



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 19 March 2025

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
5th Meeting 2025, 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 ATTENDED:

Jackie Baillie (Dumbarton) (Lab)

Paul Sweeney (Glasgow) (Lab)

Tess White (North East Scotland) (Con)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 19 March 2025

[The Convener opened the meeting at 09:46]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning, and welcome to the fifth meeting in 2025 of the Citizen Participation and Public Petitions Committee. By way of introductory excitement, our first item of business is a decision on whether to take in private item 4, which is consideration of our work programme for the rest of this year. Are colleagues content to take that item in private?

Members indicated agreement.

The Convener: I record the apologies of the deputy convener, David Torrance, who is still not well. We send him our best wishes and hope to see him again soon.

Continued Petitions

Upland Falconry (PE1859)

09:47

The Convener: Agenda item 2 is consideration of continued petitions. The first is quite a long-standing petition—PE1859, on retaining falconers' rights to practise upland falconry in Scotland. Barry Blyther, who is the progenitor of the petition, is with us in the public gallery, as he has been, I think, on each and every occasion that we have had an opportunity to consider the petition. Good morning, and welcome back. The petition calls on the Scottish Parliament to urge the Scottish Government to amend the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 to allow mountain hares to be hunted for the purposes of falconry.

We previously considered the petition in November 2023, when we agreed to write to the Minister for Environment and Land Reform, Police Scotland and NatureScot. We have also agreed to seek a parliamentary debate on the issues that are raised in the petition. We are aware of the pressure on debate slots, but we continue to seek that debate. In addition, in next week's meeting of the Conveners Group, our six-monthly meeting with the First Minister, I might well have the opportunity to raise the matter directly with the First Minister.

In our letter, we recommended that the Scottish Government produce guidance to clarify how falconers can ensure that they act in accordance with the legislation. We recommended that the guidance should clarify how falconers can participate in licensed activities, the areas in which there is not a high density of mountain hare and what action falconers should take if their bird accidentally takes a mountain hare. I am pleased to say that the then Minister for Energy and Environment accepted that recommendation. The Government's response to the committee states:

"the Scottish Government will seek to engage with relevant stakeholders to produce the guidance recommended."

NatureScot's response to the committee states that it will support the guidance for falconers by providing

"small scale maps indicating upland areas of Scotland with ... no known populations of mountain hares ... sparse populations ... and ... higher population densities".

To build on the available information on the density of mountain hare populations, NatureScot will ensure that falconers' reports of mountain hares are recorded.

The guidance for falconers will encourage them to take part in the voluntary mountain hare survey, to help to fill the knowledge gaps about the distribution and numbers of mountain hares.

Police Scotland's written submission provides an overview of how incidents of mountain hare being taken by a bird of prey would be recorded. The response notes that each incident has to be judged entirely on its own merit in terms of identifying or disproving criminality. The submission also responds to our query about how Police Scotland shares information about such incidents with NatureScot. It states that Police Scotland and NatureScot have well-established lines of communication for sharing various aspects of wildlife and environmental information. Those include pre-arranged recurring meetings and more spontaneous information-sharing meetings.

The petitioner's written submission highlights a stage 2 amendment to the Wildlife Management and Muirburn (Scotland) Bill, which created an exemption to allow falconers to take red grouse without requiring a licence. The amendment was lodged by the Scottish Government following feedback from stakeholders. The petitioner's submission points out that part of the rationale for the amendment was that the number of grouse taken by falconers is very small. The submission states that the amendment protecting mountain hares was designed to prevent large-scale culls by shooting. The petitioner believes that falconry is a bycatch that should be exempted, because, as with grouse, the number of hares taken by falconry will represent a tiny fraction of those that were historically taken by shooting. Had the stage 3 amendment been tabled at an appropriate time, there would have been a much more detailed examination of the matter at stage 3, before the bill was passed, with all the consequential actions.

The committee can do a number of things. Given that the Government has said that it accepts the recommendation in relation to guidance, do colleagues have any suggestions for action?

Fergus Ewing (Inverness and Nairn) (SNP): A great deal of material has been provided since we last met, and it is only fair to allude to some of it. I was astonished to see that NatureScot is arguing that it does not have enough information about the extent to which there is predation of hares. Of course we have that information. It actually has the temerity to say that

"several more years' worth of data are needed before this survey can provide a clearer picture of the distribution and numbers of mountain hares."

Unfortunately, that seems to be an argument for doing little. However, we have had two submissions from Barry Blyther very recently—on 4 and 14 March—and I gather that he might have further information for the committee that he has

not yet had the opportunity to convey to us. Therefore, I suggest that we give him the opportunity to provide that additional information, which I believe might be quite positive, indicating some supportive action from the minister and, to be fair, from NatureScot.

A copious submission from Barry and Roxanne Blyther, explains the pretty sad situation that, because of the inability to allow their male eagle, Stanley, to practise its natural activities in flying, it has been unable to mate with the female. That is pretty sad and "heart wrenching", as Barry puts it. In the interests of encouraging avian amour but also to make a serious point, I say that it is pretty sad when NatureScot prevents nature from taking its natural course. It is a bit perverse, if you come to think of it, because that should be exactly what it encourages.

Having said all that, we should debate the matter in the chamber on the basis of the principle that Barry Blyther and his colleagues were not provided with the opportunity to be heard when the mountain hare ban was introduced. The current minister has gone further than previous ministers in admitting that that was entirely wrong and indefensible. It has taken far too long to get to that stage, and we should have a debate, but we do not need to do that if the minister will take sufficient action. I do not think that sufficient action can be taken through guidance—primary legislation is almost certainly required—and I do not see why that action cannot be taken through one of the bills that is progressing through Parliament, such as the Natural Environment (Scotland) Bill. If there is a will, there is a way. It is a very simple thing to do, so why does the Government not just do it?

We should write to the Acting Cabinet Secretary for Net Zero and Energy to seek an update on the Scottish Government's work on the guidance and to clarify how we can rectify the mischief that plainly occurred.

Excuse me if I am repeating a matter that is on the record, but I believe that the committee also agreed to write to the Standards, Procedures and Public Appointments Committee to raise the point of principle, to indicate that we are minded to have a debate and to ask for its views on the matter, because I think that it arose in connection with another amendment that was sought to be lodged at stage 3 without the opportunity for proper consideration.

We should say that we are minded to have a debate, unless, of course, action can be taken to sort out the issue without one, thereby avoiding the embarrassment that that would cause to the Government for not admitting that it got this wrong. Why can the Government not just admit that it got

it wrong? There is no defence whatsoever—it is a slam dunk, politically speaking.

