



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 10 September 2020

Session 5



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CONTENTS

	Col.
NEW PETITIONS	1
Water Poverty (PE1793).....	1
Cyclists (Safety) (PE1802)	2
Boycott, Divestment and Sanctions (PE1803)	5
Paying University Students (Compensation) (PE1807).....	6
Public Service Employees (Remuneration) (PE1808).....	9
General Dental Practitioners (Continuing Professional Development Allowance) (PE1809).....	11
CONTINUED PETITIONS	13
Residential Care (Severely Learning-disabled People) (PE1545)	13
Soul and Conscience Letters (PE1712)	15
Island Lifeline Ferry Ports (Parking Charges) (PE1722)	16
Essential Tremor (Treatment) (PE1723)	19
Grouse Moors (Killing of Wildlife) (PE1762).....	23
Primary School Curriculum (Evolutionary Studies) (PE1764)	25
Public Office (Accountability) (PE1765)	27
Fire and Rescue Legislation (Human Rights) (PE1767)	29

PUBLIC PETITIONS COMMITTEE

12th Meeting 2020, Session 5

CONVENER

*Johann Lamont (Glasgow) (Lab)

DEPUTY CONVENER

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

COMMITTEE MEMBERS

*Maurice Corry (West Scotland) (Con)

*Tom Mason (North East Scotland) (Con)

*David Torrance (Kirkcaldy) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Rhoda Grant (Highlands and Islands) (Lab)

CLERK TO THE COMMITTEE

Lynn Russell

LOCATION

Virtual Meeting

Scottish Parliament

Public Petitions Committee

Thursday 10 September 2020

[The Convener opened the meeting at 09:30]

New Petitions

Water Poverty (PE1793)

The Convener (Johann Lamont): Good morning. I welcome everyone to the 12th meeting in 2020 of the Public Petitions Committee. This meeting is being held virtually.

Agenda item 1 is consideration of new petitions. The first new petition is PE1793, on alleviation of water poverty. The petition, which was lodged by Gordon Walker, calls on the Scottish Parliament to urge the Scottish Government to remove water and sewerage charges from all households in Scotland that are on a low income or on benefits.

The written submission from the Cabinet Secretary for Environment, Climate Change and Land Reform explains that water charges are linked to council tax banding, because that

“will frequently reflect ability to pay”,

and allows reductions and exemptions to apply to both council tax and water charges.

The Scottish Parliament information centre briefing and the cabinet secretary’s letter highlight the Scottish Government’s proposals to increase both the discount that is available and the number of households that are eligible when the new charging period begins next year.

It is an interesting petition. In my view, there is often concern when people are told that they do not have to pay council tax but still have a charge for water and sewerage. I do not think that people quite understand the connection between the two. I do not know whether anybody knows the view of the Convention of Scottish Local Authorities, but the cabinet secretary has provided interesting commentary on the matter.

I invite views from members. I will bring in Maurice Corry first.

Maurice Corry (West Scotland) (Con): Thank you, convener. I will pick up on the points that you raised. We should write to COSLA to get its say on the petition. I think that there is an anomaly in the system. When I was a councillor, low-income families and, certainly, people who were unemployed were given the 25 per cent discount on the council tax, but I think that we need to look

at the subject in a bit more detail. I ask that COSLA be brought in and asked for its opinions.

Gail Ross (Caithness, Sutherland and Ross) (SNP): There is a good explanation in our papers of why water charges are linked to the council tax. As you said, convener, the Scottish Government has consulted on changes for the new period that will start next year, and it plans to increase the discount that is available.

I am happy enough to involve COSLA to see what its opinion is. I agree with that course of action.

Tom Mason (North East Scotland) (Con): I, too, agree. It is disappointing that the petitioner has not come back to us with a further submission in response to the Government’s comments. With some of the decisions that the Government has made, it is not clear exactly what it has done, although it is doing something. I would like more information from COSLA. I think that that is the route for us to go down.

David Torrance (Kirkcaldy) (SNP): I am happy to go with members’ recommendation that we write COSLA to get its views.

The Convener: Thank you for that.

My sense is that members think that there is an issue. Gail Ross is right to say that our papers, including the cabinet secretary’s letter, provide an explanation of how the Government has progressed. I note that it has consulted on the matter, so there is recognition that there is an issue.

I wonder whether COSLA has the view that separating water and sewerage charges from the council tax would create problems for collection. I know that, in the past, some local authorities have objected to the fact that they have had to collect water charges from people from whom they were not collecting council tax.

The committee agrees that we should recognise that there is an issue, but for our own satisfaction we are interested in the views of COSLA on whether what is proposed in the petition is credible or doable, and whether there are issues around that. No member disagrees, so we will write to COSLA about the petition.

Cyclists (Safety) (PE1802)

The Convener: The next new petition for consideration is PE1802, on improving safety for cyclists, which has been lodged by Pat Johnson. The petition calls on the Scottish Government to establish a standard mandatory brightness and width of flood for bicycle lights, to carry out a publicity campaign to encourage responsible

cycling, and to increase availability of training facilities.

The Scottish Government advises that establishing a mandatory brightness for bicycle lights is a reserved matter for the United Kingdom Government. It also advises that it is committed to improving the safety of vulnerable road users, including cyclists. Cyclists were identified in 2016 as a priority in the mid-term review of "Go Safe on Scotland's Roads: road safety framework to 2020". The Scottish Government does not think that a campaign is required at this time, but it encourages, and is increasing, cycle training for adults and children in order to increase cycling standards and safety.

My view is that the matter is becoming increasingly important. People have been heartened by the number of people they have seen out cycling during lockdown and it is clear that they have been taking the opportunity to test their own courage by going out to cycle. We are seeing local authorities trying to make that easier. I think that it is an important issue.

I am interested to hear the views of other committee members on whether enough is being done. The numbers that were flagged up around cycling training for young people seem to me to be a bit low. On the other hand, the Scottish Government clearly recognises that this is something that it should be doing. The question is whether the Government is flagging a direction of travel that we are content with.

Gail Ross: I have a lot of sympathy for the petition, having also got back in the saddle this summer. I used to do a lot of cycling when I was younger.

I absolutely agree with the petitioner's point about lights but, unfortunately, the matter is reserved to the UK Government. The petition mentions dynamo lights and how, by their very nature, they work only when a bike is moving, so there is an issue about what happens when cyclists are stopped at junctions. I hope that the petitioner could take that up with the UK Government, because it is a very important issue.

The Scottish Government also said that it has invested more than £1 million on bikeability training in schools. Assuming that that is the same as the old cycling proficiency test, which is what I did many moons ago in primary school, I think that that is a worthwhile investment. The younger people are when we teach them how to be careful on the road, the better. However, as the petitioner has said, many adults are getting back on bikes. It is not just children, so education has to happen across the board.

There is investment in cycling training from Cycling Scotland and from Sustrans. In my area,

there has been investment in more user-friendly streetscapes, which is good to see, and I know that that has been happening in other towns and cities, as well.

