCC report, which gave us all, particularly those of us in Parliament, a wake-up call on climate change. The report states:

"There is increasing agreement that overall emissions from food systems could be reduced by targeting the demand for meat and other livestock products, particularly where consumption is higher than suggested by human health guidelines. Adjusting diets to meet nutritional targets could bring large co-benefits, through GHG mitigation and improvements in the overall efficiency of food systems".

I am keen for you to expand on that point.

Mark Banahan: It is not just the IPCC report; new reports are out all the time. Last month's report from a Harvard University fellow, Dr Helen Harwatt, says that, on current projections, the livestock industry will comprise up to 50 per cent of the allocated greenhouse gas emissions budget by 2030, which would lead to unrealistic emissions reduction targets in other sectors. If we do not address that, there is no way that we could ever meet the 1.5°C target.

The demand for meat adds to deforestation—for example, in the Amazon rainforest, where forests are cleared not only for grazing but to grow crops that are fed to animals, which is a very inefficient way of getting energy from crops, compared with just eating them directly. There are many other issues, including eutrophication, soil erosion and desertification, which do not all affect Scotland.

However, the demand for meat affects other areas. The average cow produces about 700 litres of methane per day, which is equivalent to the

emissions that are produced by a four-by-four vehicle travelling 35 miles per day. Methane is a far more potent greenhouse gas than carbon dioxide. Even a free-range pasture-fed cow causes significant damage to the environment. Therefore, we need to change our diets. Diets are changing, but not at the rate that is required to meet the targets to which the Scottish Government has committed.

The Convener: You mentioned that the Portuguese have changed their law. My understanding is that the legislation there includes an opt-out, so that vegan meals do not need to be provided if there is no demand. Do you envisage there being a similar provision in our legislation—for example, if there was a request for such meals in schools, they could be provided—or should there be a more generalised approach?

Mark Banahan: Under Portuguese law, all public sector institutions need to offer a vegan option. The opt-out applies only in rare cases in which institutions can demonstrate that there is zero demand. I do not envision an opt-out system being a good way to go, apart from in a very limited number of cases: a school of 10 children, for example, might be small enough to demonstrate zero demand.

However, as I have outlined, there are benefits to offering vegan meals on menus anywhere, including building of familiarity with plant-based food, which would lead, in the longer term, to more environmentally friendly and healthier diet choices being made.

It would not be a good idea to set out on such a route with exemptions already in mind. Exemptions would be good only in some circumstances.

The Convener: My sense is that younger people are more likely to be vegan than older people are.

Mark Banahan: That is true.

The Convener: You mentioned that the private sector is responding to demand. Will the same thing happen in the public sector? You suggest that there is demand that local authorities and health boards are refusing to meet, but does it make sense to create provision before the level of demand has been identified?

Mark Banahan: The demand exists and is growing all the time. Our data suggests that 40 per cent of vegans are aged between 15 and 35, so the figures are skewed towards younger generations. That indicates that the numbers will only rise in coming years. Barbara Bolton identified problems that already exist, and they will only worsen unless the public sector does

something now and makes a change. That is why we ask for legislation.

The Convener: Thank you for your evidence, on which we have spent slightly longer than I expected. It has given us plenty to think about.

We will explore the issues further—although I am not necessarily saying that the committee will support the solution that the petition proposes. We are interested in getting more information. Do colleagues have suggestions for what we might do?

Brian Whittle: As members know, I have a big interest in health and diet. In general, there is an appalling lack of understanding about what constitutes a healthy diet, including a vegan diet. My concern is about the education system, because education is a main part of all solutions.

Councils and NHS boards have access to the Scotland Excel procurement contract, which is how a lot of meals are sourced. Would it be a good idea to write to contractors to ask how they cater for various diets, including vegan?

The Convener: It would be interesting to know how difficult or easy it is for organisations to meet demand. If hospitals say that they cannot do it, is it because they will not do it?

We should write to health boards and local authorities, perhaps via the Convention of Scottish Local Authorities, to ask whether they are looking at the issue. If there is anecdotal evidence in some areas, I am sure that a pattern must be developing.