I hope that my candour will be noted by my friend Jim Fairlie, the minister, and that he will resort to the Churchillian “Action this day”.

The Convener: I will just formalise the point about writing to the Standards, Procedures and Public Appointments Committee. Recently, in deciding on a stage 3 amendment that was proposed in respect of dog collars—by Mr Golden, I think—the Parliament took the view that there had not been an opportunity to properly consider those matters. The amendment that we are talking about today is an example of exactly that—it was a stage 3 amendment where there was not proper consideration of the potential consequences.

The Parliament has acted differently in different situations. It would be right to write to the Standards, Procedures and Public Appointments Committee to say that there ought to be a principle that the Parliament adheres to because, otherwise, we will pass legislation that has consequences that could have been foreseen if they had been properly examined. Obviously, in this case, the consequences were unforeseen by many members, because they did not have the proper opportunity to be alerted to what might follow as a consequence of the amendment being passed. Therefore, I think that we would want to write to that committee.

If we are contacting Mr Blyther, who is here today, and if there is the opportunity to get some information quickly, that might allow the issue to be one of the subjects that I raise with the First Minister at next week’s meeting of the Conveners Group. That would be one of a couple of issues that I could draw to the First Minister’s attention, but I want to do that in full possession of the latest facts. I can perhaps agree, by correspondence with committee colleagues, on the nature of the question that I might put. Does that seem reasonable?

Fergus Ewing: It seems reasonable. If I have interpreted the hand signals correctly, Mr Blyther has indicated that he will provide the information quickly.

The Convener: I do not know whether we have written hand signals into the record before, but we will acknowledge Mr Ewing’s belief that suitable hand signals were conveyed to the committee in relation to that.

We will keep the petition open and take forward the suggestions that Mr Ewing and others have made. Is the committee content to proceed on that basis?

Members *indicated agreement.*

The Convener: I note that Stanley’s female counterpart is 24, so she is nearly as old as the Parliament. Let us see whether we can revive—what was it that you called it, Mr Ewing?—avian amour for Stanley.

Education Scotland (Staff Roles) (PE1953)

The Convener: PE1953, which was lodged by Roisin Taylor-Young, calls on the Scottish Parliament to urge the Scottish Government to review education support staff—ESS—roles in order to consider urgently raising wages for education support staff across the primary and secondary sectors to £26,000 per annum; increasing the hours of the working day for ESS from 27.5 to 35 hours; allowing ESS to work on personal learning plans with teachers and take part in multi-agency meetings; requiring ESS to register with the Scottish Social Services Council; and paying ESS monthly.

We previously considered the petition at our meeting on 20 March 2024, when we agreed to write to the Cabinet Secretary for Education and Skills and request an update on the Bute house agreement commitment to explore options for the development of an accredited qualification and registration programme for additional support needs assistants. The final proposals on that were due to be brought forward by autumn 2023.

The cabinet secretary’s written response of May 2024 stated that she was considering the outcome of that work. We have since received an update from officials that states that a draft report has been considered by the cabinet secretary but that it has taken longer than anticipated, due to the required engagement with a range of stakeholders. The submission states that the intention is to publish a final report this month or next month.

The petitioner has provided a written submission, which highlights the increasing number of children with additional support needs and states that teachers and support staff are not adequately equipped to handle that.

10:00

The petitioner highlights a particular case in which a staff member in an additional support for learning school had been employed with no induction, training or risk assessments. The staff member was not provided with de-escalation training, British Sign Language certification or Makaton certification, and they did not have specialist knowledge of complex disabilities. The staff member went on to suffer serious workplace injuries that prevented them from working.

The petitioner’s submission states:

“Education Support Staff in ASL schools often carry out medical duties including oxygen tanks, insertion of catheters, administration of medications and hoisting or lifting for intimate care.”

The petitioner concludes her submission by stating:

“It is time to put all these policies and action plans into place. Councils are crying out for support staff in schools and are unable to recruit or retain these staff due to workplace violence, lack of training, low pay and no career pathways.”

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

Maurice Golden (North East Scotland) (Con): I appreciate that a full answer might be forthcoming but, given that we do not have one to date, we should write to the Cabinet Secretary for Education and Skills to highlight the increasing requirement for additional support needs assistance and the pressures that staff face, as set out by the petitioner. We should also highlight the medical duties that are carried out by staff, as set out by the petitioner, and seek a view on whether that level of medical care should be provided without registration or training.

Furthermore, we should highlight the delay to the Scottish Government’s publication of the report on the development of an accredited qualification and registration programme for additional support needs assistance. We should ask why there has been such a significant delay in publishing the report, although I appreciate the comments that you made on that point, convener.

Finally, we should seek information on how the Scottish Government intends to take action to address the issue during this parliamentary session.

The Convener: Thank you, Mr Golden. That was quite a comprehensive series of suggestions. Are colleagues content to keep the petition open and to proceed on that basis?

Members indicated agreement.

The Convener: I notice that we have been joined by Paul Sweeney and Jackie Baillie. In order to facilitate what I am sure is a busy morning for them, I will reorder the petitions that we will be considering today.

Concessionary Bus Travel Scheme (Asylum Seekers) (PE2028)

The Convener: PE2028, which was lodged by Pinar Aksu, on behalf of Maryhill Integration Network, and Doaa Abuamer, on behalf of the VOICES network, calls on the Scottish Parliament to urge the Scottish Government to extend the concessionary travel scheme to include all people

who are seeking asylum in Scotland, regardless of age.

We are joined, as we have been in the past, by our colleague Paul Sweeney, who continues to take a keen interest in the issue. Good morning, Mr Sweeney.

We previously considered the petition on 15 May, when we agreed to write to Transport Scotland. In June 2024, we received a response from Transport Scotland indicating that work was on-going to establish the most appropriate way to deliver free bus travel for people seeking asylum in Scotland. At that stage, Transport Scotland told us that it was using the £2 million budget allocation to develop a national pilot scheme to provide free bus travel for people seeking asylum who were not already covered by existing concessionary travel schemes. It was noted that the funding was allocated for a single year only.

Members will likely be aware that, since Transport Scotland’s response was received, plans to extend free bus travel to people seeking asylum—which was secured in a previous Conveners Group meeting, when the First Minister at the time, Humza Yousaf, agreed to look at the matter and subsequently agreed to the policy—were initially scrapped as part of the Scottish Government’s plans to cut public spending. However, the plans have since been revived, with funding for the scheme included in the 2025-26 budget, which was recently approved by the Parliament.

