



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Citizen Participation and Public Petitions Committee

Wednesday 9 October 2024

Session 6



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Pàrlamaid na h-Alba

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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
15th Meeting 2024, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Foyso Choudhury (Lothian) (Lab)

Fergus Ewing (Inverness and Nairn) (SNP)

*Maurice Golden (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Stephen Kerr (Central Scotland) (Con)

Michael Marra (North East Scotland) (Lab)

Marie McNair (Clydebank and Milngavie) (SNP) (Committee Substitute)

Carol Mochan (South Scotland) (Lab)

Alexander Stewart (Mid Scotland and Fife) (Con)

Paul Sweeney (Glasgow) (Lab)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 9 October 2024

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning, and welcome to the 15th meeting in 2024 of the Citizen Participation and Public Petitions Committee. Unfortunately, our colleague Fergus Ewing is unable to join us and has asked us to accept his apology. Additionally, the deputy convener, David Torrance, is unable to join us, but we are joined in his place by Marie McNair MSP. Good morning, Marie. She has, of course, been here with us before, so I need not ask for any declaration of interests to be made on this occasion.

Agenda item 1 is to decide whether to take in private item 4, which is consideration of our work programme, and item 5, which is further consideration of the draft report on our inquiry into the A9 dualling project. Are colleagues content to take those items in private?

Members indicated agreement.

Continued Petitions

Island Community Representation on Boards (PE1862)

The Convener: Agenda item 2 is consideration of continued petitions. We have eight such petitions to consider.

The first, PE1862, from Rona MacKay, Angus Campbell and Naomi Bremner, on behalf of Uist economic task force, calls on the Scottish Parliament to urge the Scottish Government to introduce community representation on boards of public organisations delivering lifeline services to island communities.

This is a long-standing petition, which we last considered at our meeting on 24 January 2024, when we agreed to write to the Commissioner for Ethical Standards in Public Life in Scotland, the then Minister for Transport and local authorities and community councils representing island communities.

The commissioner, although not responsible for defining what attributes might be required for those undertaking a board position, tells us that there is nothing in the “Code of practice for ministerial appointments to public bodies in Scotland” or accompanying guidance that would preclude ministers from including “island knowledge” as a requirement for board membership.

We have also received responses from the Shetland Islands Council, the Western Isles Council and Orkney Islands Council, which support the principle of adding “island knowledge” or “lived island experience” as essential criteria to the skills matrix for boards that are delivering lifeline services to island communities.

The Cabinet Secretary for Transport tells us that, although the skills matrix will vary depending on the skills of the current board membership and the specific board vacancy, on every occasion, applicants are asked

“to demonstrate a knowledge and understanding of how lifeline services affect our island communities.”

We have also heard from the cabinet secretary and her officials that more needs to be done to attract and appoint island residents to boards, with an emphasis on advertising vacancies as widely as possible.

We have pursued the aims of the petition quite well. That is the position, and there is nothing precluding those aims. The Government agrees that it still needs to try to achieve more. Do we have any recommendations for action?

Maurice Golden (North East Scotland) (Con):

I agree. We have done an extensive piece of work looking at the issue, and it is valid to have conducted that. Unfortunately, we have reached the end of the road and, therefore, we should close the petition under rule 15.7 of standing orders, on the basis that consideration has been given to appoint island residents to the boards of public organisations that are responsible for delivering lifeline services to island communities, and that the Scottish Government has stated:

“regardless of what other skills may be required, applicants are asked to demonstrate a knowledge and understanding of how lifeline services affect our island communities.”

The Convener: Thank you. Are colleagues content that we proceed on that basis?

Members indicated agreement.

The Convener: We thank the petitioner for bringing the petition to us. It has been an interesting topic, and we have clarified issues to some extent. We will now see what difference it has made. If, in the next session of Parliament, it still seems that the issues are as they were, without improvement, we would very much welcome the petitioner considering whether it would be worth while lodging a fresh petition at that time.

**Digital Exclusion (Rural Households)
(PE1931)**

The Convener: Our next continued petition, PE1931, from Ian Barker, calls on the Scottish Parliament to urge the Scottish Government to prevent digital exclusion for rural properties and their households by giving priority in the reaching 100 per cent—R100—programme to properties with internet speeds of less than 5 megabits per second.

We last considered the petition at our meeting on 22 November 2023, when we agreed to write to the Scottish Government and Openreach. After the meeting, we received a written submission from the petitioner highlighting his on-going frustration that people with speeds of below 5Mbps are not being prioritised and expressing that he feels like people are being digitally excluded. I am sure that colleagues will have had letters from constituents on those issues.

The Scottish Government’s response informs us that about 52,000 properties remain eligible for the R100 Scottish broadband voucher scheme and, as at December 2023, 3,639 connections had been delivered through the use of those vouchers. Since then, around 460 vouchers have been issued, with approximately 100 further vouchers requested.

Openreach has stated that it routinely reviews the sequencing of its build programme to identify additional build that can be brought in. That is linked to the delivery of connections to an additional 8,653 properties through contractual overspill.

That is what we have been told. It remains a live issue. I do not know whether colleagues have any suggestions as to how we might respond in that light.

Maurice Golden: Further work needs to be carried out on the petition to understand how the voucher scheme is working—or not, as the case may be. It may be down to access to broadband. Even if someone can pay for a service, if they cannot actually get that service, it is slightly irrelevant that they can get a voucher for it.

We should write to the Scottish Government to ask whether, in the light of the low uptake of vouchers, it believes that the Scottish broadband voucher scheme is an adequate approach to providing connections to properties in rural Scotland.

The Convener: As there are no other suggestions from colleagues, are we content to proceed on that basis?

Members indicated agreement.

The Convener: We will keep the petition open, and we will proceed to make that further inquiry.