We should also write to the Scottish Government. I am interested in getting clarity about what has happened to the good food nation bill. If, as Angus MacDonald said, the provisions will be included in another bill, will the Scottish Government consult on meeting not only healthy eating choices but philosophical choices?

Rachael Hamilton: When we write to all those people, it will also be important to ask whether they have considered the financial implications of choice. I do not want to take away from the petition, but there is the question of defining what choice is given. Do people have the chance to have gluten-free food and halal or kosher food? We are talking about meeting the demand of a huge group of people with different needs and different dietary requirements. The petition focuses on veganism, but it throws up other issues.

As a restaurant owner, I know about the demands and the trends: we are having to make changes as a result of exactly the issues that we have been talking about in terms of supply and demand and lifestyle choices. The matter throws

up a whole new scenario for local authorities and NHS boards.

The Convener: I taught a very long time ago, when it was entirely legitimate simply to provide what children would eat. They wanted chips so they got chips. They cannot get chips now in a lot of schools—the schools actively engage in healthy eating and do not offer the choices that young people want. It was also previously routine to have vending machines in schools, but that is no longer the case. Local authorities already understand that they have a public health responsibility; I wonder whether they have looked at veganism.

I also wonder about the extent of training and understanding among catering staff in schools and hospitals and so on, where food is offered on site. I am not sure of the structure, but schools must have somebody who is responsible for identifying what a balanced diet would be, for considering what it would cost and for considering demand.

I do not know whether the public sector unions would have a view on food provision in hospitals and schools; it would be interesting to know whether that conversation is taking place. It seems odd to me that restaurant franchises on the high street offer a range of vegan meals, but if somebody goes into hospital, they are told, “We don’t do that.” It feels as if the public sector is a wee bit behind the curve.

Rachael Hamilton: The Scottish Government has published “A Healthier Future: Scotland’s Diet & Healthy Weight Delivery Plan” and will produce relevant guidance by 2020. It is important that we home in on what the Scottish Government is doing within that to address plant-based diet, vegan diet and other diets.

The Convener: One benefit of being very old is that I remember when it would not have been considered to be for providers of school meals to understand people’s faith-based dietary needs. In the past, no one thought it necessary to provide a vegetarian option or halal meat. That has changed over a long period, and we are some way along that journey already. I suppose that the question that we are asking is the extent to which veganism is now on the radar for organisations. It would be interesting to find that out. Is there anything else that we could do?

Angus MacDonald: It is always good to lead by example, so we should ask the Scottish Parliamentary Corporate Body what its stance is on the issue. The caterers in Parliament have been awarded the healthyliving award and the healthyliving award plus, which is good news, and vegetarian and vegan options are available here.

The Convener: We have given ourselves quite a bit of information gathering to do. We will look at the *Official Report* to clarify the issues that Rachel

Hamilton described. If the witnesses have information, they can provide it to us, but there are also questions that we need to ask local authorities and others.

I thank the witnesses for their evidence. We will be in contact with you once we have had responses from those whom we will approach to highlight the issues in the petition, and you will be able to respond further to our on-going conversation.

10:28

Meeting suspended.

10:33

On resuming—

Community Hospital and Council Care Home Services (PE1710)

The Convener: PE1710, by Edward Archer, is on community hospital and council care home services in Scotland. The petition calls for a review of the provision of services for the elderly and long-term sick in community and cottage hospitals and council care homes across Scotland.

Members have a copy of the petition and a briefing prepared by the Scottish Parliament information centre and the clerks. The briefing discusses the various changes to Government policy in this area dating back to 2005 and the Scottish Executive’s national framework for service change in the NHS.

The briefing outlines the various policy and legislative changes in the intervening years, and covers issues such as the integration of health and social care provision, specialist care provision, reductions in hospital beds and residential care, and costs to authorities of care for older people.

Do members have any comments or suggestions for action on the petition?