We have also received a submission from the petitioners, which calls on the committee to seek further information from Transport Scotland and the Scottish Government on next steps and a timeframe for taking forward the commitment to providing free bus travel for people seeking asylum in Scotland.

Given that the aims of the petition have been secured, the committee will need to consider whether there is more that we can do. However, before we have that discussion, I invite Paul Sweeney to offer his thoughts.

Paul Sweeney (Glasgow) (Lab): Thank you, convener. It is a pleasure to join the committee this morning.

I echo your comments about the work of Pinar Aksu from the Maryhill Integration Network and Doaa Abuamer from the Red Cross VOICES network, who drove the public campaign on extending free concessionary bus travel to people seeking asylum in Scotland, given the fairly onerous conditions in which they live, with no recourse to public funds and so on.

I am pleased that your efforts in the Conveners Group pressed the First Minister to consider the

adoption of the policy. That was successful, although, as you mentioned, there was a mishap when the Government declined to carry it forward. I welcome the news that, in the most recent budget, the Government has included the policy in its programme.

I believe that the initial allocation in the budget for 2024-25 was £2 million, but the detail of how that latest iteration will be rolled out remains to be seen. That is where the concern of the petitioners continues to lie. There has been a stop-start approach from the Government in the past, and there is also concern that the scheme will not be on the same statutory footing as the other concessionary travel schemes in Scotland, including the over-60s scheme and the under-22s scheme. There is, therefore, a desire to ensure that it is done via statutory instrument, so that it is not some tokenistic measure that could simply expire after a year or so. The petitioners want a degree of permanence in the process, so, until that comfort is provided and the Government is prepared to furnish the committee with the detail of how the scheme will operate, I appeal to committee members to keep the petition open. We have had only a high-level commitment in the budget, which has never been progressed into how it will be operationalised.

Obviously, there is a real and continuing social need for the scheme. Government ministers expressed previously that it could be interdicted by adjustments to the no recourse to public funds rule by the Home Secretary. The nature of the change in Government since the election means that that risk is less obvious. There is a great opportunity to press ahead with the statutory instrument to introduce the scheme on a sure footing. Until we get that commitment from the Government, the petition merits being kept open.

The Convener: Colleagues, we therefore have to consider whether there is more that the committee could have oversight of—or more of which the committee could have oversight; I can hear my wife correcting my grammar as I speak—or whether the committee has taken matters as far as we can. Do members have any suggestions for action?

Foysoyl Choudhury (Lothian) (Lab): In the light of what Mr Sweeney has said, we should write to the Scottish Government seeking further information on the working group with the third sector representatives and other interested parties, specifically on whether consideration is still being given to the development of a national pilot scheme for the delivery of free bus travel for people seeking asylum, and on when it expects the working group to offer recommendations on the practical delivery of free bus travel on a longer-term basis.

The Convener: I couple that with the points that Mr Sweeney made about real detail in relation to longer-term commitment.

I was kind of minded to let the petition close, but, on the appeal of Mr Sweeney and in the light of Mr Choudhury's recommendation, are members content to keep it open?

Members indicated agreement.

Local Participation in Planning Decisions (PE2075)

The Convener: PE2075, on prioritising local participation in planning decisions, was lodged by Stuart Noble on behalf of Helensburgh community council, the members of which are with us again in the gallery this morning.

The petition calls on the Scottish Parliament to urge the Scottish Government to prioritise local participation and planning decisions affecting their area by providing a clear and unambiguous definition of the word "local" in so far as it applies to planning decisions, giving decision-making powers to community councils for planning applications in their local areas and ensuring that how decisions on planning applications are taken is compatible with the provisions and ethos of the Community Empowerment (Scotland) Act 2015.

We are joined once again for our consideration of the petition by our colleague Jackie Baillie. Good morning, Ms Baillie. We have missed you on a couple of occasions when we very much hoped that you were going to be with us, but other parliamentary business intervened. It is nice to have you back with us.

Jackie Baillie (Dumbarton) (Lab): Thank you very much, convener.

The Convener: We last considered this petition at our meeting on 1 May 2024, when we agreed to write to relevant stakeholders seeking their views on the asks of the petition, and copies of the responses that we have received are included in the papers for today's meeting.

The response from the Scottish Forum of Community Councils states its belief

"that Community Councils should be given more responsibility in relation to their existing involvement with local planning applications."

The forum notes that councils could amend their standing orders to devolve power

"to a sub or ward committee"

to determine routine planning applications affecting a particular council ward. It also suggests a process be developed that would enable planning applications to be allocated to one of the four following groups for decision: the full planning

committee, a ward-specific committee, a community council or a planning officer.

In its response, the Scottish Government indicated that it expected to publish guidance on

“effective community engagement in local development planning”

later in the year, and it did so in December 2024.

We have also received a response from the Royal Town Planning Institute, which outlines its support for community involvement in the planning process. Although it acknowledges

“concerns about community engagement being a box-ticking exercise”,

the response offers examples of meaningful community engagement practices that are being carried out across Scotland. It goes on to state:

“The role of Community Councils in the scrutiny of planning applications is well established”,

but it does not

“see any justification for the relocation of decision-making powers from local authorities to Community Councils.”

There is therefore a slight contradiction in the responses that we received. Before we consider what we might do next, I invite Jackie Baillie to offer her thoughts to the committee.

Jackie Baillie: I am grateful for the committee’s continuing interest in the petition. The fundamental issue is one of local democracy in planning. I will centre my remarks on Argyll and Bute, because that is the setting for the case that the petitioner brings to you.

For members who do not know the area covered by Argyll and Bute Council, it is very disparate in nature. It includes small rural villages, island communities and substantial conurbations such as Helensburgh. The committee will not be surprised to hear that local elected members understandably take different views in different areas, based on the needs of their local communities. That causes a sense of frustration when local community members are clear about their thinking, but the planning committee, the majority of whose members do not represent their views or their area, takes an entirely contrary position.

I will give a recent example. Helensburgh community council opposed the siting of the new leisure centre in the town, because it felt that that the proposed location was wrong. Members might have seen footage of the same leisure centre losing its roof during storm Éowyn, which was captured beautifully on social media. Unfortunately, open-air swimming is now back in Helensburgh as a consequence of that storm.

On a serious note, that decision was taken by a planning committee the majority of whose members were not from the local area and in the face of almost unified local opposition to the siting. In its petition, the community council suggested that it be involved in planning decisions at local area committee level. I am very sympathetic to that. Indeed, the submission from the Scottish Forum of Community Councils talks about the ability to devolve power to local areas. I am in favour of that, but I understand that the Government does not want to legislate in that area.