**Gender-based Violence (Education)
(PE1934)**

The Convener: Petition, PE1934, from Craig Scoular, on behalf of Greenfaulds high school rights and equalities committee, calls on the Scottish Parliament to urge the Scottish Government to work with Education Scotland to develop an educational resource on gender-based violence for all year groups in high school. The resource should educate on the causes of gender-based violence and ensure that young people leave school with the tools to help them to create a safer society for women.

We last considered the petition at our meeting on 8 November 2023, when we agreed to write to the Cabinet Secretary for Education and Skills and the University of Glasgow. At that time, the cabinet secretary indicated that the gender-based violence in schools working group was expected to publish its national framework to help schools to tackle sexual harassment and gender-based violence.

The framework has been published, and the cabinet secretary has stated that the Scottish Government has committed to commissioning an independent review to establish positive practice and further areas for improvement during this

parliamentary session. The submission also highlights the revised statutory teaching guidance, which includes a section to support learning and teaching on consent and healthy relationships. The Scottish Government consulted on the guidance last year and is analysing the responses.

Meanwhile, the University of Glasgow's written submission provides details of its evaluation of the equally safe at school intervention. The aim of the evaluation is to determine whether the intervention is effective, including cost effective. Its work will take place with six schools over two years, with the full results expected in December 2026.

Colleagues, do you have any suggestions?

Foysoyl Choudhury (Lothian) (Lab): We should write to the Cabinet Secretary for Education and Skills to ask what the next steps will be following the publication of the gender-based violence in schools framework, when the Scottish Government intends to commission an independent review of the framework and when it expects that review to conclude.

The Convener: As there are no other suggestions, are colleagues content with that approach?

Members indicated agreement.

The Convener: We will keep the petition open and act on Mr Choudhury's suggestions.

Young People (Question Session with First Minister and Cabinet) (PE1990)

The Convener: Our next continued petition, PE1990, from Jordan Anderson, calls on the Scottish Parliament to urge the Scottish Government to request the introduction of a monthly chamber session to allow young people to put questions to the First Minister and, as was the case at the time that the petition was originally lodged, "her" Cabinet. Of course, that is now "his" Cabinet.

We last considered the petition on 25 October 2023, when we agreed to write to a number of stakeholders and the Scottish Parliamentary Corporate Body, of which I should declare that I am a member. We have received a response from the National Union of Students Scotland, which states that it has no position on the petition and that it aligns itself with the views of the Scottish Youth Parliament.

The Scottish Parliamentary Corporate Body's response confirms that it has not had representations from the Scottish Youth Parliament to request more sittings in the Scottish Parliament building. The response highlights that a new annual exhibition slot has been added to the terms of its partnership agreement with the

Scottish Youth Parliament. The next sitting of the Scottish Youth Parliament is due to take place in the Scottish Parliament on 31 October and 1 November 2024.

In the light of that, do colleagues have any comments or suggestions for action?

Maurice Golden: It is an interesting suggestion and, indeed, the work that has been carried out to highlight it to relevant authorities has been useful. However, we should close the petition under rule 15.7 of standing orders, on the basis that the committee's report on participation considered a similar recommendation and concluded that

"We do not support the recommendation for a question time which is part of formal Parliamentary business, as we think it raises too many difficulties both of practice and principle".

The Convener: Mr Golden points to our inquiry on deliberative democracy. That was one of the issues that we pursued, and it had attractions, but it also had the very difficulties that Mr Golden has identified.

Are colleagues content to close the petition?

Members indicated agreement.

The Convener: We thank Jordan Anderson for the petition. I would very much urge that the issues raised within it be pursued through the Scottish Youth Parliament. Of course, the Parliament and the Scottish Parliamentary Corporate Body would consider requests actively made through that body.

People with Hypermobility Ehlers-Danlos Syndrome and Hypermobility Spectrum Disorders (PE2038)

The Convener: PE2038 calls on the Scottish Parliament to urge the Scottish Government to commission suitable NHS services for people with hypermobile Ehlers-Danlos syndrome and hypermobility spectrum disorders and to consult patients on their design and delivery. For consideration of the petition, we have been joined by our MSP colleague Michael Marra, who has taken an interest in the petition. Good morning, Mr Marra.

Michael Marra (North East Scotland) (Lab): Good morning, convener.

The Convener: We previously considered the petition on 4 October last year, when we agreed to write to the Scottish Government and the national services division. The Scottish Government's response provides information about its engagement work with individuals living with Ehlers-Danlos syndrome and hypermobility spectrum disorders. The submission highlights the Government's work on the rare disease action

plan and states that officials would be happy to meet the petitioner to discuss that work further.

The national services division's submission explains that a short-life working group that it facilitated found that

"there was a need for specific specialist expertise in Scotland to improve patient care"

but one of the reasons why that work has not progressed is that the national specialist services committee determined that

"care might be better delivered through the development of a set of clinical guidelines, a patient pathway of care or a networked community of practice."

The response from the petitioner—Ehlers-Danlos Support UK—states:

"This is exactly what we are trying to achieve",

but it has been informed by Healthcare Improvement Scotland that there is "not enough evidence" to support the creation of guidelines from the Scottish intercollegiate guidelines network. The petitioner has shared that NHS Wales has now

"committed to co-creating a hypermobility pathway for primary care to help GPs diagnose and manage these conditions."

The petitioner also outlines statistics to support its view that Ehlers-Danlos syndrome and hypermobility spectrum disorders are not necessarily rare disorders, as they often go undiagnosed.

We have received a written submission from our colleague Emma Roddick, who is unable to attend the meeting. Her submission, which is available on the committee's website, touches on her experience of living with chronic pain and the value of meeting other people who have similar experiences to her own. She acknowledges that doctors

"cannot be expected to know everything",

but she believes that there should be

"a nationally agreed standard for pain pathways to ensure that people do not fall through the cracks".

Before we consider what we might do next, I invite Michael Marra to speak to the committee.