Rachael Hamilton: I am concerned about delayed discharge. The Scottish Government is taking steps to minimise the amount of time that elderly patients in particular are kept in the hospital setting. I think that centralising some of the healthcare pathways has been detrimental. The community hospital setting is really important. It does not just give people a way of staying out of hospital; it offers so much more than we think. The issue should be reconsidered by the Scottish Government and work should be done on it, because the petitioner makes good arguments.

Brian Whittle: The Health and Sport Committee has done some in-depth investigatory work on the issue, which is very topical at the moment, because of the desire to move from the secondary

care to the primary care setting. It would be interesting to understand the capacity issue—there is definitely a capacity issue that is leading to delayed discharge.

I think that we should write to the Scottish Government to get its view on how the move from the secondary care to the primary care setting is going and how the shortfall will be made up. The biggest issue with the integration joint board model is how councils and the NHS are working together. There are significant differences across the country, depending on the local authority area. There is quite a disparity. The Health and Sport Committee has interviewed a number of health boards, and some are doing extremely well. It tends to be those that operate in rural communities that are doing particularly well. It would be interesting to draw out that issue.

The Convener: Why do you think that rural health boards are doing better than urban ones?

Brian Whittle: Because they have always had to have an integrated approach, because of the geography of their areas and the distances involved. In other words, it is out of necessity that they are doing better than urban boards. It would be interesting to draw that out, but there is a lot of overlap with the work that the Health and Sport Committee is doing.

The Convener: It struck me that there is a trade-off between having local provision and having more successful centralised specialist provision, which is entirely logical. Instead of keeping people unnecessarily in hospital, we should get them out as soon as possible. In Glasgow, there are some very good examples of step-down provision, which involves people coming out of hospital and going into a care setting that is funded by the health board, to prepare them for going home.

It is true that it is better for somebody to be in their own home than it is for them to be in an institution, but if being in their own home means that somebody comes to see them for 15 minutes in the morning and 15 minutes at night and gets them up far too early or puts them to bed far too early, that is no kind of existence. Home-based care or local care works if the care package is substantial, but not when care packages have been reduced because of costs. I have heard very strong advocates of self-directed support and people's autonomy argue that they can see the logic of having smaller units that bring people together, because that provides a sense of community and the provision is more caring than it is under the 15-minute visit model.

My sense is that the community or cottage hospital setting is almost like the step-down provision. If that is what the petitioner is thinking

about, that is certainly an interesting idea. However, there is a quite a gap between the philosophy of integration joint boards and the reality in our communities, and I would be interested in exploring that.

Angus MacDonald: I would be keen for us to explore the rethinking on specialist care. It is clear that there are some tensions in the system, given that there is an ambition to centralise a number of acute services in particular hospitals. I would be keen to get further information on that from the Government.

Brian Whittle: Also, there is the generalisation that people—particularly elderly people—often come out of hospital worse than when they went in. The petition highlights the need to make the journey through hospital as quickly as possible, but people will still end up with the care that councils provide in conjunction with the NHS. As the Health and Sport Committee has found, we will find that that care is patchy.

The Convener: Is that Health and Sport Committee inquiry on-going?

Brian Whittle: As you might imagine, IJBs take up a big chunk of our time on that committee, because that is the big-ticket item at the moment.

The Convener: It would be worth asking the Scottish Government those questions to get its reaction to the petition and, at a later stage, reflecting on whether we want to feed the petition into the Health and Sport Committee.

Rachael Hamilton: I am interested in what happened to the shifting the balance initiative that was introduced in 2008. Was it shelved or continued? I am not sure where it went.

The Convener: My sense is that, in policy terms, the agenda is the same. The aim is to specialise and centralise acute services and to take as many people as possible out of acute services by having local support services. It is about working out what can be done at local level and at the more specialist level. The acute services review was not without its challenges but, philosophically, the integration joint boards are based on the same idea, which is that a continuum of support is required and we do not want people to be in an inappropriate bit of the system.

My question is about the extent to which, in the middle of all that, people are being contained in their homes rather than sustained in them. Is that a better choice than a nursing home? I am not sure that it is, if someone is not seeing people during the day. We could perhaps ask those questions, rather than having to come to any conclusion.