I wonder whether the committee could ask a specific question about whether an easier way of achieving that aim—certainly in the case of Argyll and Bute, which would meet the petitioner’s objective—would be to have the local area committee make such decisions. There are four such committees in Argyll and Bute, which are based locally. The one for the town is Helensburgh and Lomond, which is made up entirely of local elected members. I wonder whether final planning decisions could be made there and devolved to them, rather than their being made by councillors who represent entirely different areas.

There is merit in that, if the Government would be willing to compromise even a little to enable local decisions to be taken by local elected members. I note that the convener said that the Scottish Government has issued guidance, but I am not sure that it covers that point. I wonder whether the committee would invite the Government to think again.

The Convener: Ms Baillie has emphasised a point in the Scottish Forum of Community Councils’ suggestion about the different ways in which local concern could be expressed.

I did not see the footage to which you referred, Ms Baillie. You are not here to give evidence, but if the community thought that that was the wrong place for the facility, I am interested to know whether it had in mind a different place that would have offered more protection in the circumstances of that storm.

Jackie Baillie: My recollection is that it did. It pointed out that although having the building on the peninsula offered people who were in the gym dramatic views of the Clyde outside, its position left it very exposed and prone to flooding and events such as the one that we saw. I cannot recall the exact position, but there are plenty of development opportunities in Helensburgh where the leisure centre could have been placed.

10:15

The Convener: It definitely is a consideration. Some of our communities are quite disparate, and

the planning process seems potentially a bit ham-fisted in some instances, because representation cannot possibly be localised in that way by the time that a majority is taken into account.

Do colleagues have any comments or suggestions?

Foysoyl Choudhury: We should take the suggestions from Jackie Baillie to the Scottish Government and ask it to reconsider. We should write to the Government to seek its view on the suggestions from the Scottish Forum of Community Councils on a way of allocating planning decisions to the most appropriate level.

The Convener: Are colleagues content with that suggestion?

Members indicated agreement.

The Convener: We will keep the petition open and proceed on the basis of Mr Choudhury's recommendation and that of the Scottish Forum of Community Councils.

People with Dementia (Council Tax Discounts) (PE1976)

The Convener: PE1976 is on backdating council tax discounts for people with dementia to the date of general practitioner certification. The petition, which was lodged by Derek James Brown, calls on the Scottish Parliament to urge the Scottish Government to require council tax discounts to be backdated to the date when a person was certified as being severely mentally impaired, where they then go on to qualify for a relevant benefit.

We previously considered the petition on 12 June 2024, when we agreed to write to the Scottish Government. The response from the Scottish Government states that removing the requirement for a person to be entitled to a qualifying benefit in order to be disregarded from council tax would require changes to legislation. The Scottish Government was due to explore the issue further in partnership with local government at what was then to be the next meeting of the joint working group on council tax reform at the end of summer 2024.

I think that we were quite impressed by the petition when we first heard about it, as it raises legitimate issues, and I do not think that we have had an update on the outcome of that conference in 2024. Do colleagues have any suggestions for how we might proceed?

Maurice Golden: We should write to the Scottish Government to seek an update on its work with local government to explore removing the requirement for a person who has been certified as being severely mentally impaired to be

entitled to a qualifying benefit in order for them to be disregarded when calculating council tax liability.

Fergus Ewing: I concur with that. I am just rereading some of the papers. In a previous discussion of the petition, you observed, convener, that people should not

"be denied the benefits to which they are entitled".— [Official Report, Citizen Participation and Public Petitions Committee, 18 January 2023; c 24.]

As I recall, it was the petitioner's wife who had severe Alzheimer's disease and who took the matter to a tribunal, which established that the present law allows councils to wait until not GP certification but the much later event of a qualifying benefit being received. That means that Governments can limit their liability to pay debt benefits by allowing the process to become protracted and delayed, which is entirely wrong.

I will supplement Mr Golden's suggestion. Because the issue of disability benefits entitlements is very much in the news at the moment, I wonder whether we might ask the minister to do two things. The first is something that the minister failed to do in the original reply, which is to say whether the Scottish Government agrees in principle that the petitioner has a strong argument. All that the Government said was that the suggestion would require a change in the law, but it ducked the question of the principle.

My second point follows on from that, if the Government agrees that that principle is applicable. I cannot really see how it could not apply—it must. There is a political question about how severe disabilities should be before someone gets benefits but, if someone has severe Alzheimer's, there is no doubt that they should be getting the benefits from the day that the diagnosis is made. The Scottish Government should take that up specifically with the UK Government as a point of principle. I commend Mr Brown for being dogged in his pursuit of that principle.

The Convener: Are colleagues content with the suggestions from Mr Golden and Mr Ewing and that we write to the Scottish Government making the points that have been raised?

Members indicated agreement.

The Convener: Thank you—that is what we will do.

St Kilda Sheep (PE2021)

The Convener: PE2021, which was lodged by David Peter Buckland and Graham Charlesworth, calls on the Scottish Parliament to urge the Scottish Government to clarify the definition of protected animals, as contained in the Animal Health and Welfare (Scotland) Act 2006 and the

associated guidance, to ensure that the feral sheep on St Kilda are covered by that legislation, enabling interventions to reduce the risk of winter starvation and the consequential suffering of the sheep.

We previously considered the petition on 1 May 2024, when we agreed to write to the Scottish Government. The response from the Government states that it

“does not consider there is a need to clarify the definition of protected animals in the Animal Health and Welfare (Scotland) Act 2006 and associated guidance.”

It remains the Government’s view that the sheep on St Kilda are

“protected by the Wild Mammals (Protection) Act 1996, in the same way as any unowned and unmanaged population of wild deer.”

We had requested a copy of the June 2009 communication between the Scottish Government and the National Trust for Scotland, but the Government has been unable to locate that document, which was likely to have been deleted from its system in 2019, in line with its retention and disposal policy.

We have received two submissions from the petitioners, the first of which comments on submissions from the National Trust for Scotland and the Scottish Government and refers back to the passage of the 2006 act and the provision of detailed guidance to explain exactly which animals are protected under the legislation.

The petitioners make comparisons with similar legislation in England and Wales. There, the United Kingdom chief veterinary officer’s interpretation of animals

“of a kind commonly domesticated in the British Islands”

is such that Soay sheep found in Lundy, an island off the north coast of Devon, are considered to be feral sheep. That means that the sheep are protected under the equivalent legislation in England and Wales and have been subject to humane culling to control the population.