09:45

Michael Marra: I greatly appreciate being afforded the opportunity to address the committee. This is the first time that I have spoken to the committee about the petition, and I would like to provide an update on some of the developments from my involvement with the petition.

My involvement relates to constituents who are living with such conditions and have faced

challenges in accessing treatment and support. That includes some who have waited 20 years for a diagnosis. I have lodged a motion for a members' business debate on the subject, which has gained cross-party support, for which I am grateful. I look forward to having that debate in the chamber when it is scheduled.

Last month, I was pleased to host a round-table meeting in the Parliament with Ehlers-Danlos Support UK and researchers from the University of Edinburgh, Kathryn Berg and Dervil Dockrell, who shared the findings of their recent research into EDS, which revealed that people are waiting decades for a diagnosis, with a large proportion of those people either leaving Scotland to access healthcare in England or paying for private treatment. That demonstrates that there is a clear gap, as that research testifies, in the services that are available in Scotland for people living with HEDS and HSD. For that reason alone, I urge the committee to keep the petition open for further consideration, and I will come on to suggest some potential actions.

Ehlers-Danlos syndromes are a group of 13 heritable connective tissue disorders that are caused by genetic changes that affect connective tissues. Each type of EDS has its own set of features, but common features of various types of EDS include joint hypermobility, skin hyperextensibility and tissue fragility. That can cause a person's joints to dislocate and their skin to be stretchy. They bruise easily and their wounds can take a long time to heal.

I have heard powerful testimony from constituents on living with such conditions. They have talked about being in constant pain, living with reduced mobility and having a limited quality of life, as well as the impacts on their mental health.

The most common type of EDS is hypermobile EDS, which accounts for about 90 per cent of the cases that are being considered today. There are various statistics on the prevalence of such conditions. The convener referenced some of them in his opening remarks. As he did and as colleagues from EDS UK have done, I point out that there is a crucial distinction between rare and rarely diagnosed. One study found that one in 500 people had a diagnosis of HEDS and HSD, so the matter certainly requires more investigation.

The Scottish Government's submission on 12 October 2023 stated that the Government was

"considering what additional stakeholder engagement activities may be required throughout 2024."

It also talked about

"the Rare Disease Implementation Boards's intention to hold a number of 'involvement meetings' early in 2024".

However, as it states in its latest submission, EDS UK does not feel that those meetings are an appropriate avenue for developing a specific care pathway for EDS, as they cover a range of rare diseases.

The response from the national services division on 13 October 2023 stated:

“The ongoing diagnostic, treatment, and care needs of hEDS and HSD patients are the responsibility of individual Health Boards”.

However, given the experiences of my constituents that I have highlighted and those that have been highlighted through research and the work of EDS UK, that system is simply not working at the moment.

The petitioner’s most recent submission calls for

“A pathway for NHS diagnosis and care for hypermobile Ehlers-Danlos syndrome and hypermobility spectrum disorders ... NICE/SIGN guidelines for Ehlers-Danlos syndromes and hypermobility spectrum disorders ... A coordinated, multidisciplinary approach to diagnosis and care for people with hypermobile Ehlers-Danlos syndrome and hypermobility spectrum disorders”

and, crucially,

“Support and training for healthcare professionals to deliver this.”

I commend the staff and volunteers at EDS UK for their continued determination on the issue.

I note that progress has been achieved in other United Kingdom nations to date. For example, in May, as the convener said, NHS Wales committed to co-creating a hypermobility pathway for primary care to help GPs to diagnose and manage the conditions. Colleagues at EDS UK have met community health pathway teams in Wales, which has helped to progress work on that pathway. Research and lived experience have shown that GPs are often not aware of such conditions or the potential treatment options that are available. Publishing a pathway would give clearer guidance to GPs and lead to improved patient experiences. At the round-table meeting that was held in the Parliament, there was a clear desire from the general practitioner workforce to have such information available to them.

As far as I am aware, we do not have community health pathways in Scotland, but there is the possibility for some collaborative work across the two nations of Scotland and Wales in that regard. I suggest that the committee might want to contact NHS Wales to find out more detail on the progress of that work to date and how it might be applicable to Scotland.

The Convener: Thank you very much. There were a couple of good suggestions in there.

Foysoyl Choudhury: We should keep the petition open and, as well as doing what Mr Marra

suggested, write to the Scottish Government to ask whether it accepts the petitioner’s view that Ehlers-Danlos syndrome and hypermobility spectrum disorders are not necessarily rare diseases, as they are often undiagnosed. In the light of that, we should ask what action is being taken, beyond the rare disease action plan, to improve diagnostic services. We should also highlight the commitment by NHS Wales to co-produce a hypermobility pathway for primary care and ask whether a similar exercise could be undertaken in Scotland.

The Convener: I note that, in addition to Mr Marra and Emma Roddick, a number of our colleagues—Bob Doris, Angela Constance, Bill Kidd, Pauline McNeill, Màiri McAllan, Daniel Johnson, Martin Whitfield and Michelle Thomson—have all been engaged on the issue, so it has attracted a considerable amount of attention and concern among parliamentary colleagues.

I am happy to take forward all the suggestions that have been made. We might also want to ask about the view that the current way of moving forward might not be the best model to achieve the end result. It would be useful to put that point to the Scottish Government to see what its reaction is, because that view is obviously very clearly felt.

We will keep the petition open. There are a number of ways in which we can continue to pursue the issue. I thank the petitioner for lodging the petition and Michael Marra for joining us this morning.

Parking Charges (Community Healthcare Staff) (PE2041)

The Convener: PE2041, which was lodged by John Ronald, calls on the Scottish Parliament to urge the Scottish Government to encourage local authorities to exempt staff working at community healthcare facilities who do not have access to free on-site staff parking from on-street parking charges, to allow them to care for vulnerable and sick people in our country without it costing them thousands of pounds per year.