I have great sympathy with the petition, but the Scottish Government thinks that it is doing enough on road safety and prefers to focus on drivers, rather than on cyclists, and there have been awareness-raising campaigns in the cycling community. I do not see how we can take the petition further, unfortunately. I would like to see the brightness of lights being addressed, but that is outwith our capabilities. With regret, I think that the only course of action is to close the petition under rule 15.7 of standing orders.

Tom Mason: I do not have much to add. The area where Scotland could generally improve the situation is in enforcement of bike regulations. A lot of bikes that go around do not have the right reflectors or are in a bad state of repair. If bikes have the right reflectors, particularly on darker nights and even if they are stationary and their dynamos are not working, car headlights will indicate their presence. Being noticeable on dark nights is important for bicycles; it is quite frightening for drivers who suddenly come across bicycles that are not lit, particularly at dusk. We need to keep the training programmes going. The more people are trained and understand the interrelationships between pedestrians, cyclists and cars, the better life will be for everybody.

David Torrance: Gail Ross summed up the position perfectly. I am happy to close the petition under standing orders rule 15.7.

Maurice Corry: Following on from what Tom Mason was talking about, I note that there are still a lot of bikes out there without proper legal illumination on the back or front. We are also seeing an increase in the number of little sports bikes that young people ride, sometimes on the pavements. They certainly do not have lights, and so on. I would like the Scottish Government to persuade the local authorities to make sure that the current legislation is implemented and acted on. However, I agree with Gail Ross and David Torrance that taking the petition further will not achieve much beyond the advice that we are asking the Scottish Government to give local authorities to implement the regulations. Because it addresses a reserved matter, we have no choice but to close the petition.

The Convener: There is a sense that the petition covers an important issue, but there is not much that the Public Petitions Committee can usefully add, apart from flagging up that we think that the issue is a concern. The petitioner might want to contact their local MP on the specific important issue of lights.

On more general awareness raising, we could, in closing the petition, write to the Scottish Government to say that we recognise that a lot of positive work has been done around encouraging cycling, but that there are consequences to that. We can flag up to the Government the issues that the petition has flagged up, and say that we hope that it will keep a watching brief on the impact of there being a greater number of cyclists now than there were in the past, and that it will consider how it can provide information to people.

If the petitioner feels in a year that no progress has been made or continues to be concerned, the petition can be brought back to the Public Petitions Committee.

My sense is that the committee agrees to close the petition but also recognises the importance of the issues, that we encourage the petitioner to pursue the reserved matters with their MP, and that we agree to write to the Scottish Government to flag up the key issues around cyclists' safety, which to an extent have been exacerbated or accelerated by lockdown. I do not see any disagreement with that, so we can close the petition.

Obviously, we thank the petitioner for raising the issue with the Public Petitions Committee. I emphasise again the petitioner's right to bring the petition back in a year, if they feel that it is important to do so.

Boycott, Divestment and Sanctions (PE1803)

The Convener: The next new petition for consideration today is PE1803, on the right to boycott, divestment and sanctions, which has been lodged by Dr Eurig Scandrett on behalf of the Scottish Palestine Solidarity Campaign. The petition calls on the Scottish Government to support the right of public bodies and institutions in Scotland to debate and, where doing so is democratically supported, to endorse and implement boycott, divestment and sanctions against foreign countries and those who trade with them.

The Scottish Government advises that it does not advocate a policy of boycotting Israel, believing that engagement with the Israeli Government provides an opportunity, but it strongly discourages trade with and investment in illegal settlements. The Scottish Government also advises that it does not wish to mandate how Scottish public institutions, organisations or individuals approach the issue.

Do members have any comments or suggestions for action? I am interested in hearing the committee's views, beginning with Tom Mason.

09:45

Tom Mason: I have no strong views on the matter. In this case, we should support the Scottish Government's attitude and encourage the UK Government to develop its UK-wide legislation. At this stage, we should close the petition and not proceed with any further action.

David Torrance: I have some sympathy with the petition. However, seeing as the Scottish Government does not support it and does not wish to impose such a mandate on public institutions and organisations, I am happy for us to close it, under rule 15.7 of standing orders.

Maurice Corry: I am of a mind to close the petition, under rule 15.7. I do not want the Scottish Government to mandate how institutions source their material or services from a country, provided that the entities involved are legal. We should simply close the petition.

Gail Ross: That is the correct decision. The Scottish Government has made it clear that it does not want to mandate how institutions approach the issue. In a democratic society, that is entirely the right way to go. I therefore suggest that we close the petition.

The Convener: There is a strong view from the committee that we should close the petition. We recognise that the petition raises important issues, and there is nothing that would prevent the BDS campaign from pursuing and arguing for such an approach with individual institutions. Nevertheless, the Scottish Government takes the view that it is not its job to advocate for that campaign.

Members recognise the issues, but we agree that we should close the petition under rule 15.7, on the basis that the Scottish Government does

"not wish to mandate how Scottish public institutions, organisations or individuals approach this issue",

but instead would

"encourage the UK Government to develop ... legislation in a manner which restricts the scope of application, and respects the autonomy of Scottish institutions in making decisions on this issue."

That is the other side of the argument. Although it is not for the Scottish Government to direct people, institutions and organisations should be able to campaign in that way if they wish to do so.

Members agree that we should do so, so we will close the petition.

Paying University Students (Compensation) (PE1807)

The Convener: The next new petition for consideration is PE1807, on compensation for paying university students. The petition, which was lodged by Jordan Hunter, calls on the Scottish

Government to make funding available for Scottish universities to compensate them for paying students for lost class time and for receiving a lower quality of education as a result of staff strikes and the Covid-19 crisis. We have received submissions from the Scottish Government and from the petitioner.

The Scottish Government says:

“The sector has already done a huge amount of work both in terms of contributing to wider efforts around responding to the impact of the pandemic and in terms of providing advice to staff and students.”

It notes that it has

“announced a £5 million digital inclusion support fund for Further Education, Higher Education and Community Education learners”,

among other support. The Scottish Government also advises that

“Universities are autonomous bodies with responsibility for managing their own affairs”.

We will hear first from David Torrance.

David Torrance: The petition opens up a whole can of worms, because universities are autonomous bodies and are responsible for their own affairs. The Scottish Government is not allowed to intervene in internal matters, such as decisions on such issues. As the convener mentioned, the Scottish Government has, as a result of Covid-19, invested in digital so that universities can provide additional learning facilities. I would be happy for us to close the petition under rule 15.7.

Maurice Corry: I do not want us to close the petition at this stage. We need a bit more information, so we should ask the Minister for Further Education, Higher Education and Science to respond to the concerns that are raised in the petitioner’s written submission. The committee needs to verify that the petition has been given due consideration.

We are in extremely unusual and difficult times. I would be happier if we could explore the petition with the minister before we come to a decision to close it, if that is the way forward.

