



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 7 May 2025

Session 6



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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
CONTINUED PETITIONS.....	2
Digital Exclusion (Rural Households) (PE1931)	2
Defibrillators (Public Spaces and Workplaces) (PE1989)	2
Defibrillators (Schools) (PE2101)	4
Swimming Pools (Financial Relief) (PE2018).....	5
Highly Protected Marine Areas (PE2034)	6
Chronic Kidney Disease (PE2081)	8
Cot Deaths (PE2082)	9
Dangerous Dogs (Breed-specific Regulations) (PE2083)	11
Digital Display Boards (Legislation) (PE2090)	13
Rape and Sexual Assault (Minimum Sentences) (PE2102).....	14
NEW PETITION	18
Women-only Homeless Accommodation (PE2147)	18

CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
8th 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

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 7 May 2025

[The Convener opened the meeting at 09:33]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Welcome to the eighth meeting in 2025 of the Citizen Participation and Public Petitions Committee.

Our rather dry order of business ensures that our first agenda item is a decision on taking business in private. Agenda items 4 and 5 relate to the consideration of a draft report on public participation and a paper on how the committee might consider requests from individuals to remove their names from active petitions. Does the committee agree to take those items in private?

Members *indicated agreement.*

Continued Petitions

Digital Exclusion (Rural Households) (PE1931)

09:34

The Convener: Agenda item 2 is consideration of continued petitions. The first is PE1931, lodged by Ian Barker, which calls on the Scottish Parliament to urge the Scottish Government to prevent digital exclusion of rural properties and households by giving priority in the reaching 100 per cent—R100—programme to properties with poor internet speeds of less than 5 megabits per second.

The committee last considered the petition in October 2024, at which time we agreed to write to the Scottish Government. Its response states that, through the three strands of activity, its R100 commitment to extend superfast broadband access to 100 per cent of premises in Scotland has been met. It also states that its voucher scheme performs favourably when compared to other publicly funded demand-led interventions. In view of that response from the Scottish Government, do members have any comments or suggestions for action?

David Torrance (Kirkcaldy) (SNP): In the light of the Scottish Government's response, I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders on the basis that an inside-out approach is taken to sequencing works, whereby build begins from the primary exchange location, where the main fibre controls unit is located, out into communities, and on the basis that the Scottish Government has given no indication that it intends to prioritise properties with internet speeds of less than 5 Mbps.

The Convener: We have a proposal to close the petition, in view of the fact that the petition's aims have been largely met, although, in one respect, the Government will not be taking action forward. Are we content to close the petition?

Members *indicated agreement.*

Defibrillators (Public Spaces and Workplaces) (PE1989)

The Convener: PE1989, lodged by Mary Montague, is the first of two petitions concerning defibrillator provision that the committee is considering this morning. I declare an interest in that Mary Montague is the provost of East Renfrewshire Council, which is the presiding local authority in which my Eastwood constituency sits. The petition calls on the Scottish Parliament to

urge the Scottish Government to support the provision of defibrillators in public spaces and workplaces.

We last considered the petition on 30 October 2024, when we agreed to write to the Minister for Public Health and Women's Health. The minister's response highlights the Scottish Government's participation in the Save a Life for Scotland partnership and the increase in defibrillator deployment by the public in recent years. The minister also points to a number of relevant factors that go beyond the availability of defibrillators, such as optimal placement, accessibility of the equipment and bystander confidence to use defibrillators.

The committee pressed the minister on engagement with the United Kingdom Government regarding defibrillator provision through the Health and Safety at Work etc Act 1974. The Scottish Government's response explains that there is a lack of strong evidence for the effectiveness of legislation to mandate defibrillators in designated places and that, as such, the Scottish Government is focusing efforts on its established approach to improving survival rates.

The committee will recall that we were a bit concerned about the Scottish Government's response. Defibrillators are now being provided everywhere else in the United Kingdom. I think that I recall that a Barnett consequential had even been provided in respect of that. I cannot remember whether that is correct, but that is my vague recollection. Nonetheless, it appears that Scotland is taking a unique position by not progressing provision, and I do not think that the committee was entirely convinced by that approach. Do colleagues have suggestions for how we might proceed?