If members agree, we will write to the Scottish Government to seek its views on the action that

the petition calls for. Do we want to write to anybody else at this stage, or will we leave it at that to begin with?

Brian Whittle: I think that we are okay with that.

The Convener: We understand that there are broader questions about the role of health boards, integration joint boards and local authorities, but we can maybe come to those at a later stage.

We thank the petitioner very much for submitting the petition. We will have a further conversation with him once the responses have been received.

Soul and Conscience Letters (PE1712)

The Convener: PE1712, by Laura Hunter, is on soul and conscience letters. The petition calls on the Scottish Parliament to urge the Scottish Government to review the use of soul and conscience letters in criminal proceedings and to produce guidance for the courts and general practitioner practices on the use of those letters, including guidance on alternatives to court appearance if an accused person is deemed unfit to attend in person.

We have some background information in our briefing paper, which explains that a soul and conscience letter is a letter from a doctor that excuses someone from attending court due to ill health or injury. Soul and conscience letters can be used for accused persons and witnesses, but the petitioner seems more concerned about the use of such letters for accused persons. In particular, she is concerned that a trial can be discontinued if the health of an accused person is a factor. The decision to discontinue a trial is made by the prosecutor.

The petitioner states that the court

“should have the discretion to disregard any soul and conscience letter which it finds unsatisfactory”,

which suggests that she has doubts that the courts are able and willing to do that. She also suggests that doctors do not have a good enough understanding of what they are being asked to do and its implications, and she is looking for the Scottish Government to review any current guidance for the courts and GP practices on the use of the letters. A copy of the Scottish Courts and Tribunals Service guidance note is at annex A in our briefing. The Crown Prosecution Service guidance is at annex B.

Alongside the suggestion of a review of the use of and guidance on soul and conscience letters, the petitioner suggests that courts could consider alternative methods of bringing accused persons to court, such as providing evidence via videolink. The paper from the clerks points out that the Criminal Procedure (Scotland) Act 1995 provides that, generally,

“no part of a trial shall take place outwith the presence of the accused.”

Do members have any comments or suggestions for action on the petition?

10:45

Brian Whittle: If I am reading the petition correctly, what the petitioner is talking about is people abusing the system, or working the system. I am sure that we are all aware of cases in which court proceedings have been delayed in this way, which seems to be an abuse of the system. I have a lot of sympathy for what the petitioner is saying. I wonder whether we should write to ask the Scottish Government and the Crown Office and Procurator Fiscal Service for their views on where the system stands on the minority of cases in which such abuse or working of the system is evident.

Angus MacDonald: I think that we should thank the petitioner, Laura Hunter, for bringing the petition to the committee's attention. She raises a valid point, which, I must admit, I had not considered until now.

In the background information that the petitioner provides in her submission, she talks about

“the accused person providing evidence via video link or the GP being asked to attend court on behalf of the accused to give evidence on why the accused is unable to attend their court appearance.”

Those are valid points, but I am keen to hear the Scottish Government's views before we proceed with the petition.

Brian Whittle: Far be it from me to disagree with Mr MacDonald, but the part that makes me slightly uncomfortable is asking the general practitioner to turn up at court. GPs have quite a big workload as it is.

Angus MacDonald: Indeed, but it would help to concentrate minds.

The Convener: We might want to write to ask GP representatives if this is an issue. It is a general issue for GPs that they have to write letters and do assessments and so on. Could a GP feel pressured into providing this kind of letter? If they thought that they might end up in court having to justify it, they might not. Maybe that is looking at it from the other side.

I also think that there is a distinction to be made between something being delayed and something being discontinued because somebody is not well. I was quite surprised that that would be the case, but I think that abuse of the system is one of the things that we want to identify.

I am also interested to know from people who know the legal situation better than I do about the

fact that a trial cannot take place outwith the presence of the accused. Does that mean that a videolink could be defined in that way? We have already accepted it for vulnerable witnesses or whoever and, indeed, for convenience—we hear that people can plead via videolink from prison and so on. I would be interested in those legal issues if they could be raised.