The petitioners’ second submission provides information on the various freedom of information requests that they have made. The responses have revealed that UNESCO has raised concerns that mismanagement of the sheep population on St Kilda could be adversely affecting the outstanding universal value of the world heritage site, which is recognised for its natural and cultural significance.

I would like to hear colleagues’ thoughts on how we might proceed. We can either have another go at this or take the view that we have run out of steam.

Maurice Golden: I feel that we have run out of steam, unfortunately, so I recommend closing the petition under rule 15.7 of standing orders on the basis that the Scottish Government does not consider that there is a need to clarify the definition of protected animals in the 2006 act and the associated guidance, and that it considers the sheep on St Kilda to be protected by the Wild Mammals (Protection) Act 1996, in the same way as any unowned and unmanaged population of wild deer are.

The Convener: The Scottish Government is quite clear about what it intends to do, even though it appears that more is being done elsewhere. Given the Government’s clear view, I am not sure that there is more that the committee can do. Notwithstanding the importance of the issues that the petition has raised, are we of the view that there is nothing more that the committee can do, given the Government’s response?

Members indicated agreement.

The Convener: We thank the petitioners for their work on the issue. The matter could well be the subject of a future petition, but, unfortunately, the Scottish Government’s view limits the committee’s manoeuvrability to come up with further suggestions for action.

Care Homes (Local Government Funding) (PE2074)

The Convener: PE2074, which was lodged by Iona Stoddart, calls on the Scottish Parliament to urge the Scottish Government to increase the funding that it provides to local councils to enable them to deliver the best possible health and social care and help to protect the vulnerable, frail and elderly population from the closure of residential and nursing care homes.

We previously considered the petition at our meeting on 1 May 2024, when we agreed to write to the Minister for Local Government Empowerment and Planning. We have received a response from the Cabinet Secretary for Finance and Local Government, in which she argues that the spring budget and autumn statement of the previous UK Government

“failed to deliver the funding Scotland needs for public services.”

She goes on to state that, despite financial challenges,

“the Scottish Government have increased the Local Government Settlement to over £14 billion in 2024-25”,

and members will be aware that that figure has increased to more than £15 billion as part of the recently approved 2025-26 budget.

The response goes on to note the commitment of local and national Government to respect

“each other’s democratic mandates as part of the Verity House agreement”,

highlighting that

“it is up to each democratically elected council how it manages its day-to-day business and decision making processes.”

Do colleagues have any thoughts on where we go next with this petition?

Foyso Choudhury: I think that we should write to the Convention of Scottish Local Authorities and seek its view on the petition, because I feel that the Scottish Government is washing its hands of this, and we need some guidance from COSLA to see whether there is something that can be done.

The Convener: So what would you like us to ask COSLA?

Foyso Choudhury: We could write to COSLA to seek its view on the petition and whether it believes that the actions taken by the Scottish Government are enough.

The Convener: I see—okay. Are colleagues similarly minded?

Fergus Ewing: On the face of it, this is a matter for local authorities, but on the other hand, when the petition was considered before, I think that it was your good self, convener, who suggested that we write to the Minister for Local Government, Empowerment and Planning to seek his reflections on the UK-wide survey by the Society of Local Authority Chief Executives and Senior Managers that found that 44 per cent of council chief executives and senior managers had identified adult social care as a service at risk of cuts due to very large gaps in local government budgets. I am not prepared to sweep the issues under the carpet until we have heard from the minister.

We have heard subsequently from the cabinet secretary, but the reply, which I am looking at, does not seem to me to answer the specific question that you raised. I am not quite sure whether that is the case, as it is quite a long reply, and I have just reread it briefly. However, if I am correct, the question remains unanswered and we should at least pursue it, as well as writing to COSLA, which could no doubt be asked to comment on that particular survey, too.

You could say that all local services are subject to the risk of cuts, and that, therefore, 44 per cent might not be a particularly remarkable statistic. However, it is nearly half, and we all know that this is a pretty serious issue when it comes to care for the elderly population. It is going to become an even more serious and more difficult issue in

years to come as the proportion of elderly people and the number of people requiring care increase.

The Convener: We have had a couple of suggestions from Mr Choudhury and Mr Ewing. Are we content to keep the petition open and seek further clarification on the basis of what they have suggested?

Members indicated agreement.

Control of Dogs (Cemeteries) (PE2087)

The Convener: The last of our continuing petitions this morning is PE2087, lodged by Paul Irvine. The petition calls on the Scottish Parliament to urge the Scottish Government to pass a law making exercising a dog in a cemetery an offence punishable by an on-the-spot fine for infringement. The petition was last considered at our meeting on 29 May 2024, when we agreed to write to COSLA, Police Scotland and the Scottish Government.

The Scottish Government’s response states that it is proposing a requirement for

“each burial authority in Scotland to prepare and maintain a management plan which will apply to all the burial grounds for which the burial authority has responsibility ... Burial authorities will not be required to record their decision on dog access within the management plan, but they could choose to set out their position in the plan if they wish. Burial regulations will not create any new rules in relation to dogs. The decision on whether to permit dogs in burial grounds will remain at the discretion of each ... burial authority based on local factors.”

Do colleagues have any suggestions on how we might proceed? I call Mr Golden, who is fresh back from Crufts.

Maurice Golden: That is correct. I was looking out for my next pedigree pooch. [*Laughter.*]

The issue is already covered by existing legislation, but there are precedents for the Parliament going beyond what is already covered by legislation. I think that we should follow up—at least once more, or perhaps finally—by writing to local authorities to seek information on each local authority’s policy on the presence and behaviour of dogs in cemeteries, the number of complaints received in relation to the behaviour of dogs in cemeteries and whether there is any monitoring of cemetery usage. In many parts of Scotland, for lots of people—dog walkers or otherwise—a cemetery is a place where they can access green space. It would be interesting to find out whether local authorities are looking into that, and it would be interesting to know whether any fines have been issued in relation to breaching the current legislation in cemeteries.

10:30

The Convener: Thank you, Mr Golden. Is the committee content with that suggestion? Do you seek to contribute, Mr Ewing?

Fergus Ewing: Yes, briefly. I agree entirely with Mr Golden. The law exists, but, if it is not enforced, it is just words on a page and the worry is that that might be applicable in this instance. In particularly tragic circumstances, the petitioner buried his three-year-old son in a cemetery just opposite his home and visits the cemetery every day, and he says that hundreds of people visit with dogs and that it is more or less a dog's toilet. That is not appropriate for cemeteries—it is just not. We cannot allow that to happen.

I think that Mr Golden's suggestion that we should not just let this go is correct, and we should ask for information about whether the law is being enforced. Otherwise, I suspect that the issue will come back again, and people will ask why we did not at least try to find out what local authorities were doing about it.