Gail Ross: I am a bit torn both ways on this one. I acknowledge what has been said in our papers and what the Scottish Government said, which David Torrance referred to. Universities are autonomous, but there are other organisations, such as local authorities, to which we have given extra funding to get through the Covid crisis. We have put extra money into the digital inclusion support fund.

There is a difficulty in quantifying what compensation would look like. Learners did not stop learning altogether, and we need to

acknowledge the amount of work that was put in by further and higher education institutions, their lecturers and staff to get courses online. Although students did not get the face-to-face teaching that they would normally expect, there was still a level of teaching.

I agree with Maurice Corry. I would quite like to hear from the minister to get his response to the points that have been raised in the petition, and to find out whether students have raised the issue with the Scottish Public Services Ombudsman. I am happy for us to keep the petition open on that basis.

Tom Mason: It is a bit too early to close the petition. There were interruptions in the past academic year and students who are starting the new academic year face an unknown situation. We do not quite know how an on-going steady state will be achieved as we go forward.

I think that we should collect more information on the issue and decide what to do after we have sought the answers to our questions from various sources. Keeping the petition open and asking for information from the education directorate would be the right thing to do at this stage.

The Convener: My own feeling is that, as Gail Ross said, it is not sufficient for the Scottish Government just to say that universities are autonomous bodies. It has intervened in not just the public sector but the private sector to support organisations that are living with the consequences of the virus, lockdown and so on.

I agree that it might be very difficult to establish what the compensation would be, and there is the argument that people might catch up after losing days to strike action, but there is an issue about the consequences of Covid. A lot of people have invested a lot of money. I am thinking of people I know whose masters courses stopped halfway through. It can be asked whether they had the opportunity to do as much as they might have done if the course had been able to run to its conclusion.

I will bring David Torrance back in if he objects to this, but my sense is that the general view of the committee is that we want to explore the matter further by writing to the ombudsman to ask whether it has had complaints and whether the issue is one that it would look at, and asking the Minister for Further Education, Higher Education and Science to respond to the concerns that are raised in the petitioner’s written submission, which have not been addressed.

Do members agree to our taking that course of action? I am not seeing disagreement; I think that David Torrance accepts that. In that case, we agree to take the action that I outlined.

Public Service Employees (Remuneration) (PE1808)

The Convener: The next new petition is PE1808, on remuneration of vital public service employees. The petition, which was lodged by Gerald Seenan, calls on the Scottish Government to substantially increase the remuneration of vital public service employees, especially national health service and community care staff. The Scottish Government advises that doctors and dentists in Scotland have received a 2.8 per cent uplift and that agenda for change staff in England and Scotland are subject to separate three-year pay deals, which were agreed in 2018. Pay for staff members in Scotland has increased by 9 per cent and, in some cases, staff who are not yet at the top of their band will have had their pay increase by 27 per cent.

Do members have comments or suggestions for action?

Maurice Corry: I suggest that we write to the Scottish Government to ask what discussions have taken place on the remuneration of community care staff. We have seen incredible acts of professionalism during the Covid pandemic. We should address the issue in the context of the public and private care roles, and relate it to what has happened in the recent period. The whole situation since March has brought out glaring gaps in remuneration.

I am keen for the committee to write to bodies that represent employees, such as the Scottish Trades Union Congress and Unison, to seek their views. We should also write to employers, if that is deemed appropriate. I am keen for us to continue the petition and to write to the bodies that I have suggested.

Gail Ross: It is absolutely right that the wages for a job should reflect the value that we as a society place on that profession. Up until the pandemic, there were care and medical staff who possibly felt undervalued. The pandemic has really brought into sharp focus the fact that it is the people on the front line, not big hedge fund managers or money people in big cities, who keep the economy going. We can never thank them enough for what they have done and continue to do.

I agree with Maurice Corry that we need to write to the Scottish Government to find out what discussions are taking place on pay deals and that we should also write to Unison and the STUC. I would also be interested in finding out from the Scottish Government about the scope of the upcoming care review. I would like to know whether it is only about residents and how we look after elderly people or whether staff and others who are involved in the care of elderly people will

be included in the review. If the review is to have any teeth at all, it needs to look at the full package. I am interested to find out whether care staff's wages, responsibilities and terms and conditions will be included in the review. We could add an extra paragraph on that in the letter to the Scottish Government on the issue of wages and remuneration.

Tom Mason: I agree with Gail Ross that various professions have performed exceptionally well during the pandemic and we will never be able to thank them enough. As a society, we are obliged to look at the whole area of care and health to ensure that we get the answer to the problems. The new care review might provide some answers.

We have an on-going situation, and it will be some time—possibly years—before we come to the right conclusions. Collecting information, identifying where we are at and establishing baselines would be a good start. At the moment, it is right to ask those questions and to keep the petition open.

David Torrance: It is appropriate that we write to the Scottish Government and relevant stakeholders to get information. I agree with what other members have said, and I have nothing further to add.

Maurice Corry: Gail Ross raised an extremely interesting point about the on-going care review, and it should be put across strongly to the Scottish Government—if that has not already been done—that staff should be included in the review. That should not just be a paragraph, as it is a very important issue. I believe that we should convey that point, if that is the wish of the committee. I very much support what Gail Ross said.

10:00

The Convener: I think that there is general agreement that the petition addresses a big issue. The world turned on its head, did it not? The people who were theoretically the most important turned out to be at the mercy of those who cared for and cleaned for people. Very often, the poorest paid and those in the least secure work in the public and private sectors—I am thinking in particular of cleaning staff and so on—have been absolutely fundamental to looking after people, and they have put themselves at risk.

I know from direct experience that there are people who work in the care sector who do not get paid an extra coin if they work on high days or holidays. Whatever day they work, they get paid the same money, and they do fundamentally important jobs without an awful lot of protection. I strongly agree with Gail Ross's point that we should ask about the extent to which the care

review will take account of that. We will flag up that point.

In writing to key stakeholders, we should recognise that there are other unions that organise in the sector. The GMB certainly organises among care workers. I think that we can agree to allow the clerks to consider who the key people might be. In writing to the STUC, we could ask it to consult groups and organisations that it is in contact with to respond on the issues that we have highlighted. I think that there is agreement that the issue is an important one and that we would want to pursue it in the way that has been outlined, by writing to the Scottish Government and to key stakeholders.

If that is agreed, we will move on.

General Dental Practitioners (Continuing Professional Development Allowance) (PE1809)

The Convener: The final new petition for consideration today is PE1809, on reinstating continuing professional development allowance for general dental practitioners. The petition, which was lodged by James Millar, calls on the Scottish Government to reverse the withdrawal of national health service general dental practitioners' continuing professional development allowance.

The Scottish Government has confirmed that, following discussion with the British Dental Association, which represents the dental profession, about the discontinuation of the continuing professional development allowance, it has agreed not to proceed with the withdrawal of the allowance. It looks as though, without even doing anything, we have a result, as the Scottish Government has already agreed to withdraw the proposal.