The petition raises a series of questions. It seems entirely reasonable that, if someone is not fit to come to court, they cannot be compelled to come, but if not being well means that a case is abandoned, that is a concern from the victim's point of view.

Rachael Hamilton: Clearly, GPs will operate in good faith; it is about what they see at the time. They are now being asked to do so many things, such as verifying a person's mental health for gun licensing, for example. So many things are putting pressure on GPs.

Angus MacDonald said that he had not necessarily thought about the whole process. I get letters from constituents who are frustrated that they cannot take a case to court because of this. There is a distinction between the process with the Crown Office and Procurator Fiscal Service and the situation with the GPs. Getting the balance right and ensuring that accused people are taken to trial is very important, but assessing somebody's health at the time in order for them to be able to go to court is quite a distinctively different thing.

The Convener: I simply make the anecdotal observation that GPs have described in the past feeling pressured into giving people notes to say that they are unfit for work, for example. Is this the kind of thing that they feel that they are under pressure on? If, for example, a person is looking for a house because their housing is not fit, some GPs will write a very sympathetic note whereas others will not. Are there people who cannot get a GP to confirm that they are not well enough to go to court? It would be interesting to establish the role of the GP and their perception of it.

I am also interested in the significance of these letters in the understanding of the legal system. If a trial cannot go ahead without the accused being present, does the Law Society of Scotland or whoever think that there is an issue with such letters being abused? That is not to suggest that there is a major problem, but it would be worth establishing how robust the procedures are.

We will write to the Scottish Government, the Crown Office and Procurator Fiscal Service, and the British Medical Association. I do not know whether there is a specific group for GPs, but it might be interesting to write to it directly.

Brian Whittle: What about the Law Society?

The Convener: We could write to the Law Society for its observations.

Rachael Hamilton: Would the Crown Office and Procurator Fiscal Service be able to advise on whether it has looked into alternative methods of going forward with court proceedings?

The Convener: I am sure that, historically, there was resistance to videolinks as well. There was also resistance to the idea that some people should not be able to represent themselves in rape cases, for example. However, it would be good to get the understanding of the profession on who would make the decision and what the options are.

Members indicated agreement.

The Convener: We thank the petitioner, Laura Hunter, for raising the issues that she has raised in the petition. We want to explore a number of areas with the relevant bodies.

Continued Petitions

A83 (Rest and Be Thankful) (PE1540)

10:52

The Convener: The next agenda item is consideration of continued petitions.

The next petition for consideration is PE1540, by Douglas Philand, on a permanent solution for the A83. The committee last considered the petition in December 2016. At that time, the then Minister for Transport and the Islands had outlined a programme of engagement and consultation, which would include work on the A83, as part of the national transport strategy. It was indicated at the time that work on the strategy was to culminate in 2018.

In bringing the petition back before the committee for consideration, it is noted that there have been further landslips on the A83, which have resulted in further disruption to road users. That is despite some mitigation work having taken place. The most recent disruption was in October. Following that landslide, the Cabinet Secretary for Transport, Infrastructure and Connectivity, Michael Matheson, said:

“I’ve asked Transport Scotland officials to review the current programme of mitigation measures, with a view to further improving the resilience of the road, and report back to me in early 2019.”

We understand that the cabinet secretary convened a meeting of the A83 task force in November 2018 to allow local and regional stakeholders the opportunity to discuss the recent incident and wider issues.

Do members have any comments or suggestions for action?

David Torrance: I was a member of the Public Petitions Committee in the previous session of Parliament, when we visited the Rest and Be Thankful to see the measures that had been put in place—the catch fences and the improvements to the old military road. In October, over 3,000 tonnes of debris was caught by the catch fences, but debris still managed to get to the old military road.

The A83 is a vital link in the area, especially for economic benefits. I suggest that we write to the Cabinet Secretary for Transport, Infrastructure and Connectivity and see what updates he has received from Transport Scotland.

Angus MacDonald: In doing so, we should get clarification on the cabinet secretary’s comments following the October landslide. He said:

“We are also working closely with Forestry Commission Scotland to reintroduce vegetation on the hillside to help reduce the risk of landslips.”