We previously considered the petition on 6 December 2023, when we agreed to write to the health secretary, the Convention of Scottish Local Authorities, the Royal College of Nursing, the trade unions Unison and Unite the union, and the Allied Health Professions Federation.

Responses in support of the petition’s ask have been received from the Royal College of Nursing, Unite and the Allied Health Professions Federation. Although being mindful of the need for sustainable travel, the RCN highlighted that parking arrangements

“form part of working conditions for RCN members and impact recruitment and retention rates.”

In its response, the Allied Health Professions Federation noted that, if allied health professionals

“are required to pay for parking, they would effectively be penalised for accessing their workplace.”

The then Cabinet Secretary for NHS Recovery, Health and Social Care’s response notes the expectation that all NHS boards in Scotland should have a policy in place that enables staff to be reimbursed for valid expenses, including car parking charges, but the response is clear that such policies should not be extended to

“cover staff who drive to their work and park their car all day at their base of work”.

We have also received a response from the petitioner, who remains concerned that community health staff who use their own cars for work are being discriminated against.

Do members have any comments or suggestions? There is a route for the reimbursement of such charges when community care workers are out in the community and have to use off-street parking, but it is clear that a different view is taken to permanent daily parking at a fixed place of work. Are there any suggestions for actions?

Maurice Golden: As a final follow-up, should we write to regional health boards to ask what options for support and reimbursement are available to community healthcare staff who are required to use their personal vehicle as part of their role?

The Convener: I am content to do that. Are we all content?

Members *indicated agreement.*

The Convener: Marie McNair, are you content that we pursue the matter a bit further?

Marie McNair (Clydebank and Milngavie) (SNP): Yes.

The Convener: Thank you very much. We will keep the petition open. Having been directed to the view that local authorities have that ability, let us try to find out whether staff can, in fact, access that opportunity in practice.

FAST Stroke Awareness Campaign (PE2048)

The Convener: That brings us to PE2048, from James Anthony Bundy. I see that Mr Bundy is with us in the gallery, along with his mother, I believe. The petition calls on the Scottish Parliament to urge the Scottish Government to increase awareness of the symptoms of stroke by reviewing its promotion of the FAST—face, arms, speech,

time—stroke awareness campaign and ensuring that awareness campaigns include all the symptoms of a potential stroke.

We have been joined in our consideration of the petition by our MSP colleagues Stephen Kerr and Alexander Stewart. Good morning to you both.

Stephen Kerr (Central Scotland) (Con): Good morning.

Alexander Stewart (Mid Scotland and Fife) (Con): Good morning.

The Convener: We previously considered the petition at our meeting on 6 December 2023, when we agreed to write to the Minister for Public Health and Women’s Health, the Stroke Association and Chest Heart & Stroke Scotland. I am pleased to say that we have received responses from all those that I have just listed, which are detailed in our meeting papers, to which I turn.

The minister tells us that work is on-going to establish existing levels of awareness of stroke symptoms and FAST, with consideration also being given to how awareness of less common symptoms can be increased. The minister also indicated that there are no plans to deviate from supporting the use of the FAST approach, though this position will be regularly reviewed based on the best available evidence.

We have also received a submission from the petitioner expressing disappointment that the Scottish Government has no plans to deviate from the FAST approach. The petitioner has also highlighted that, where clinicians are reliant on the FAST test, that can have devastating effects for patients presenting with less common symptoms, as was the case for his father.

Responses from the Stroke Association and Chest Heart & Stroke Scotland highlight the need for further research before committing to the use of the BE FAST—balance, eyes, face, arms, speech, time—approach in a new nationwide campaign.

Before I ask the committee to comment, would Mr Kerr and Mr Stewart like to address us?

Alexander Stewart: I am delighted to be back again at committee to speak to the petition. I commend and congratulate the Bundy family for their tireless campaign since lodging the petition and prior to that.

It is interesting to hear the minister’s comments, but there is still room for further discussion about how we take forward the issue. We have already heard that there is an opportunity to develop BE FAST as a potential future approach. Indeed, the approach has been used, and there is a real challenge in ensuring that messaging gets out

about it. However, there is still the risk of false positives with the use of that approach.

Throughout the campaign, we have all felt that it is better for someone to go to accident and emergency to find out whether they have had a stroke rather than sit at home and dismiss what is occurring because they are not experiencing FAST symptoms. However, they might be experiencing BE FAST symptoms. We need to continue discussing that. In the meetings that the Bundy family and I have had with the minister and the Cabinet Secretary for Health and Social Care, there has been quite a lot of discussion on that.

The Scottish Government could work with Public Health Scotland and NHS boards to trial BE FAST. If we have a trial, we could access real results and data, which would allow for informed decisions to be taken. As I said, people who do not fit into the FAST criteria are not given the opportunities to have, for example, a scan or to go through medical processes. Individuals have lost their lives, as Tony Bundy did. I believe that there is still room for improvement.

I urge that a trial be carried out, potentially by one health board, to consider the issue. The subsequent report would show what is happening and give more data. That data will set out the case to progress the matter.

The Convener: Thank you very much, Mr Stewart. Mr Kerr, do you have anything that you wish to add?

10:00

Stephen Kerr: I am here because James Bundy works in my office. I have known him and his family for a long number of years. Everyone will be aware of the circumstances that have brought the petition into being.

I just want to say that I completely agree with everything that Alexander Stewart has said. He has made a very reasonable request that the BE FAST approach be trialled somewhere.

I am at a loss, frankly, to understand why the Scottish Government and the minister are not prepared to consider carrying out research, or even to give consideration to the existing body of research in support of the adoption of BE FAST.