As I am sure we all know, some cemeteries are particularly large, and I can well imagine that they might be used for dog walking. However, it is not really appropriate to use cemeteries for dog walking, any more than it is appropriate to have dogs in fields with livestock. That is another serious problem that is not properly addressed by the law, even after the passing of the relevant members' bill, because it does not require dogs to be kept on a leash.

I am sorry to be a bit long winded, but I think that we should pursue the issue.

The Convener: I take Mr Golden's point. In some urban areas, I imagine that a cemetery is the nearest thing there is to a green space in the local community. It is about the way in which such things are managed or handled. It would be useful for us to find out what local authorities' view of all this is and whether any enforcement is taking place. Mr Choudhury, do you have any thoughts?

Foyso Choudhury: We need to keep in mind that a lot of religious people do not like dogs walking over their graves. We need to start inspecting. Can we ask local councils whether they have enough signs in cemeteries to make it clear that there should not be any dogs?

The Convener: I am also aware that there are some dogs that go and sit by the grave of the person who formerly owned them. They are very sensitive to the reality of these things. I would be interested to hear the response to the request that we are going to make. Does the committee agree to proceed on that basis?

Members indicated agreement.

New Petitions

10:33

The Convener: Agenda item 3 is consideration of new petitions. Before we consider them, as always, I indicate to those who might be joining us online to hear their petition reviewed for the first time that there are two actions that we take in advance of the consideration of a new petition. We invite the Scottish Parliament's independent research body, the Scottish Parliament information centre, to give us a proper briefing on the issues underpinning the petition that has been lodged. We also contact the Scottish Government to get its preliminary views. The reason why we take those actions is that, historically, when the committee met to consider a new petition, if we had not done those two things in advance, we simply agreed to do them, which delayed the proper consideration of the petition. All of that is done to expedite the detailed consideration of the issues that are raised.

ScotRail (Inter7city Routes) (PE2133)

The Convener: The first new petition is PE2133, which is on expanding ScotRail's inter7city routes to include Dunfermline. The petition, which has been lodged by Andrew Wedge, calls for exactly what it says on the tin: for the Parliament to urge the Scottish Government to ensure that every city in Scotland has a direct express rail connection to the others by expanding ScotRail's inter7city routes to include Scotland's newest city of Dunfermline. The petitioner suggests that the procurement of a replacement for the high-speed train fleet, which operates on the intercity routes, should be used as an opportunity to expand the intercity routes and improve connectivity between all Scotland's cities.

As the SPICe briefing notes, Dunfermline was granted city status in 2022 and has two railway stations, both of which are located on the Fife circle line and are regularly served by direct trains from Edinburgh, Glenrothes with Thornton and Cowdenbeath. The briefing also draws our attention to ScotRail's "Fit for the Future" consultation, which included a proposal for a direct service from Dunfermline to Dundee or Perth. However, as the proposal received negative feedback, it was not taken forward.

The Cabinet Secretary for Transport acknowledges that the proposal in the petition is a reasonable one that has been given

"detailed consideration over recent years by ScotRail, Network Rail and Transport Scotland".

The cabinet secretary's response goes on to note that, although the proposal for an hourly

Edinburgh to Perth via Dunfermline service was withdrawn, options to develop and enhance rail connectivity in Fife will be kept under review. The response also includes information on the appraisal of passenger services on the Alloa to Dunfermline line, which was not recommended in the set of national priorities for investment as part of the second strategic transport projects review. Again, the cabinet secretary has indicated that Transport Scotland will keep that under review, subject to a strong business case being developed and suitable funding being available to support that change.

We have also received a submission from the petitioner, which comments on the cabinet secretary's response and suggests that a small amount of feedback from Perth residents and a minor increase in journey time due to the additional stops in north Fife resulted in Dunfermline losing out on the proposed hourly Edinburgh to Perth via Dunfermline service. The petitioner draws our attention to the growing populations in Dunfermline and west Fife, with further housing developments under construction, and emphasises the need for further investment in the infrastructure to support that growth.

Mr Wedge also raises concerns about the extensive journey time for passengers travelling from Fife to Glasgow or Stirling and suggests that ScotRail could make use of existing but less-used lines to offer direct express services, which would also help to reduce pressure on existing pinch points such as Haymarket.

That is a fairly comprehensive introduction to the new petition, as we have received some detailed responses. Do colleagues have any comments or suggestions for action? Given the cabinet secretary's response, I am not sure that there is anything that we can do directly in relation to the petition. There might have been more information to seek, but I feel that we have had quite strong direction at this stage. Do colleagues feel that there is more that we could do?

Fergus Ewing: My instinct is that you are probably right, and in saying that I am mindful of the huge pressures on the transport budget in all respects. Having said that, the petition is a new one, so I wonder whether we could write to Transport Scotland and ScotRail to ask whether the proposal to reopen the Alloa to Dunfermline line for passenger services will be reviewed in light of what the petitioner has described at some length in his response to the minister as the very significant housing development in the west Fife area, and general development in that area around Rosyth and so on. We could also ask what consideration has been given to using connections to provide rail services linking Dunfermline with

Glasgow and Stirling without the need to go via Edinburgh.

That would at least get on the record from Transport Scotland and ScotRail what exactly they are saying about that. I strongly suspect that, once we get the responses within a few weeks, we may conclude that, with the elections next year, the issue is really a matter for debate at that time and of each party setting out its priorities for what improvements it would support in the next session of Parliament. That would be part of the process. However, because the petition is a new one, we owe it to the petitioner to try to get that further information, at the very least.

The Convener: I was looking for ways in which we might be able to do that, so I am content with that suggestion. Are colleagues content that we proceed on that basis?

Members indicated agreement.

Swift Bricks (Installation in New Buildings) (PE2134)

The Convener: PE2134, which was lodged by Cally Smith on behalf of Huntly Swift Group-NES Swifts, calls on the Scottish Parliament to urge the Scottish Government to help reverse the decline in swift populations by introducing legislation that would make swift nesting bricks a requirement for all new-build developments in Scotland and make it mandatory to include swifts in all ecological building surveys.

As the petition background tells us, swifts were added to the UK red list for conservation in 2021, and nest site loss is considered to be one of the factors that has contributed to a 62 per cent decline in the swift population since 1998. The SPICe briefing that we have received notes other possible causes for the decline, such as poor summer weather and a decline in the number of insects, which are swifts' main food source.