I would be keen to hear from the Scottish Government what the timeline is for the planting of any trees or vegetation. Like David Torrance, I was on the Public Petitions Committee when the first petition was lodged, and one of the solutions was to plant trees to secure the soil. The current petition was lodged in 2014 and the trees are still not planted, so I would be keen to get a timeline for that.

Brian Whittle: The national transport strategy, which is currently under way, is not due to be published until the end of this parliamentary session. I would be keen to explore whether the Government is considering the issue outside that strategy; otherwise, we would probably be three years down the line before any work was done—which, in this particular instance, is too long. As long as it does not take work away from the A77 and A75, I am completely up for it. *[Laughter.]*

The Convener: We are not going to have a priority list for roads.

Brian Whittle: We are.

The Convener: I think that the same argument pertains here: it is not just a transport issue or a safety issue; it is about the local economy. The A83 is very significant for that part of Argyllshire. If the road is blocked, the inconvenience for people when they have to take a detour is massive.

Angus MacDonald: This is probably not much consolation to the people who rely on the road in Argyll, but it is worth noting that, from the cabinet secretary’s comments, it looks as though the preventative work that has been undertaken so far “prevented the road from being closed for at least 40 days”.

There have been benefits from the work that has been done already, but clearly not enough.

The Convener: There was some progress. It is frustrating that there was another landslide after that. The issue around forestation has become even more important. If mitigation was identified that is not now being pursued or has not yet been pursued, it would be interesting to know why.

Rachael Hamilton: At what point might the issue become a priority? We have had the consultation, the meeting of the task force and the recommendations that have been made. At what point do we say enough is enough? Transport Scotland absolutely has to put this to the top of the list and do something about it.

The Convener: If it does not, the question is, what is blocking the decisions that it has already made?

Do members agree to write to the Scottish Government, asking for an update on the consultation on the review of the national transport strategy and where the A83 fits into that? We can also ask whether the issues around the A83 could be taken out of the strategy so that there is not such a long-term approach. That is Brian Whittle's point—it must be recognised that this is an immediate issue. There is then the whole question of what has happened on mitigation and forestation. It would be useful to get an update on the meeting of the A83 task force in November 2018. Is that agreed?

Members indicated agreement.

The Convener: We recognise that it is a long-standing issue for the Public Petitions Committee. Clearly, a great deal has already been done, but there are some remaining challenges, and the emphasis in the petition on a permanent solution for the A83 is not lost on the committee.

Energy Drinks (PE1642)

The Convener: The next continued petition for consideration is PE1642, by Norma Austin Hart, on the sale and marketing of energy drinks to under-16s.

The committee considered the petition in September and noted that the UK Government had launched a consultation in August, seeking views on whether the sale of energy drinks to children should be stopped. The committee agreed to write to the Scottish Government, asking whether it had any plans to consult on the same terms on which the UK Government is consulting and requesting that it keep the petition open until a response had been received.

The Scottish Government has now responded, saying that it intends to hold its consultation in the spring of 2019. The Scottish Government states that

“the UK Government consultation does not explicitly seek the views of young people”

and that, therefore, it will commit to

“some bespoke engagement with young people in Scotland to seek their views”.

Do members have any comments or suggestions for action?

11:00

Brian Whittle: I thank the petitioner for lodging the petition, which links to a great deal of the work that is being done on health in the Parliament. Generally speaking, I am uncomfortable about legislating to force people to adopt certain behaviour, but, in this case, the problem is becoming endemic. It is good that the Scottish

Government is going to delve into an issue on which the committee has had input. Given that the Government is to conduct such an in-depth study, we have probably reached the point at which there is not much more that we can do. Therefore, it might be appropriate for us to close the petition.

Rachael Hamilton: I would like to thank Norma Hart for bringing the issue to the committee's attention. Her petition was very timely. A headteacher in the Borders told me about the disruption that caffeinated energy drinks cause in the classroom and the difficulty that teachers have in controlling children who have consumed high-caffeine drinks. It is an important issue. The Scottish Government is to launch its consultation next spring. I hope that the current serious situation does not drag on and that the UK and Scottish Governments will work together to address it.