It has been put to colleagues and the Bundy family that, were BE FAST to be adopted, there would be an influx of people arriving at accident and emergency believing that they were perhaps having a stroke. The reality is that, if that were to happen and we were able to save lives—in this case, it is very close to home for James Bundy and his family—because the medical staff were aware of the BE FAST approach and the clinicians' prioritisation was governed by a fuller

appreciation of the symptoms so that a faster diagnosis could be made, perhaps a life could be saved. Therefore, I find it almost unreasonable that the minister is not prepared to consider even the existing body of research in her considerations and that the Government is not prepared to undertake or commission some research of its own. The cost of all those requests is minimal, but the value of a life is infinite.

The Convener: Thank you, Mr Kerr. The issues that are raised in the petition are of considerable interest to colleagues on the committee, and there are a number of things that we might now reasonably consider doing to take it forward. Colleagues, do you have any suggestions?

Maurice Golden: We should first write to the national health service regional health boards and the Scottish Ambulance Service seeking information on any local stroke awareness pilots that they have undertaken, including their outcomes. In addition, we should write to the Scottish Government highlighting the contributions from Mr Stewart and Mr Kerr on data, on consideration of trials and on commissioning research, and to seek an update on its work to establish existing levels of awareness of stroke symptoms and whether that includes consideration of the awareness among clinical staff of symptoms beyond those captured by the FAST test.

The Convener: I do not know whether colleagues are so minded, but this might be a petition on which we are prepared to take further oral evidence. I wonder whether we might consider convening a round-table discussion of relevant stakeholders to discuss the issues with the committee. That might include the Stroke Association and Chest Heart & Stroke Scotland. The clerks and I could agree which organisations to invite, if the committee is content to leave that task to us. We might then be able to have a more detailed discussion to tease out the issues, all of which might then put us in a stronger position as a committee to address them directly with the minister.

Are colleagues content that we do that?

Members indicated agreement.

The Convener: I thank Mr Stewart and Mr Kerr. Again, I note the presence of the Bundy family. I hope that they will be content that we will progress those issues. The evidence session, together with the further written evidence that we will seek, will give us an opportunity to pursue the issues that are raised in the petition.

Migrant Accommodation (Buffer Zones) (PE2049)

The Convener: The next continued petition, PE2049, from Gilliane Petrie, calls on the Scottish Parliament to urge the Scottish Government to introduce buffer zones outside migrant accommodation to prevent anti-migrant groups from gathering in those spaces and help to protect occupants, including asylum seekers and refugees, from harassment and intimidation. We also considered the petition at our meeting on 6 December 2023, when we agreed to seek information from the Scottish Refugee Council, JustRight Scotland, COSLA, Police Scotland, and the Mears Group.

In its response, Police Scotland states that it considers current police powers as sufficient to address any unlawful behaviour that may arise in the vicinity of migrant accommodation as a result of protest activity.

The Mears Group believes that any decision about buffer zones would be a matter for the Home Office as the contracting authority for migrant accommodation, while also highlighting its use of private security teams to help manage protests, with support from the police.

The response from JustRight Scotland states its position that the rights to freedom of expression and peaceful assembly are fundamental rights and that lawful interference should be kept to a minimum and done cautiously. It also believes there is much more that can be done in Scotland to ensure that those seeking asylum are safe and secure in the place where they are living and in the community, with the response highlighting wider concerns about the use of institutionalised accommodation for people seeking asylum.

In light of the responses that we have received, do members have any comments or suggestions for action?

Maurice Golden: We have done some work on the petition and, ultimately, from the evidence that you have just highlighted, we should close the petition under rule 15.7 of standing orders on the basis that Police Scotland already has powers to address any unlawful behaviour that may arise in the vicinity of migrant accommodation as a result of protest activity.

The Convener: Are we content on that basis to close the petition?

Members indicated agreement.

The Convener: I thank the petitioner, but they will understand from the evidence received from Police Scotland that the required protections are—in place.

New Petitions

Schools (Prescribed Learning Hours) (PE2103)

10:06

The Convener: Item 3 is consideration of a number of new petitions. As I always do before we begin consideration of new petitions, I point out to those who might be watching or following the proceedings, or to any petitioner who may have tuned in to see us discuss their petition, that, in advance of this consideration, we invite the Parliament's independent research body, the Scottish Parliament information centre, to provide us with a briefing on the issues that have been raised in it. We also ask the Scottish Government for its preliminary view. We do that simply because, historically, the committee, on our first consideration of a petition, would instruct those bodies to respond. Our current approach allows us to shortcut that and get to a meaningful discussion.

The first new petition, PE2103, from Dr Julie Badcock, calls on the Scottish Parliament to urge the Scottish Government to standardise the prescribed learning hours for primary and secondary establishments across all local authorities in Scotland.

The SPICe briefing explains that the length of the day and the number of learning hours is a matter for each local authority. It also explains that ministers have the power to make regulations that would set the minimum number of learning hours that each pupil should receive.

In 2023, the Scottish Government consulted on using those powers to prescribe the minimum annual number of learning hours. The consultation closed in June 2023 and the Scottish Government is yet to set out what its next steps will be. The Government's submission states that it is carefully considering the very large number of responses and that it intends to publish its analysis of the responses in due course.

Its submission also states that Government does not support any reduction of learning hours in any local authority. That view was expressed in a letter to all local authorities last year. Ministers are working to reach an agreement with local government on the issue. The submission states:

"If no agreement is reached, Ministers remain open to taking steps towards utilising"

its powers to regulate the number of learning hours.

The issues in the petition are live, presently. Do colleagues have any comments or suggestions?

Foysoyl Choudhury: We should keep the petition open and write to the Cabinet Secretary for Education and Skills to ask for an update on the Scottish Government's work with local authorities to reach an agreement on the provision of learning hours, including information on how the work is expected to progress and when information on the outcome of that work will be available, and to ask when the analysis of responses to the consultation of prescribing minimum hours will be published. Given that the consultation closed in June 2023, we should ask for an explanation as to why its publication is taking so long.