In its response to the petition, the Scottish Government highlights that improving biodiversity is listed as a cross-cutting outcome in the national planning framework 4, also referred to as NPF4, with policy 3 noted as playing a

"critical role in ensuring that development will secure positive effects for biodiversity."

The response goes on to note the Scottish Government's work with NatureScot in finalising its "Developing with Nature" guidance, published in 2023, which describes a number of measures that development can incorporate to conserve, restore and enhance nature. In the light of the policies that are contained in NPF4 and supporting guidance, the Scottish Government does not consider it necessary to mandate the use of swift bricks or other individual measures, although it does

acknowledge that they may be an important and helpful intervention in some developments.

We have also received two submissions from the petitioner, the first of which adds further clarity to petition's ask for a requirement to include swift bricks in "all suitable new developments"—I emphasise the word "suitable" there—and includes information on how that can be achieved in most new buildings. The petitioner's second submission responds to the Scottish Government's submission and makes clear that swift bricks are a universal provision that could be used to serve other cavity-nesting bird species, such as the sparrow, house martin and starling.

While the petitioner appreciates the "Developing with Nature" guidance, she argues that the enhancements that are suggested in the guidance are rarely being made. The submission also highlights that ecological surveys rarely include swifts, and when they are, the survey's timing—outwith the peak breeding season of June and July—means that a "nil" or "poor" record of swift activity is often given.

Do members have any suggestions as to how we might proceed?

Fergus Ewing: I was struck that the ministerial response was quite detailed and specifically pointed to the national planning framework, which requires such environmental matters to be considered at a general level.

I am not sure that the law can be quite as specific as the petitioner is asking for it to be, and I am not quite certain as to whether the word "suitable" has been incorporated in the petition—the call is only for the use of such bricks to be "mandatory" in suitable premises. As I understand it, the petitioner argues that not all house construction is suitable, because if houses are not more than 1 or 2m apart, it is simply not practical for birds to fly in and out as the buildings are too close. From what I can gather from the papers, on the one hand, the word "suitable" has been inserted, but even if that is the case, the current planning framework allows for such things to be considered, and no doubt they would be raised locally, in areas that have a strong swift population.

I am open to hearing what other colleagues say, but I am not really sure that we can do much more with the petition. I suspect that, if we write to pressure groups, they will just ask us to support it, and if we write to builders, they will say not to support it. We could write, but I am not sure that doing so will take us any further, particularly since we have already responses with copious detail from SPICe and the minister.

The Convener: Moreover, the Government has indicated that it intends to review the building

standard on sustainable development, so there are further opportunities for such requirements to be incorporated at that point.

Fergus Ewing: There is that as well, yes.

The Convener: Are you suggesting that, on this occasion, we close the petition based on the substantive responses that we have received?

Fergus Ewing: It could be brought back in some form quite easily, if, after the review—

The Convener: If those aspects are not fulfilled.

Fergus Ewing: The petitioner argues that the current system is not working, but that is disputed. If the current system is still not working after the review, the option is open for the petitioner to bring the issue back, perhaps in the next parliamentary session.

10:45

The Convener: I understand. On that basis, colleagues, are we minded, in view of the responses received and Mr Ewing's analysis, to close the petition on this occasion? Mr Choudhury, are you content with that?

Foyso Choudhury: Yes.

Members indicated agreement.

The Convener: We thank the petitioner. In view of the responses received, that is the committee's conclusion. However, should those reviews not lead to any improvement, a fresh petition could be raised in the next session of Parliament.

Non-fatal Strangulation (Ban) (PE2136)

The Convener: That brings us to the last of this morning's new petitions. PE2136, on making non-fatal strangulation a stand-alone criminal offence in Scotland, has been lodged by Fiona Drouet.

We are joined in our consideration of this petition by our MSP colleague Tess White. Good morning, Ms White. I believe that you have been accompanied to the committee this morning by the petitioner, who is also in the gallery. Good morning. You will forgive me, but my eyesight is so bad that I have to assume that the petitioner is in the gallery.

The petition calls on the Scottish Parliament to urge the Scottish Government to make non-fatal strangulation a stand-alone criminal offence in Scotland. The SPICe briefing notes that in 2023, a publication on the prevalence of strangulation and suffocation found that one in four women accessing community and refuge services reported they had experienced strangulation or suffocation.

Other jurisdictions have introduced a stand-alone offence for non-fatal strangulation in recent years. England and Wales created a stand-alone offence of strangulation or suffocation, which came into force in June 2022. Northern Ireland created a new offence of non-fatal strangulation or asphyxiation, which came into force on 26 June 2023. Ireland created the stand-alone offence of non-fatal strangulation or non-fatal suffocation, which commenced on 1 November 2023.

The reason for introducing the stand-alone offence in all those countries has been noted as ensuring that perpetrators could be charged and prosecuted with a sufficiently serious offence, even in the absence of physical injuries.

The petitioner's submission argues that Scotland must keep pace with those changes by introducing non-fatal strangulation as a stand-alone criminal offence. The Cabinet Secretary for Justice and Home Affairs has responded to the petition. Her submission states that the Scottish Government

"will give serious consideration to the Petition",

and emphasises the importance of understanding how any new law would interact with the offence of domestic abuse. Scottish Government officials will continue to progress considerations in the area, including through discussions with operational partners.

The petitioner's written submission states that the act of non-fatal strangulation

"can cause brain damage, organ failure, long-term physical and mental health problems and increases the risk of strokes and neurological disorders."

The petitioner argues that establishing non-fatal strangulation as a stand-alone offence in Scotland

"will signal zero tolerance for such acts, ensure appropriate consequences for perpetrators, and enhance victim protection. It will also deter future harm and reinforce Scotland's commitment to addressing domestic abuse."

Colleagues may have seen a degree of press reporting over the weekend on issues similar to those raised by the petition.

Before I ask committee members for comments on what we might now do, I ask Tess White to offer her thoughts to the committee.

Tess White (North East Scotland) (Con): I am grateful to the committee for the opportunity to speak to PE2136. I pay tribute to the petitioner Fiona Drouet, who is here in the committee room. Fiona lost her daughter Emily in the most tragic circumstances after her boyfriend abused her while they were students at the University of Aberdeen. I first became aware of the devastating physical and psychological impact of choking a sexual partner during a parliamentary event that I

held with the women's support service, Beira's Place, towards the end of last year.

The issue had not come to my attention before then, but once you know about such a thing, you have to do something about it. As you said, convener, there are devastating effects. Within six to eight seconds, a woman loses consciousness. After 15 seconds, her bladder will be incontinent. After 30 seconds, her bowels will open. She will be brain dead within four minutes.