The Convener: I am very pleased that the Scottish Government wants to consult young people on the issue. Given that it has taken on board the seriousness of the petition, it feels to me that it would be appropriate for us to close the petition in recognition of the progress that has been made. We can urge the petitioner and others with an interest in the issue to participate in the consultation and to encourage young people they know to do so, too. If, for any reason, progress stalled, the petitioner could come back to us.

Angus, do you have a view?

Angus MacDonald: I agree with the comments that have been made.

The Convener: We recognise the progress that has been made and we agree to close the petition under rule 15.7 of the standing orders, on the basis that the Scottish Government intends to consult on restricting the sale of energy drinks. We encourage the petitioner to participate in that consultation.

We thank Norma Austin Hart very much for lodging her petition on what is not just a local issue but one on which there are shared concerns. What the response looks like is a matter for another day, but we thank her for raising what is recognised to be an important issue.

Glue Traps (PE1671)

The Convener: The next petition is PE1671, by Lisa Harvey and Andrea Goddard on behalf of Let's Get MAD for Wildlife, on the sale and use of glue traps.

Since our previous consideration of the petition in April, when we took evidence from the Cabinet Secretary for Environment, Climate Change and Land Reform, we have received from the

petitioners two submissions, which are included in our meeting papers.

The first submission, which is dated 27 August 2018, reflects principally on the cabinet secretary's evidence. The petitioners appear broadly to welcome the cabinet secretary's evidence, although they outline some remaining concerns—not the least of which is their position that glue traps cause “unacceptable unnecessary suffering”. The petitioners offer some suggestions as to how the Scottish Government might work with a range of agencies, including in New Zealand, with a view to developing future policy in the area, agreeing a revised code of conduct and restricting the sale of glue traps to certified pest controllers.

In their second submission, which is dated 20 September 2018, the petitioners offer detailed feedback and suggestions on the current “Pest Management Alliance—Code of Best Practice Humane Use of Rodent Glue Boards”. The alliance has acknowledged the petitioners' comments and feedback, and has indicated that it will

“look at the potential of a redraft of the current Code of Practice”

in that context. It adds that it would be willing to present any revised code to the committee for future consideration.

Do members have any comments or suggestions for action?

Rachael Hamilton: Animal welfare is an important issue and a big part of a politician's consideration these days. Given that the cabinet secretary has suggested that the Scottish Government might approve an existing industry code of practice, as produced by the pest management alliance, we should take evidence from it in order to better understand how the code of practice might work in Scotland.

The Convener: I am interested in exploring why the traps cannot simply be banned. The cabinet secretary said that that would be difficult and that there are certain circumstances in which they can be used, so I am interested in what those circumstances are, and in what the protections are. We all found the concerns that were highlighted about the impact of glue traps on small birds and so on very distressing. I want to explore whether the suggestion is that it is too complicated to do something different, or whether, since the Government does not need to find another solution, it is not going to look for one. It is useful that the pest management alliance is willing to review its guidance and come to the committee. We should recognise that it wants to engage in the conversation.

Do we agree to invite the pest management alliance to give evidence at a meeting in early 2019? If there are further submissions from the petitioners, we will look at them as part of our evidence, too.

Members indicated agreement.

Multiple Births (Support for Families) (PE1683)

The Convener: The final petition for consideration this morning is PE1683, by Jennifer Edmonstone, on support for families with multiple births. During our previous consideration of the petition in June, we agreed to write to the Cabinet Secretary for Social Security and Older People and to the Minister for Children and Young People. The clerk's note summarises the submissions that we received from the cabinet secretary and the minister, and notes that the submissions are broadly welcomed by the petitioner and the Twins and Multiple Births Association. TAMBA welcomes the Scottish Government's consultation and proposals on the best start grant, and the minister's example of how it is expected that payments will be made under the best start grant and the sure start maternity grant.