Do any members wish to take the opportunity to say something on the petition?

Gail Ross: I just want to thank the petitioner. We have a result, and I think that it is the correct result. The action that was called for has been agreed, and we need to close the petition.

Tom Mason: We have a process, and it seems to have worked.

The Convener: Thank you—that was short and sweet.

David Torrance: I am happy for us to close the petition.

Maurice Corry: I am very glad that the petition has worked, and I support its being closed, as we have achieved our result.

The Convener: There is nothing like taking credit for something without ever having to do

anything. Heaven forfend that we politicians would do that.

There is a recognition that the Scottish Government has responded to the concerns on the matter that were reflected in the petition. What the petitioner sought has been achieved, so I think that we are agreeing to close the petition on that basis, under rule 15.7 of standing orders. In doing so, we thank the petitioner for his engagement with the Public Petitions Committee, and we welcome his work to bring the petition before us.

That concludes our consideration of new petitions.

10:04

Meeting suspended.

10:10

On resuming—

Continued Petitions

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

The Convener: The first continued petition for consideration is PE1545, on residential care provision for people who are severely learning disabled. The petition, which was lodged by Ann Maxwell on behalf of the Muir Maxwell Trust, calls on the Scottish Government to recognise residential care as a way in which severely learning-disabled children, young people and adults can lead happy and fulfilled lives, and to provide the resources to local authorities to enable them to establish residential care options for families in Scotland.

Since we last considered the petition, we have received submissions from the Cabinet Secretary for Health and Sport and the petitioner, which are summarised in the clerk's note. The Scottish Government advises that it is

"working with Epilepsy Scotland and Learning Disability Nurses to determine what further work can be undertaken to understand the national picture on epilepsy and learning disabilities",

and that they will

"will work together to try to identify the number of people with learning disabilities who also have epilepsy."

I was struck by—and very concerned about—the scale of the frustration that the petitioner expressed in her submission. There is a sense that there is a simple mismatch between what the petition asks for and what the Scottish Government wants to do. In reality, the issue is not about numbers, although not knowing the numbers does not help. It is about the Scottish Government not understanding or engaging with the argument around whether there should be that kind of resource and provision for people who have severe learning disabilities.

I would want to continue the petition further, but I am interested in hearing members' views.

Tom Mason: I hear what you say, convener. The issue seems to have been going on for a very long time—since 2014—and there has been little or no progress. At this stage, closing the petition would let the Government off the hook. We need to keep the pressure on and make sure that the Government talks effectively with the petitioner and reaches some sort of agreed conclusion. It can then report back to us.

David Torrance: I know that the Scottish Government has been doing some work in this area, but I would not be happy for us to close the

petition yet, as there is still a long way to go. Perhaps we could get the cabinet secretary in front of us to give evidence so that we can ask questions, if committee members would be okay with that.

Maurice Corry: I agree with my colleagues' comments, and I endorse David Torrance's point about bringing the Cabinet Secretary for Health and Sport before us so that we can question her further on these matters.

I would want to keep the petition open, as the subject is extremely important. I am well aware of the issues, certainly in my region of West Scotland; I cannot believe that the situation is not similar in other areas. We should keep the petition open and call the cabinet secretary to appear before the committee.

Gail Ross: I agree. I was sorry to read that the petitioner feels that the matter has not been addressed, and I would tend to agree with that view. We should be concentrating not on numbers but on need. Certainly in my area, there is a bit of a misunderstanding about who exactly is responsible for that sort of residential care. Is it the national health service or local authorities, or does responsibility revert back to the Scottish Government? There are a lot of questions that we need to ask.

I agree that the petition is nowhere near closure, and I would be happy to get either the cabinet secretary or a representative in so that we can ask those questions and try to make some headway on the issue.

10:15

The Convener: We should recall that the cabinet secretary was in front of us talking to the petition in January 2019 and that she made commitments. I think that it was understood that it was not sufficient to say that we do not really know the numbers.

I think that the committee wants the cabinet secretary to come in front of us again, but perhaps we should flag up the concerns in correspondence. There may be an argument that, with the policy to support folk at home if that can be done, local authorities or whoever are actively deciding not to offer the other provision, perhaps because they do not have enough money, with the consequence for families that the petitioner has described. It would be interesting if the petitioner came back and informed us a bit more—although they have been very informative—about those fundamental questions. The cabinet secretary could then respond to that.

I think that we want the clerks to flag up to the cabinet secretary what the issues are and that we

want to schedule a meeting with her to discuss those questions, where that is reasonable and possible. We can highlight to the cabinet secretary and her advisers that there is a kind of missing-the-point conversation about the fundamental argument, which is that the provision is needed and that it should not be unavailable simply because of a want of resources from those who make the decisions.

My sense is that the committee agrees to that approach. If anybody disagrees with it, they should indicate that. As nobody is indicating, we will move on to the next petition.

Soul and Conscience Letters (PE1712)

The Convener: The next continued petition for consideration is petition PE1712, on soul and conscience letters. The petition, which was lodged by Laura Hunter, 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.

Since the previous consideration of the petition, we have received a submission from the Scottish Government, which is summarised in the clerk's note. The committee asked the Scottish Government whether it had any plans to update the guidance for the medical profession on the use of soul and conscience letters, and the Scottish Government responded that it was unaware of any current abuse of the process. The British Medical Association Scotland and the Law Society of Scotland also told the committee that in previous written submissions.

The Scottish Government advised us that the guidance

"does not come under the responsibility of the Scottish Government and so any suggestion that the guidance could usefully be updated should be directed to the relevant medical professional bodies such as the General Medical Council."

I would be interested in members' views on whether we can usefully do any more. Basically, it struck me that it is a matter of the way that the justice system operates. It is an issue for the Scottish Government that there is not a process by which people who should be going to the courts are finding a loophole to avoid appearance. That might not be happening, but it is clear that that is the concern that the petitioner has flagged up.

David Torrance: The British Medical Association Scotland and the Scottish Government have indicated that there are no concerns in the area, but I would like to keep the

petition open. I would like us to write to the General Medical Council to seek its views, and we can seek further views from the British Medical Association Scotland.

Maurice Corry: My opinion is similar to that of David Torrance. I would like to keep the petition open and take the action that he has suggested.

Gail Ross: The British Medical Association Scotland has said that better information could be made available. Given that the guidance is down to the General Medical Council, it would be good to seek its views. On whether we should close the petition with the condition that we write to the General Medical Council, I do not see that there is any course of action that we can take after that. If the General Medical Council is going to update the guidance, it will do so; if not, there is very little that we can do. We could leave the petition open to see what the General Medical Council's response is, but I am minded to close it with the proviso that we write to the General Medical Council, because I do not see that there is anything that we could usefully do with the reply that it gives us.