As Fiona has said herself, no one—no woman or girl—could ever consent to this; indeed, there comes a point where a woman or girl is physically unable to do anything about it. How can you consent to something if you lose consciousness? It is not "breath play"—that is a euphemism that men use. They say, "Oh, it's just breath play during sexual intimacy." It is not; it is truly frightening, and it can be a predictor of dangerous and potentially fatal behaviour.

The petition, as you have rightly said, convener, calls for a stand-alone criminal offence for non-fatal strangulation. My view is that the common-law offence of assault does not adequately capture the complexity of what is a startling and ever-growing problem. In recognition of the fact that, as the committee has just heard, non-fatal strangulation can occur without obvious physical injury, England, Wales, Northern Ireland and Ireland have already introduced stand-alone offences with robust penalties.

I note, as does Fiona Drouet, the concerns expressed by the Cabinet Secretary for Justice and Home Affairs about unintended consequences and what she has said to the committee about having a separate law, especially its interaction with existing domestic abuse legislation. However, that response does not cover two key points. This is a form of abuse and control; it can be part of domestic abuse, but it is also part of violence against women. It is also a non-consensual act. So, although I acknowledge the need to stress test any changes to the current law in Scotland, I am massively concerned that the Scottish Government is kicking the can down the road. This feels like yet another issue impacting women that is being pushed to the bottom of the legislative agenda.

Finally, convener and committee, as a Parliament, we have a year to go—please do not allow this to be lost. We could be talking about your daughters or your nieces. Something needs to be done. The Scottish Government now has an opportunity to signal a zero-tolerance approach to non-fatal strangulation, and I urge it to act with the urgency that the issue deserves.

The Convener: Thank you, Tess White. Having read through the papers and the detail that we

received, I have to say that this was a practice of which I, too, was largely unaware. As you have said, when one is confronted with the detail, it seems that there really is a requirement for the Parliament to be proactive and for the Government to take a legislative lead, particularly in light of the fact that other Parliaments across these islands have already taken that step. It does not seem really adequate that Scotland should be trying to find difficulties where clear direction is required and, indeed, has been given by legislative moves and the legal framework elsewhere in the United Kingdom.

I do not know whether you feel similarly, colleagues, but are there any views as to how we might proceed? I think that we really need to be very direct in our questions to the Cabinet Secretary for Justice and Home Affairs, because I do not think that we will want to allow this to languish. Are there any suggestions as to what we might seek to clarify with the cabinet secretary?

Maurice Golden: We will have data from elsewhere in the UK, but I note the cabinet secretary's point that such an offender can be sentenced "up to life imprisonment". I am not clear, based on the data that we have for Scotland, whether the High Court has dealt with such cases, and ultimately it is only the High Court that can sentence someone up to life imprisonment. I do not know, but I suspect that many of these offences are going to the sheriff court, which would mean up to five years' imprisonment. That is significantly different from the suggestion that the cabinet secretary has made.

Therefore, I wonder whether we can attempt to find out where these offences are going and how many there are in Scotland. I appreciate that it will be under common law, but it is possible that, with work, we can find out some of the statistics. It would at least clarify the point about life imprisonment.

Fergus Ewing: I agree with that. We should write to the cabinet secretary to seek further data on the extent to which sexual assaults involving strangulation have been treated differently. We should find out in how many cases that was found to have been the case and what analysis has been done of those statistics. Do such statistics exist? Is that information retained properly?

As Mr Golden said, the sheriff court has limited sentencing powers. It has been a long time since I was in the sheriff court—three decades—but I think that it is possible for a sheriff to remit sentencing to the High Court if he feels that the maximum sentence that he has the power to give is inadequate.

Be that as it may, I would have thought that every such case should be dealt with under solemn proceedings, not least because, as the petitioner points out, non-fatal strangulation often signals a heightened risk of homicide. It is quite staggering that a BBC survey showed that 40 per cent of women aged 18 to 39 in the UK reported experiencing choking, strangulation or gagging during sex. That is a hugely worrying percentage. We should therefore seek further data from the cabinet secretary.

We should also seek details of when officials will meet partners, because, in our view, the matter should be approached with great urgency and not be left to drift for months, as so many things do. We should ask whether officials and the cabinet secretary will engage directly with the petitioner and get a timeline for the work.

When asking for all that, we could indicate that we might well be minded to hear evidence from the cabinet secretary, given the interest in the issue. All the other countries in the UK seem to have taken action to deal with it, so why are we at the coo's tail? Although the current system can work in theory, I feel instinctively that, in practice, it is probably not working as it should.

I am grateful to Tess White for setting out these extremely serious matters with such lucidity. I wanted to supplement Mr Golden's suggestions with those remarks.

Foyso Choudhury: I agree with my colleagues. It is very important that we ask the Scottish Government to work with the petitioner and to provide a timeline.

The Convener: I am minded to seek clarity on that point in particular, given that the parliamentary session now has only 14 months left to run. It is important that we try to provide some momentum behind anything that is being considered or justified, in relation to what might be being done or not done, in order to progress the aims of the petition.

Fergus Ewing: To be fair to the cabinet secretary, she has said:

"I remain open minded towards the proposal",

so this is not a case of the Government saying, "No, we're not doing that." If it had said that, our response at this stage of a parliamentary session might be to leave the matter to the next election, when people can vote for parties that will do what they feel is correct in a democracy. We are not at that stage. If the cabinet secretary thinks that what the petition proposes can be done, why can it not be done soon, before the next election? Why can we not just do things in this Parliament, with this Government?

The Convener: Exactly. Are we content to keep the petition open and to take forward its aims as suggested?

Members *indicated agreement.*

The Convener: We thank the petitioner, and we thank Tess White for her contribution.

Hire of Public Land (Ministerial Intervention) (PE2056)

The Convener: The final point that I want to put on the record relates to PE2056, on introducing legislation to allow the Scottish ministers to intervene in the hiring of public land. I am very sorry to say that, after we wrote back to the Scottish Government following what we felt was an incomplete response, the Government has sent us more or less the same response again. I feel that that shows discourtesy to the committee.

Therefore, with the committee's permission, I would like us to write to the Government to specifically draw its attention to the actual question that we are asking and to say that we wish to have an answer to that question, not some generalised answer on the issue that is not relevant to the point that we are putting. Are colleagues content for us to write directly to the Scottish Government to ask it to answer the question that we are asking?

Members *indicated agreement.*

The Convener: That brings us to the end of the public part of the meeting. Our next meeting will be on Wednesday 2 April.

10:59

Meeting continued in private until 11:14.

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