The Convener: I think that the committee can accept that, if there are a considerable number of responses, it might take time to analyse those. However, it is 15 or 16 months since the consultation closed, and it would be interesting to understand what the on-going delay is. Are colleagues content with that approach?

Members *indicated agreement.*

Listed Buildings (Demolition) (PE2105)

The Convener: PE2105, which was lodged by Lydia Franklin on behalf of Save Britain's Heritage, calls on the Scottish Parliament to urge the Scottish Government to set a minimum evidence requirement to prevent unnecessary use of emergency public safety powers to demolish listed buildings.

We are joined this morning by two of our parliamentary colleagues, Carol Mochan and Paul Sweeney, who are both former members of this committee. Welcome back to you both.

The SPICe briefing explains that local authorities are required by law to intervene where a building presents a danger to people in or about that building, to the public generally or to adjacent buildings or places. Where the local authority considers the required action to be urgent, it can carry out that action without first obtaining the usual statutory consents. That includes where demolition is considered the required action.

The Scottish Government's response to the petition states that works undertaken on listed buildings without prior consultation should be limited to the minimum necessary requirement to protect the public until proper consultations can take place.

It also states that it is for the local authority to determine the most appropriate course of action, taking into account the particular circumstances of each case, and that it is not possible for guidance to be specific about the approach required when the instances of dangerous buildings are unique

and require a risk-based approach to determining the appropriate action.

The petitioner's written submission states that in order to adhere to the legislative requirements and good practice, enhanced guidance is needed to set out the minimum structural evidence and processes that are required before demolition works to listed buildings is undertaken. She recognises that the approach to managing dangerous listed buildings is unique and requires a risk-based approach. However, it is her view that that does not prevent the creation of additional guidance to ensure the appropriate expertise is sought when assessing what action should be taken.

Before we consider what we might do, we will hear from Carol Mochan and Paul Sweeney. Carol Mochan, what would you like to say?

Carol Mochan (South Scotland) (Lab): I appreciate the opportunity to come along and speak to the petitions committee this morning. I am obviously here to support the petition PE2105, which I am supporting on behalf of my constituents right across the region that I cover, which is South Scotland. I have been contacted many times about this issue, which is important not only because of the need to save beautiful and historic buildings in the region for future generations, but because there seems to be a need to enhance the guidelines around dangerous buildings.

In my work with constituents since being elected, I have found that we have a number of ordinary members of the public who really care about their communities and the buildings and the history of the villages that they live in. Often, they raise issues with the council and other public bodies and ask whether advance work could be done before an emergency situation is reached. Unfortunately, in a number of cases in the three years that I have been a member, I have agreed with my constituents that that does not seem to be a priority and that the system seems to not be working very well. We end up the use of legislation around emergency building care. Of course, my constituents understand that it is important that the public is protected. There is no question of that, but they feel that there is a loophole in that we get to emergency situations and then the legislation is used, whereas things could be different if we had enhanced guidelines.

I want to thank, in particular, my constituent Esther Clark, who has worked tirelessly to address this issue in Ayr, where she lives, and where there are many historic buildings, which we know may be getting to the point where they are at risk.

It is with some urgency that I say that we would do well to support the petition, in order that we do not continue to have this unnecessary response in

situations where we feel that the public could be vulnerable. I hope that the petitions committee will continue to consider the petition. Thank you.

10:15

Paul Sweeney (Glasgow) (Lab): I thank members of the committee for considering the petition, which concerns an issue that has been a bone of contention for me for many years. When I was growing up in Glasgow, a city that has experienced significant demolition and destruction of its built heritage over the years, I was motivated to become engaged and get involved in many ways by my desire to try to preserve the built heritage of the city and my community.

I guess the matter begs the question: why do all these buildings seem to be getting demolished a lot of the time and what is the process that is underlying that? I have spent a great deal of time interrogating the issues and getting to the nub of what is going on. I could go back to 2004 and the demolition of the Elgin Place memorial church in Pitt Street, which was done unnecessarily two days after Christmas, based on no evidence from a suitably qualified structural engineer. Coming back to the present day, as we speak, in Sauchiehall Street, which is just around the corner, the listed ABC building—the former Regal cinema—is currently being demolished, despite there being advice and an assessment from a conservation-accredited structural engineer that the façade could be preserved. That advice was disregarded by the owner of the building and by Glasgow City Council's building control officers. The building was summarily served with a dangerous building notice and is currently being demolished without any due process whatsoever. No evidence has been presented that the building could not be saved, at least in part.

That is why this petition is so important. Save Britain's Heritage's engagement, as my colleague Ms Mochan mentioned, came about as a result of the Ayr station hotel incident in Ayrshire, where the building suffered a fire. The building was deemed to be dangerous and the council's building control team came in and started a process of almost wholesale demolition of the building. It made no communication with stakeholders and no evidence was presented transparently about why that demolition was necessary in its entirety, even though the local Ayr Development Trust had commissioned its own structural specialist engineers—the top experts in their field, Ed Morton and Ben Adam, who were registered conservation-accredited engineers—who had produced reports saying that the building could be substantially saved, at least as a shell, which were completely disregarded. There was not even the courtesy of a response from the

council on the matter. That took place was over a period of months, so the notion that the demolition had to happen urgently—in a matter of hours or days—to safeguard the public is a fallacy.

In reality, such exercises are long drawn out and take place over a series of months. Indeed, the ABC building has been standing empty in Sauchiehall Street since 2018 and has potentially been a danger to the public since that time, yet only in the last three months or so, after a proposal from a developer to demolish the building and build a new building has been received, has building control suddenly leapt into action and expedited an emergency demolition order.

I would contend that the process is subject to routine abuse and manipulation. One of the problems, not even just with the dangerous buildings process under sections 29 and 30 of the Building (Scotland) Act 2003 but with the process under the Planning (Listed Buildings and Conservation Areas) Act 1997, is that there is no independent arbitration and no independent scrutiny of the evidence presented by developers or those applying to demolish listed buildings to test whether the evidence presented is sufficiently robust.