Tom Mason: We should keep the petition open. Something might come up that we are not aware of at the moment, so it might be premature to close it. We should keep it open and write to seek more information on the matter.

The Convener: I understand Gail Ross's point but, if we close the petition, we cannot then receive the correspondence or do anything with it.

My sense from the committee generally is that, although we think that there is probably a limited role for the committee, we want to check with the General Medical Council whether it is aware of the issue and is flagging up to its members that there could be a misuse of the process. However, we recognise that the issue has been highlighted and that there will be a limit to the committee's further engagement.

Do members agree that we should write to the General Medical Council to seek its views on the BMA's response and that we can deal with the petition thereafter? I think that we have agreement on that.

Island Lifeline Ferry Ports (Parking Charges) (PE1722)

The Convener: The next petition is PE1722, on parking charges at island lifeline ferry ports, by Dr Shiona Ruhemann, on behalf of Iona and Mull community councils and others. The petition calls on the Scottish Government to island proof transport infrastructure to ensure that public bodies do not charge for parking in car parks at island ferry ports, which are essential lifeline services, and that any proposed island parking

charges are subject to rigorous impact assessment.

Since our last consideration, we have received submissions from the Scottish Government and the petitioner, which are summarised in the clerk's note. Michael Russell MSP has contacted the clerks to offer his strong support for the petition, stating:

"Lifeline ferry ports are just that and barriers to local people being able to use the lifeline should not be permitted. The principle needs to be established and then the detailed discussion can take place about particular locations where there are barriers still in place".

The Scottish Government's correspondence of 2 and 9 March 2020 responds to the committee with an update on progress on the commencement of island community impact assessments and on the specific issue of funding, which is a particular challenge for island communities. The Government states that the intention is to implement measures

"as early in 2020 as possible",

and that, in the interim period, the Government

"should be operating in the spirit of the Act and taking island issues into account when developing or reviewing policies, strategies or services."

We are also told that

"the Islands Team is assisting their Scottish Government colleagues ... with advice on whether to carry out an ICIA."

On the funding issue, the Scottish Government has said:

"It is the responsibility of individual local authorities to manage their own budgets".

However, the Government recognises the financial pressures on local authorities and says that local authorities receive funding support for internal ferry services through the annual grant-aided expenditure calculation and additional funding.

We have received a late submission from the petitioners, which has been sent to us separately. The submission highlights that the options for action as they are set out in our paper do not include the option to support the substance of the petition.

My feeling is that the whole point of the Islands (Scotland) Act 2018 was to understand the impact on islands of local authority and Government policy and to understand the particular issues that islands face. I feel strongly that people ought not to be charged for parking to use a lifeline service and that that situation is different from people parking at a shopping mall or whatever. I have great sympathy for the petitioners in that regard.

My question for the Scottish Government is this: if it was a fundamental aim of the Islands (Scotland) Act 2018 to island proof policy, why has

there been a delay? I recognise the challenges to the Government at the moment, but I would have thought that that would be a priority.

Do members have any comments?

Maurice Corry: I know a reasonable amount about the issue, having been a councillor in Argyll and Bute Council. Obviously, the issue has got caught up in the Covid pandemic. Certain issues were going to be resolved by March this year, but that has not happened. Having read again last night the latest submission by the petitioner, I am, obviously, concerned about the issues in that regard.

I think that we should keep the petition open. We need to keep a close eye on the matter, because it is part of a bigger picture on, as you quite rightly said, convener, the implementation of the ICIA's and the reviews that the Scottish Government's islands team is carrying out.

We can park our cars free at railway stations on the mainland. There is no reason why people on Mull, Iona or any other island should not be able to park free at island ferry ports. They should not be denied the opportunity to do that.

I recommend that we keep the petition open and keep the pressure on the Scottish Government and the islands council association, to see where that takes us with the island communities impact assessments. Obviously, we have learned lots of lessons during the pandemic.

Gail Ross: Yes, I absolutely agree. Something definitely is not being addressed. I do not agree with the argument that, because that part of the 2018 act has not been commenced yet, the impact assessments should not be adhered to and carried out.

During my time as a councillor—I believe that I said this when the petition first came to us—papers were put to me, as an elected member, that included financial impact assessments, equality impact assessments and, sometimes, environmental impact assessments. Councils have known that island community impact assessments are coming down the line, so an assessment should have been done in this case.

The crux of the matter is that we are talking about lifeline services. I do not know whether I have mentioned this before, but I will mention it now. When Highlands and Islands Airports Ltd introduced parking charges on the islands, local MSPs vigorously opposed that measure but nothing could be done about it, which I think is an absolute disgrace. I think that we are going the same way with car parking charges at ferry ports, and we need to do everything that we can to prevent that from happening. I absolutely agree that we should keep open the petition, and we

should be pushing to find out when the ICiAs will come into force.

I was on the committee that dealt with the Islands (Scotland) Bill, and this was exactly the type of thing that the legislation was supposed to prevent. The Scottish Government says that the issue is one for individual local authorities, but I am certain that the Government could step in and make sure that these lifeline services are treated exactly as that. The fact that Michael Russell supports the petition puts a lot of weight behind it.

We should definitely keep the petition open, and I agree with the suggested action that we need to push the Scottish Government more on the issue.

Tom Mason: I do not have anything to add. I agree with what has been said so far. We should keep the petition open and make sure that people do what they should do.

David Torrance: I am happy to agree with those recommendations.

The Convener: Does the committee agree that we should seek to get the Minister for Energy, Connectivity and the Islands to come to the committee to talk about the issue? As Gail Ross said, the Rural Economy and Connectivity Committee took seriously its role in scrutinising and working its way through the draft legislation. I agree with her about what the fundamental point of the legislation is, but that bit has not been actioned thus far. Do members agree that we should explore, through the clerks, the possibility of the minister coming before us? That would also afford the petitioner the opportunity to flag up issues that they consider would be usefully directed to the minister. I see that we are agreed.

In agreeing that action, we are recognising that there is a fundamental issue that goes beyond the individual circumstance of what Argyll and Bute Council did, in relation to the workings of the Islands (Scotland) Act 2018, and the need to ensure that, in an island community, ferries are seen as being absolutely fundamental and barriers to their use should not be put in place.

Essential Tremor (Treatment) (PE1723)

10:30

The Convener: PE1723 is on essential tremor treatment in Scotland. It was lodged by Mary Ramsay. Rhoda Grant MSP is expected to attend for the petition. The petition calls on the Scottish Government to raise awareness of essential tremor and to support the introduction and use of a focused ultrasound scanner for treating people in Scotland who have the condition.

Since our last consideration, we have received submissions from the Scottish Government and

the petitioner. We also received a late submission from James Blann of INSIGHTEC, which was sent to us separately. In its submission, the Scottish Government advises that it is unable to indicate a timetable for the possible establishment of a focused ultrasound scanner as a routine service at this time, as it is still awaiting further research and evidence into its effectiveness.