Fergus Ewing (Inverness and Nairn) (SNP): I agree with what you have said, convener. In her response, which I am looking at, the minister, Jenni Minto, said:

"there is currently a lack of strong evidence for the effectiveness of enacting legislation to mandate deployment of PAD"—

public access defibrillators—

"in designated places"

and

"it is unclear whether such legislation would be ... effective",

which suggests that there could be some evidence—we do not know what it is. If there is a lack of clarity, the best way to proceed might be to call the Minister for Public Health and Women's Health to give evidence to the committee on the petition. I do not wish to pre-empt any procedure; we will also consider the next petition, which is also about defibrillators.

The Convener: Are colleagues agreed? I think that the committee wants to bring the minister in to give evidence on this area, because we felt that we had received pretty compelling testimony, and there is now the example from elsewhere in the country. Scotland seems to be uniquely taking the view that we should not be providing defibrillators. I do not think that they are terribly complicated to utilise. There are one or two in my constituency, and the committee has heard from people whose lives have been saved by their provision. Therefore, I think that we will hold the petition open. Are we agreed?

Members indicated agreement.

Defibrillators (Schools) (PE2101)

The Convener: Mr Ewing has referred to the next petition, PE2101, which was lodged by Peter Earl on behalf of Troqueer primary school. It calls on the Scottish Parliament to urge the Scottish Government to provide primary and secondary schools with automated external defibrillators. When the committee last considered the petition, in September 2024, we agreed to write to the Minister for Public Health and Women's Health. Members will recall that we highlighted the UK Government's provision of defibrillators to all schools in England and asked whether the Scottish Government would provide direct funding to do the same. I think that that might have been the example to which I was referring a moment ago.

The minister's response reiterates that local authorities make decisions on purchasing, installing and maintaining defibrillators for schools in their area. The response also states that solutions to improve survival from cardiac arrest may differ between areas. The Save a Life for Scotland partnership takes a data-driven approach to working with local authorities to understand the chain of survival in their areas and how to improve it.

The committee has also received a written submission from Rodger Hill. Rodger, as most of us will now know, is the father of our late parliamentary colleague, the researcher David Hill, who died while playing rugby for the Scottish Parliament rugby team in Ireland. The submission outlines the work undertaken by the charity set up in David's memory, the DH9 Foundation, which includes facilitating the installation of 42 defibrillators in Dumfries and Galloway. Mr Hill's freedom of information requests reveal that, of 2,446 schools, 893 have defibrillators on site. The submission calls for a renewed commitment from the Scottish Government to deliver cardiopulmonary resuscitation training to every child in schools biennially, and it calls for grant

funding to provide defibrillators in schools across Scotland.

Mr Ewing has suggested that we couple the petition with the previous one and advise the minister that we would like to take evidence on both of them. Do members agree with Mr Ewing's suggestion?

Members indicated agreement.

The Convener: Both petitions will be kept open, and we will be able to examine the issues in detail with the minister when she is available to give evidence.

Swimming Pools (Financial Relief) (PE2018)

The Convener: Our next petition is PE2018, lodged by Helen Plank on behalf of Scottish Swimming. It calls on the Scottish Parliament to urge the Scottish Government to help to keep our swimming pools and leisure centres open by providing financial investment for pools.

We last considered the petition at our most recent meeting, on 23 April, when, as colleagues will recall, we heard evidence from a range of stakeholders involved with swimming programmes. They included coaches, those involved in developing and implementing programmes for swimming lessons and water safety across Scotland, and elite-level athletes, such as our most successful Scottish Olympian, Duncan Scott. Over the course of two round-table discussions, we explored the issue of swimming pools as community assets that can integrate with other services for the benefit of a wide range of users, such as young children learning to swim, which we pointed out is absolutely essential. We considered swimming pools as a gateway to other water-based activities and as supporting young people's and other people's mental and physical wellbeing.

We also discussed the potential impact of pool closures for general water safety and the risk of drowning, as well as for Scotland's ability to continue its excellent record of elite athletes competing at the highest international levels. We were struck by the fact that Scotland has the highest drowning rate of any of the nations in the United Kingdom.

There was support across both panels for the creation of a statutory duty to ensure that every child has the opportunity to learn how to swim, ideally before they leave primary school, where, we heard, it is much more likely that that skill will be developed. At a later stage, peer group pressure and other factors can lead to children not properly learning how to swim. Participants spoke about the financial challenges of running

swimming facilities and the need to consider smarter investment and a different way of doing things if we are to ensure access to good-quality swimming facilities at all levels. That included calls for a task force, made up of representatives from local authorities, leisure trusts, sportscotland, the Scottish Government and Scottish Swimming, to take a more joined-up and collaborative approach to finding solutions that would keep more pools open.