I would suggest that the petition makes a reasonable ask: that the conservation accreditation register of engineers, which is maintained by the Institution of Civil Engineers and the Institution of Structural Engineers, is used as the basis for the qualifications that are necessary for an expert to judge the condition of a listed building when it is in a dangerous condition and when applicants are applying for a listed building consent to demolish a listed building or a building in a conservation area. That would be a necessary enhancement. I can tell you, with all sincerity, that the process is subject to routine abuse whereby soft engineers are commissioned by clients to present reports that basically advocate for their desired outcome. Those engineers are not independent—they are commissioned by the applicant. Of course, the engineers will do what the client wants, so that is why the process is inherently tainted by bias under its current guise.

I would suggest that, certainly in the case of listed buildings, there should be a much higher threshold of evidence necessary to justify demolition. There are 2,214 buildings in Scotland on the current buildings at risk register, and over the past three decades or so that the register has been active, 658 listed buildings in Scotland have been demolished. There are probably many more out there that did not make it to the register in the first place. I would say that most of those, if not all of them, could have been saved in whole or in part had a more proactive approach been taken by the

planning authorities, and the right expertise was in the room assessing those buildings.

No planning authority in Scotland has a conservation-accredited engineer employed. Theirs is not an in-house set of skills. In the same way that I would not go to a GP to seek treatment for a brain tumour, but would go to a neurosurgeon, there needs to be the necessary expertise commissioned to ensure that we do not unnecessarily lose the nation's built heritage. The petition has the perfectly reasonable contention that guidance should be enhanced so that in cases of listed buildings at risk when a section 29 or section 30 order is served, a conservation-accredited engineer must be commissioned to investigate the building and determine what could be saved, if anything.

That independent approach would be much better at achieving outcomes such as saving the façade of the ABC building on Sauchiehall Street, which is currently being unnecessarily demolished. That will be a permanent loss to our national heritage, which is a crying shame. I could cite numerous other examples. The Springburn public halls in 2012 could have had its façade preserved, but it was entirely demolished. The Elgin Place church, maybe known to some as the Shack nightclub, on Pitt Street was unnecessarily demolished. There are numerous other examples: Ayr station hotel is the latest in a litany of buildings lost to the nation.

I would encourage the committee to consider further actions by asking stakeholders to present further evidence. I would suggest asking the Institution of Civil Engineers and the Institution of Structural Engineers to talk about why the CARE register is so important and why its use would result in a good professional benchmark for enhancing the guidance in Scotland. I would suggest having Lydia Franklin and Henrietta Billings from Save Britain's Heritage along to discuss, in particular, the case of the Ayr station hotel. I would suggest speaking to registered conservation-accredited engineers who are currently practising in Scotland, such as Ben Adam at Narro Associates, Will Rudd Associates, and Ed Morton, who is a CARE engineer who was involved with the Ayr station hotel. I would suggest engaging with the Scottish Historic Buildings Trust, the Architectural Heritage Society of Scotland, Glasgow City Heritage Trust, whose director is Niall Murphy, the Scottish Churches Trust, and National Trust for Scotland. It might be good to have Liz Davidson along, who has been heavily involved in the Glasgow Building Preservation Trust and efforts to save Glasgow School of Art's Mackintosh building—the Mac. The Ayr Development Trust, of course, was heavily engaged in the saga at Ayr station hotel, and it could recite to the committee the flaws in that

process in detail. Esther Clark might be a good starting point, as might Robin Webster, who is an eminent conservation architect—top of his field in Scotland—who could also relate some of the issues. That is just a set of suggestions of people to bring along to the committee. I have many more in my reservoir of suggestions.

I would encourage the committee in the strongest terms to inquire deeply into the issue. I am fully clear that there are flaws in the current process and that the current regulations are open to regular, routine and pretty sophisticated abuse by consultants, planning officials, applicants and property developers.

The Convener: Thank you for that unsurprisingly compelling advocacy in support of the aims of the petition. I am old enough to remember the era before multiplex cinemas when the ABC cinema—the Regal—in Sauchiehall Street was a regular place to go. I can recall Charlton Heston going there for the premiere of "Earthquake", with surround sound, when we were shaken in our seats during the earthquake. It seems that the cinema survived that, but is not surviving the calumnies that have been visited on it by Glasgow City Council's planning process.

The argument that you make is an interesting one. Most of us are aware of buildings that are being lost without necessarily having fully understood what processes have led to their demolition. Sometimes that will, of course, have been completely necessary and unavoidable, but there is sometimes a suggestion that there is a shiny new model that might better suit the owners and they are keen to pursue it. I am minded, in relation to Glasgow, of the Odeon cinema on Renfield Street, where the magnificent façade was preserved and has been incorporated into the much newer building structure that was allowed to be developed on what had been the site of the auditoria of that cinema complex. There are solutions that can be found if people want to find the imagination to take them forward.

I am quite interested in the petition, and I think that the public is generally interested in it. I do not know whether we have a room in Parliament big enough for all the people whom Mr Sweeney was suggesting, but I am minded to conduct an informed round-table discussion on what is happening with the process and whether legislation might not be more appropriately drafted to give a little bit of weight to the idea of conservation-accredited engineers having a say on this. I think that those arguments were quite interesting.

I wonder whether there is anything that we might do to inform that panel. Does anyone have any suggestions as to what we might do in the first instance?

Maurice Golden: I agree that there is quite a lot in this matter. For decades, perhaps, many of our buildings have been unnecessarily demolished, in my view, across the whole of Scotland.