I welcome Rhoda Grant to the Public Petitions Committee. She is a friend of the committee and has been here in the past, but this is the first time that she has been here virtually. Does Rhoda Grant wish to raise any issues before we consider how we might respond to the petition?

Rhoda Grant (Highlands and Islands) (Lab):

Thank you for allowing me to come and speak to the petition again on behalf of Mary Ramsay, whom we all know, and all the other people behind the petition—a lot of people support it. There is a sense of frustration that magnetic resonance-guided focused ultrasound technology—I am not going to say that again—is not available in Scotland although it is in England and in other places throughout the world. Add to that the fundraising campaign to make the equipment available to the whole of Scotland and you can see why campaigners with essential tremor and their families are anxious that the committee and the Scottish Government see the benefits of the therapy and how it can also save money for the NHS.

At the committee meeting on 16 January this year, the convener stated that the national specialist services committee would welcome a reapplication with new evidence. INSIGHTEC's submission, which the convener just mentioned, provided that evidence with supporting documents. That is the same evidence as NHS England reviewed to produce a clinical commissioning policy for England that proposes treating up to 150 essential tremor patients per year if they are unsuitable for deep brain stimulation, which is what Mary Ramsay had.

Deep brain stimulation is already commissioned in Scotland for essential tremor. NHS England's clinical commissioning policy says there is good evidence that the focused ultrasound technology is as effective and no less safe than deep brain stimulation and that, at £12,990 per patient, is around half the cost of deep brain stimulation, so there is a big saving to be made as well.

The Scottish Government is aware that clinicians in Dundee are exploring the purchase of equipment, and discussions are on-going with NHS Scotland national services division regarding the development of a service that it would be great to have in Scotland, because patients here could receive state-of-the-art minimally invasive neurosurgery for some of the commonest causes

of tremor and there would be the chance to make Scotland a world leader in using the technology.

Campaigners have asked me to show committee members a short video of a patient's experience of undergoing the treatment. Furthermore, the treating neurosurgeon, Professor Nandi, who is a leading medical expert in the field, is prepared to provide oral evidence to the committee if it feels that that would be helpful when it considers how to progress the petition. Mary Ramsay asked me to make a plea to the committee—as she always does—to keep pushing for the technology to be made available here. She says:

“For me, and my part, if focused ultrasound helps someone avoid what I went through, I will fight to my last breath to get it.”

That is a measure of the petitioner. This will not benefit her—as, I think, I have said before to the committee—but she will not let up. She is trying to ensure that nobody has to go through what she went through, and the treatment could change the lives of many people.

I urge the committee to keep the petition open, to look at the video and to take evidence from Professor Nandi. Hopefully, we can get the treatment available for people in Scotland.

The Convener: I will now ask committee members to contribute. At the end, I will afford you the opportunity to make any final comments that you may have, Rhoda.

Gail Ross: As always, we have received some very strong testimony from Mary Ramsay. I thank Rhoda Grant for coming along on her behalf.

I think that we are duty bound to hear Mary's plea. I certainly would not want to close the petition just now. I believe that there is a disconnect between what is happening here and how the matter is being pursued in England.

The action plan on neurological conditions is fantastic and it attends to many different conditions, although there are some that are not mentioned in the plan. The vision of the framework for action says:

“Everyone with a neurological condition will be able to access the care and support they need to live well, on their own terms.”

That is certainly not what is happening here, in the case of Mary Ramsay and others with essential tremor. I am really grateful for the offer from Professor Nandi to come in and give us evidence. I absolutely think that we should accept that offer.

It is important to keep the petition going, and I would like to take evidence from Professor Nandi and from anyone else we see fit to take evidence from. I would also like to see the video that Rhoda

Grant has suggested we watch. I thank Rhoda Grant and Mary Ramsay again for what was some quite emotional dialogue, but it is very important.

Tom Mason: I have to register an interest in that I suffer from Parkinson's disease, which is allied to essential tremor. In fact, it was first thought that I had essential tremor before it was decided that I had Parkinson's.

There are something like a million sufferers of essential tremor in the UK, so it is not a minority sport, so to speak. The medical profession should be investigating it up to the limits that are in place and, if there are treatments available, they need to be included in the medical diaspora to treat patients where that can be done.

People suffer in silence a great deal from various neurological diseases, and essential tremor is one that people get tormented by. We should do everything we can to ensure that resources are put in the right direction for it and that, where it is available, treatment is included in the range of options. I would certainly like to have further evidence if we need it, and we should keep the petition open until we get conclusions and some progress on the treatment of essential tremor.

David Torrance: The petition has been going a long time, and I have great sympathy for the petitioner and for anybody who suffers in this way. There are different types of medical services available in the rest of the UK. I wonder whether we could write to the National Institute for Health and Care Excellence, to find out when the recommendations will come forward.

Like all other members, I would definitely like to keep the petition open.

Maurice Corry: This is a very important issue, and I support all the contributions that have been made so far, particularly those of Tom Mason and Rhoda Grant. Thank you for that, Rhoda. Obviously, there is also Mary Ramsay's moving petition itself.

We should most definitely keep the petition open. I do not think that we are a long way down the road on this condition at all. Medical breakthroughs are happening all the time, and I agree with David Torrance about seeing where we are with NICE on this and where they are in England on it. I would also like to have the opportunity to call Professor Nandi before us, with his neurosurgical expertise, to discuss where we are in this whole process, and to get the Scottish Government to look at speeding up the purchase of equipment if that will help people with the condition. Anything that can be done to help and to give people a better quality of life is extremely important. It is the purpose of this committee to hear such moving petitions as the one that we

have here, so I recommend that we keep the petition open and pursue the avenues that I have mentioned and that other committee members have spoken about.

The Convener: Thank you. I think that we have a consensus that there is still an issue here. We have heard powerful testimony from the petitioner on the whole question of its being, at a basic level, a less intrusive and less expensive process, and it seems to be regarded as safe elsewhere. I hear what members say about hearing from Professor Nandi and seeing the video. I will ask the clerks to look at how best that could be done.

We may want to bring Professor Nandi in front of the committee, but I am conscious of our busy, busy, busy timetable as we come towards the end of the parliamentary session. If we are not able to hear that evidence in person, we might find some other means by which we can get access to it. I think that the committee would prefer to hear from Professor Nandi personally, but we could look into that if members are minded to keep the petition open. Does Rhoda Grant want to say anything in conclusion?

Rhoda Grant: I really appreciate the committee's support and their knowledge of this treatment and the difference that it can make to people's lives if they get it. I appreciate the committee keeping the petition open, because I think we have a way to go until we can be sure that this treatment is available in Scotland, which is what we all want to see.

The Convener: In that case, we are agreeing to keep the petition open, to explore ways of hearing further evidence and to raise with the Scottish Government and other relevant bodies where we are in relation to the treatment. Is that agreed? Does anybody disagree? No. We are agreed, then. I thank Rhoda Grant for her attendance.