The cabinet secretary and the minister outlined measures that the Scottish Government is considering and taking forward within its legislative competence and remit. The cabinet secretary referred to “complex and detailed discussions” that would be required to be held with Her Majesty's Revenue & Customs to develop regulations for topping up benefits.

The Minister for Children and Young People referred to the trial of the deposit guarantee scheme, which will run until 21 December 2019. She added that the information that is gathered from the trial will be analysed to further inform how the scheme will be rolled out in the future. At the moment, I note that there is no firm indication of when the full analysis will be available, but we have to assume that it will be at some point in 2020. TAMBA indicates that it looks forward to the review of the scheme, although the petitioner sounds a note of caution about what she refers to as

“a large gap between the ages of 0-3”.

Do members have any comments or suggestions for action?

Rachael Hamilton: Obviously, the benefits have been recently devolved through the Scotland Act 2016. The cabinet secretary has said that there could be issues with HMRC in topping up benefits, and that any reforms in that area would require further legislation. I am interested in finding out the specifics on that and what HMRC would

need to be able to do to get to that point. I am not sure whether we would get that information from the Scottish Government or HMRC, but it would be valid to write to both.

Brian Whittle: The petition has exercised my mind quite a lot. As we know, the issue is a bit of a political hot potato—if I can put it that way. That aside, we definitely need to look at financial and family planning following the surprise of a multiple birth, and at the various aspects of that. I am interested to know what provision would be made under those circumstances by the UK and Scottish Governments.

How can we inform the Scottish Government as it comes up with its system? How can we bring the issue to the Scottish Government's attention as it deliberates on its welfare plan? I also suggest asking the UK Government what provision it has made under current legislation. Multiple births are not particularly planned for, and they have a huge impact on a family's finances.

The Convener: Shortly after we considered the petition previously, I was out knocking on doors locally, when I met a young mum who had just had twins. She made the point that people do not really understand the impact. None of us understands what the impact of a new baby in the house will be, but having more than one baby has a disproportionate cost impact, which is difficult to plan and prepare for.

Should we look just at the social security system? What are the on-going broader implications of multiple births? We could ask the Scottish Government to look at practical questions. I do not know whether we agreed before to write to ask whether children's organisations such as Home-Start, which supports young families, are aware of the issue.

Once it is accepted that there is an issue, proofing of policies must be done. For example, do twins get two baby boxes or a twin baby box, which would make more sense? Some things should not be duplicated, but extras of other things might be needed.

I am interested in gaining a broader understanding of how we support such families, which goes beyond what the UK and Scottish Governments are doing. The argument that the situation is all very complex and that HMRC might be involved has been a defence through the ages on a range of policies. My concern is more about how we seek proactively to understand the impact, and what support we can give families that everybody would sign up to.

Brian Whittle: The numbers are not big. In practice, we could work out quite simply the costs and requirements for people. If we can tease that out, we can ask the Scottish and UK Governments

how they would deal with it. We could probably sit here for 10 minutes and come up with a decent plan. The issue is how to introduce legislation or adjustments to legislation to take into account the practicalities.

The Convener: We agree that the petition is important. When the petition was presented, we were struck by the evidence. We will write to the UK and Scottish Governments about the implications of benefit changes for HMRC, and about other ways in which the Governments can better support families who have multiple births. We will then review the responses.

Members may also want to raise the issue with third sector organisations and other bodies in order to get a better understanding. If organisations have views on how to address the issue, it would be useful to hear them. Is that agreed?

Members indicated agreement.

Rachael Hamilton: Convener, I support your comments about considering not just financial implications, but practical implications. You are right that it is difficult to go back to work after having one child, let alone a multiple birth. Perhaps aspects of employment law need to be reviewed in respect of women who have multiple births.

The Convener: Maybe a policy change is needed, based on the understanding that a staggered return to work might help. I note that Home-Start has already provided a submission, so we can look at that further.

We agree that the issue is important and that it is not necessarily big-ticket things that would sort it or help families: practical things could also be done.

We have reached the end of our agenda, so I thank members for their attendance.

Meeting closed at 11:14.

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