Initially, we should write to the Scottish Government to ask how it can be confident that existing powers contained in the building standards legislation and supporting guidance are sufficient to protect listed buildings from unnecessary demolition. Furthermore, we should ask it how local authorities should determine whether partial or total demolition is the only appropriate solution to address a safety risk in cases that are considered to be urgent. In addition, we should ask it what level of community engagement might be appropriate for local authorities and whether it has considered producing additional guidance to set out the minimum structural evidence required and the provision of appropriate expertise in cases where a listed building is being assessed against the Building (Scotland) Act 2003.

The Convener: We might specifically ask whether that would include the use of a registered conservation-accredited engineer. I think that would be useful.

Are members content that we should write to the Scottish Government in the first instance?

Members indicated agreement.

The Convener: It would then be useful to have a round-table discussion on the issue. The clerks have noted the various recommendations. In this instance, I will invite the clerks to liaise with the committee and with Mr Sweeney, to see whether we can identify the key individuals who might be able to participate. I think that if we had all the people that he suggested, they would get a minute each and we would still not have enough time.

We will keep the petition open—it is one of enormous public interest—and we will pursue the recommendations that the committee has made and that we have heard from Paul Sweeney and Carol Mochan, whom I thank very much for joining us this morning.

Proceeds of Crime (Funding for Charities) (PE2107)

The Convener: PE2107 is about using more money that is recovered from the proceeds of crime to support community-based charities that train animals to assist in the detection of drugs. The petition, which was lodged by Kevin Craighen on behalf of the Shetland Times Ltd, calls on the Scottish Government to direct more public funding that is recovered through the Proceeds of Crime Act 2002 to support charities such as Dogs Against Drugs, which are vital to their communities

and play an integral part in the seizure of drugs and criminal assets.

The background to the petition tells us that the charity Dogs Against Drugs was directly involved in the seizure of more than £360,000-worth of drugs and more than £14,000 of cash last year. However, due to financial pressures, the charity has had to let go one of its dog handlers, and the petitioner has suggested that changes to the way in which the proceeds of crime are distributed could reduce such pressures.

The SPICe briefing notes that, although Police Scotland does not publish the number of dogs in its dog unit, a freedom of information response from April 2023 stated that the police had 144 dogs across Scotland, with that figure having been relatively stable for a number of years. In Orkney, Shetland and the Western Isles, local policing teams work with charities, such as those highlighted in the petition, to carry out detection activities, though they do not fund them.

Responding to the petition, the Scottish Government notes that money that is recovered through the Proceeds of Crime Act 2002 is paid into the Scottish consolidated fund and is currently used to fund the cashback for communities programme. The current phase of the programme

“focuses on delivering a range of trauma-informed and person-centred services and activities for young people ... who are at risk of entering the criminal justice system.”

The Government’s response highlights that a grant of £10,000 was awarded to Dogs Against Drugs through the serious organised crime community grant scheme and that, more recently, it received a one-off grant of £30,000 from money that is ring fenced for projects relating to serious organised crime. That is expected to relieve the current financial pressures while officials consider longer-term funding options.

Do members have any suggestions for action?

Maurice Golden: We should write to the Cabinet Secretary for Justice and Home Affairs to seek further details on the work that is being undertaken to consider longer-term funding options for charities that play a vital role in the seizure of drugs and criminal assets.

The Convener: I should have noted that we received a late submission, which colleagues will have seen, from our colleague Beatrice Wishart on the petition.

Mr Golden has suggested that we keep the petition open and write to the cabinet secretary. Are we content to do so?

Members indicated agreement.

Mental Health (Care and Treatment) (Scotland) Act 2003 (PE2108)

10:30

The Convener: PE2108, which was lodged by Andrew Muir, calls on the Scottish Government to require medical professionals to obtain a second medical opinion before a person is detained under the Mental Health (Care and Treatment) (Scotland) Act 2003.

The SPICe briefing explains that a short-term detention certificate authorises a patient's detention in hospital for 28 days in order to determine what medical treatment the patient needs and to provide that treatment. The 2003 act specifies the criteria that an approved medical practitioner must confirm have been met in order for a detention certificate to be used, and the act requires that a mental health officer must give consent before it is used. If the patient has a named person, that person must also be consulted and have their views taken into account.

In England, the decision on whether to detain a patient is made by an approved mental health professional following an assessment by two doctors. When the Mental Health Act 1983 was being debated, it was stressed that the independence of the two doctors making medical recommendations was important in order to avoid collusion, influence or interference with clinical judgment.

In her response to the petition, the Minister for Social Care, Mental Wellbeing and Sport outlined the use of short-term detention certificates and highlighted the right of appeal. The submission also highlights that reducing coercion is one of the priorities that emerged from the Scottish mental health law review.

The petitioner has shared his view that the certification process

“does not contain sufficient safeguards”

because the mental health officer who grants consent is not necessarily independent of the approved medical practitioner. His view is that the mental health law review was “not fit for purpose” and that, although the review stated that coercion should be reduced, it is not clear how that will be achieved. The petitioner would like

“supported decision making to be the norm rather than substituted decision making.”

These are important issues. I think that I recognise the name of Andrew Muir—he might have lodged petitions with the committee previously. Do colleagues have any comments or suggestions?

Foysoil Choudhury: We should keep the petition open and write to the Scottish Government to highlight the requirement in England for an assessment by two doctors before short-term detention and to ask how it can be confident that just one medical opinion is sufficient for cases in Scotland.

The Convener: If there are no other suggestions for action, are we content to keep the petition open?

Members indicated agreement.

The Convener: We will keep the petition open. We thank Mr Muir for raising the issue with us. We will write to the Scottish Government and see what response we get in the first instance.

That bring us to the end of our public session. Our next meeting will take place on Wednesday 30 October. We will move into private session to consider agenda items 4 and 5. I again thank Marie McNair for joining us as a substitute for David Torrance this morning.

10:33

Meeting continued in private until 10:41.

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Edinburgh
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The deadline for corrections to this edition is:

Tuesday 12 November 2024

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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