Grouse Moors (Killing of Wildlife) (PE1762)

The Convener: The next continued petition is PE1762, on ending the killing of wildlife on grouse moors and elsewhere in Scotland, which was lodged by Libby Anderson and Bob Elliot on behalf of OneKind. The petition calls on the Parliament to conduct a full review of the animal welfare impacts of the use of traps and snares on grouse moors and elsewhere in Scotland. Submissions have now been received from the Scottish Government and the petitioner.

In its submission, the Scottish Government notes that it is

"determined to improve standards in the operation of snares and traps, and in particular, to improve the welfare of wildlife caught in snares"

but that it

"does not intend to ban snaring".

Following the publication of the papers for this week's meeting, the petitioners have been in touch. They have advised that they would be pleased if the petition was referred to the Environment, Climate Change and Land Reform Committee. However, they raise concerns about their petition being considered in the context of that committee's work on wildlife crime. They note that wildlife crime does not focus on their concerns that the devices noted in the petition are inherently cruel when used in a legal context.

There are interesting and quite challenging issues here. The issue of animal welfare is a significant part of that. My own feeling is that we should refer the petition to the ECCLR Committee and flag up to it that the petitioners—and we would probably agree with this as a committee—do not see this as being only about wildlife crime; it is about animal welfare as well. I certainly think that it would be worth while for the work that has been done and the information that the petitioners have provided to be referred to the ECCLR Committee.

Tom Mason: I agree with what you have just said, convener. There are a lot of issues and they need to be looked at as a whole. I think that referring the petition to the ECCLR Committee would be the right way to go, to make sure that all those issues are kept in one area; otherwise it all gets a bit bitty.

David Torrance: I am happy to refer the petition to the Environment, Climate Change and Land Reform Committee.

10:45

Maurice Corry: I, too, agree with my colleagues' comments and support their recommendation that we refer the petition to the ECCLR Committee, and I would ask that we do so.

Gail Ross: I agree. I was interested in a couple of points in the Scottish Government's submission on how the welfare of animals in snares and traps can be improved. I am not sure how that could work, or that such devices are the "least worst solutions".

I come from a rural constituency, and I absolutely understand that, from a rural and farming perspective, some animals need, for very good reasons, to be controlled. However, I feel that what the petitioners say in their additional submission is absolutely right. We could refer the petition to the ECCLR Committee as highlighting a wildlife crime scenario, but these traps are legal, so their use is not a crime. The issue is the animal welfare aspect and what happens once animals are caught, as well as what happens to animals

that end up in snares and traps that are not meant for them.

The petitioners make a point about record keeping, monitoring and accountability. Perhaps the Scottish animal welfare commission should look at that aspect. I am happy to refer the petition on to the ECCLR Committee if we make those particular points in our referral.

The Convener: We are agreed that we want to refer the petition to the ECCLR Committee, as we think that there are issues there. Nonetheless, we are, as Gail Ross said, alive to the fact that the issue in question concerns not wildlife crime but animal welfare, and the balance between managing the land and cruelty to animals. I would hope that the ECCLR Committee would take that into account in looking at the issues that have been flagged up.

In agreeing to refer the petition, I think that we would take the opportunity to thank the petitioners very much for highlighting these important issues. They will be able to follow the consideration of the petition in the ECCLR Committee, and I thank them for their engagement with our committee.

Primary School Curriculum (Evolutionary Studies) (PE1764)

The Convener: The next continued petition for consideration today is PE1764, which has been lodged by James Robertson, on behalf of the families in support of evolutionary studies campaign. The petition calls on the Scottish Government to include evolutionary studies in the primary school curriculum. A submission has been received from the Scottish Government. The petitioner was invited to make a written submission but has not provided one.

The Scottish Government is of the view

“that the current set of Experiences and Outcomes and Benchmarks for both science and religious and moral education provide sufficient scope for primary schools to cover evolution.”

It goes on to state that it does not consider it necessary for a

“stand-alone theme of evolutionary studies to be added to the framework for the curriculum in primary schools.”

The petition is very interesting. There is often a conversation in Scottish education about the extent to which things are prescribed. People always want to put into the curriculum subjects in which they have a particular interest. I take confidence from the fact that our papers clearly indicate that that work is being done and that evolutionary studies have a role in the primary curriculum. I ask members for their views on what we might do with the petition.

David Torrance: The Scottish Government does not agree with the action for which the petition calls, so I am happy to close the petition under rule 15.7 of standing orders. The Scottish Government has provided a reassurance that it will write to

“Education Scotland’s Senior Education Officers ... to advise them of the petition”

and highlight what is in it.

Maurice Corry: There is an on-going discussion on the issue. In my council days, the issue was always coming up in the education committee and was discussed with professionals who deliver teaching in schools, particularly primary schools.

I am minded to recommend that we close the petition, given that the Scottish Government will advise Education Scotland senior education officials to address the issue that teachers are raising. The Scottish Government is in listening mode in relation to addressing the issue and getting the right balance in teaching in primary schools on the matter.

Gail Ross: The subject has certainly come up more than once. As the mother of a primary school-age child, I know that schools address the topic in projects about planets, space, dinosaurs and so on. The subject should also be taught in the home, according to people’s beliefs or non-beliefs.

I am reassured that the Scottish Government has said that it will contact Education Scotland. Under the curriculum for excellence, it is up to individual teachers to decide what projects they want to have in each term.

It is a shame that we did not get a response from the petitioner, because there were a couple of points about the response from the Government that I picked up. The petition is about primary-age children, but many of the examples that we were given were about higher biology and advanced higher and so on, which are not really relevant to the petition.

However, I believe that there is a good balance of teaching in schools. On the basis that the Scottish Government has said that it will talk to Education Scotland, we should close the petition.

Tom Mason: The inclusion of various subjects in the curriculum is always complex. There is a continual balance to be struck between what is required by central education authorities, what is required by parents and what is required by the surrounding area and so on. At the end of the day, it has to be left to individual schools to get that balance right.

We should continue to ensure that people take evolution and other subjects into consideration on

a continuous basis—that is all that we can achieve. We cannot do any more at this point, so it is appropriate to close the petition under rule 15.7.

The Convener: I have been reflecting on Gail Ross's comments about primary school education. It seems a long time ago since my kids went through that process, but I think that the primary curriculum has huge flexibility that allows for all sorts of interesting and exciting things to be done—*[Inaudible.]*

I am reassured by the information that we have been given. I am also reassured by the fact that the Scottish Government has indicated that it is willing to contact Education Scotland's senior education officers about the petition, which will allow the issue to go into the system.

We recognise the important issues that have been flagged up, but I think that we are agreeing to close the petition on the basis of the discussion that we have had. The issues are dealt with in primary schools and the Government will flag up to Education Scotland the importance of the issues that are raised in the petition.

I think that we are agreeing to close the petition—I do not see any disagreement. We thank the petitioner for his engagement with the committee and for his interest.

Public Office (Accountability) (PE1765)

The Convener: The next continued petition for consideration today is PE1765, from Fiona McBride, on making those in Scottish public office accountable. The petition calls on the Scottish Parliament and the Scottish Government to ensure that effective measures are introduced to secure the accountability of all MSPs and Scottish Government agencies for misuse and abuse of both parliamentary privilege and conferred authority assigned to individuals in positions of trust.

Submissions have now been received from the Scottish Government and the petitioner.

When we last considered the petition, the committee noted that politicians and public servants are subject to the law, and that MSPs and those in public life are bound by specific codes of conduct. The Scottish Government's response of 17 January 2020 acknowledges that, highlighting its accountability to the Parliament in respect of all ministerial functions and activities, as well as the Scottish ministerial code.

The Scottish Government does not agree with the petitioner that the Lord Advocate's ministerial role conflicts with or interferes with his prosecutorial role, as the Scotland Act 1998 provides that any decision is taken by him independently of any other person.

The petitioner has provided more information for the basis of her petition that highlights alleged misconduct by the Lord Advocate. As the committee will be aware, any investigation into misconduct by the Lord Advocate in his ministerial role would be made via the ministerial code. It is, therefore, not appropriate for the committee to consider specific cases or to investigate alleged misconduct by individuals. As we are all aware, the Public Petitions Committee addresses not specific incidents but general policy. That has been the role of the committee with regard to the petition.

Do members have any comments or suggestions for action?

Maurice Corry: I am minded to close the petition under rule 15.7 of standing orders, on the basis that there are effective measures in place to ensure the appropriate behaviour of individuals in public office. There are checks and balances and effective measures, and I see no purpose in continuing the petition. Therefore, I would agree to close it.

Gail Ross: I echo the sentiments in your opening remarks, convener—it is not for the committee to consider specific cases.

We have said previously that effective rules are already in place, in the form of the codes of conduct and the ministerial code. Therefore, I agree with Maurice Corry that we should close the petition under rule 15.7 of standing orders.

Tom Mason: I agree with what has been said and think that we should close the petition under rule 15.7 of standing orders.

David Torrance: Like Tom Mason, I agree with what has been said and think that we should close the petition under rule 15.7 of standing orders.

The Convener: I should flag up the fact that the petitioner raised concerns that the Commissioner for Ethical Standards in Public Life in Scotland had not responded.

I think that the question is one of confidence in the processing system. Although the petitioner and others might have individual direct experience of incidents that cause them concern, we need to look at whether there are effective measures to address how people conduct themselves. That has been flagged up already in the committee. It would be fair to say that there is consensus in the committee around the view that effective measures are already in place to ensure appropriate conduct of individuals in public office and to deal with those who behave inappropriately, and that, therefore, we should close the petition. I see no disagreement with that proposal.

I thank the petitioner for engaging with the Public Petitions Committee. The petitioner should note that she is able to return to the committee with a petition on the subject after a year, if she feels that the issues that she has raised merit further consideration by the committee.

Fire and Rescue Legislation (Human Rights) (PE1767)

The Convener: The next continued petition for consideration today is PE1767, by Stewart Munro, on Scottish fire and rescue legislation and human rights. It calls on the Scottish Parliament to urge the Scottish Government to conduct a review of the Fire (Scotland) Act 2005 and the Fire (Additional Function) (Scotland) Order 2005 to ensure full compliance with article 2 of the European convention on human rights, the Human Rights Act 1998 and the Scotland Act 1998.

Submissions have been received from the Scottish Government, the Scottish Fire and Rescue Service and the petitioner. The committee had asked for views on whether any variance in the wording of current legislation governing the SFRS contravenes the European convention on human rights specifically in relation to article 2, on the right to life, and whether there are any plans to review the 2005 act in light of the concerns raised by the petitioner.

11:00

Neither the Scottish Government nor the SFRS agrees that the current legislation is in breach of article 2 of the ECHR, and the Scottish Government does not intend to review the 2005 act in light of the concerns raised by the petitioner, as the legislation has been reviewed extensively via the Police and Fire Reform (Scotland) Act 2012 and the Justice Committee's subsequent and substantive post-legislative review of the 2012 act in 2018-19.

Both responses are summarised in the clerk's note. Both consider the points in the petition in detail, but do not agree with the petitioner.

The petitioner is of the view that

"To make the 2005 legislation fully compliant with the ECHR, all that is required is for the SFRS to be given an explicit statutory duty to rescue at every category of life-threatening emergency which they attend."

This is another interesting petition. I put on record my particular thanks to the SFRS for its submission, which was very detailed, took our questions seriously and gave us a full picture of its views.

I do not find myself in agreement with the petitioner. From the responses that we have

received, I feel confident that the approach in the legislation is fully compliant.

I ask members for their comments.

Gail Ross: I was also grateful for the detail that the SFRS response went into. It explained things extremely well.

I think that we have no choice but to close the petition, because there have been substantive reviews of the legislation. Our notes mention the Justice Committee's post-legislative scrutiny of the 2012 act.

The Scottish courts have the remit to challenge any legislation that is not in compliance with human rights legislation, but that has not been done in relation to the Fire (Scotland) Act 2005. Therefore, I do not believe that there is any contravention of human rights. Both submissions say so.

The petitioner has brought forward a very interesting point, and I thank him for doing so. However, I think that we should close the petition under rule 15.7 of standing orders.

Tom Mason: The explanations and the submissions are comprehensive. The issue is very intricate, but we cannot take it any further. I suppose that the next stage is to have a case taken to court. Whatever opinions are taken now will certainly be opinions and not necessarily facts. At this stage, the only thing that we can do is close the petition and thank the petitioner for lodging it. It has raised some interesting points that will keep lawyers happy for some time.

David Torrance: Like the convener, I have confidence in the detailed responses that we have received from the SFRS and the Scottish Government, so I am happy for the petition to be closed.

Maurice Corry: As I recall, the issue goes way back to when the SFRS or a previous organisation was referred to an incident in Lanarkshire to do with a mineshaft. Since then, there have been a lot of examinations of the functionality of the Scottish Fire and Rescue Service and it has been brought in line. I am content that it has reviewed itself well, and recommend that we close the petition under rule 15.7 of standing orders. I agree with my colleagues that there is sufficient coverage by the SFRS to deal with such situations in the future, so I have no problem in commending that recommendation.

The Convener: I think that we agree that we should close the petition under rule 15.7 of standing orders. We are satisfied that the relevant legislation is compliant.

We thank the petitioner and all those who have responded. The petitioner has the right, of course,

to return with the petition after a year if he feels that that would be worth while. We thank the petitioner very much for engaging.

I thank the broadcasting staff and the clerks for getting us through our second virtual meeting. Any mistakes were certainly not to do with them. We have had an interesting and useful meeting, and we very much appreciate the support that we have been given.

Meeting closed at 11:05.

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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