Over the past fortnight, we have all had an opportunity to consider the evidence that we have heard. I think that most, if not all, of us were struck by the fact that we pretty much thought that we could identify a common way forward. Would anybody like to make a suggestion?

David Torrance: In the light of the evidence that the committee has heard from stakeholders, which is pretty compelling, I wonder whether the committee would consider a chamber debate on the issue raised in the petition. I also wonder whether the committee would like to write to the Minister for Social Care, Mental Wellbeing and Sport, to highlight the evidence that the committee has gathered and ask what consideration the Scottish Government has given to establishing a task force to explore solutions for keeping swimming pools open, including a statutory provision that Scottish Swimming and sportscotland be consulted on all proposals for pool closures and replacements. We could ask whether the Scottish Government would consider introducing a statutory duty to ensure that every child in Scotland has the opportunity to learn to swim.

The Convener: Are members content with those suggestions?

Members indicated agreement.

The Convener: We will write to the minister in the first instance, but we will seek to take the petition to a chamber debate before the end of the session—hopefully later in the year—given that there is an opportunity for the committee to take issues to the chamber. We have two or three issues that we are considering, but we might be able to address a couple of them in a single debate.

09:45

Highly Protected Marine Areas (PE2034)

The Convener: I thank all those who might be watching to see how we followed up the round-table discussion on PE2034. From my perspective, that was one of our most productive round-table discussions, because of the really useful information that our witnesses were able to bring.

The next petition is PE2034, which was lodged by Stuart Chirnside and calls on the Scottish Parliament to urge the Scottish Government to halt its current proposals for highly protected marine areas—HPMAs—in Scotland and to bring forward new proposals that take account of sustainable fishing methods.

We previously considered the petition at a meeting almost a year ago, on 29 May 2024, when we agreed to write to our friends at NatureScot, seeking clarification on whether it is undertaking any work related to highly protected marine areas. NatureScot responded to confirm that it is not progressing any work related to highly protected marine areas, in line with the Scottish Government's announcement that it will not progress with the proposals.

In the light of that, do members have any suggestions as to how we might proceed?

David Torrance: In the light of that evidence, I suggest that we close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has confirmed that proposals for highly protected marine areas will not be progressed and that NatureScot is not progressing any work related to highly protected marine areas.

Fergus Ewing: I agree. I do not think there is any purpose in pursuing the petition, because the petitioner has achieved his principal objective of seeing HPMAs scrapped and put in the burgeoning policy recycling unit that is probably somewhere in a bunker in St Andrew's house. That is good news.

I read the reply from NatureScot, which arrived quite promptly in July last year. It was the shortest response I have ever seen from NatureScot and said that it was not pursuing HPMAs, although that was not really what I had suggested that it might do. I had suggested that NatureScot might pursue the same objective by other means—using not HPMAs but other methods to constrain fishing.

I place on record my extreme concern that the lot of inshore fishing, in particular, has become such that the future of the industry is parlous. For example, on the Clyde and the west coast, the influence of non-governmental organisations and overregulation resulted, a few years ago, in the very sad depletion of what used to be a huge fleet of fishing boats all round that coast. That should be a matter of real concern to all who cherish the contribution of fishermen to our economy. They seem to be beleaguered and under threat.

I say that because it is what has been put to me by various representatives of fishermen and their families in the past four years. In closing the petition, we must certainly not neglect to defend the interests of Scotland's fishermen.

The Convener: Curiously, while I was skimming through YouTube in my insomnia, quite by chance I came across film of fishing communities across the west coast and elsewhere in Scotland, and I was struck by how coastal life has changed in the past three decades, following the disappearance of so many of the fishing vessels that used to be the lifeblood of those communities. We talk about that, but it is striking when you actually see images that show how much has gone and that what remains does so under pressure from the regulation that Mr Ewing correctly identifies as still being in place and presenting such difficulties for those communities.

Notwithstanding that, Mr Torrance has made a suggestion based on the fact that the aims of the petition have been achieved. Are we content to close the petition?

Members indicated agreement.

Chronic Kidney Disease (PE2081)

The Convener: The next petition is PE2081, which was lodged by Professor Jeremy Hughes on behalf of Kidney Research UK in Scotland, and it calls on us to do exactly what it says on the tin, which is to urge the Scottish Government to make chronic kidney disease a key clinical priority.

When we previously considered the petition, on 15 May 2024, we agreed to write to the Cabinet Secretary for Health and Social Care to seek further clarity on the Scottish Government's approach to the designation of clinical priorities. We have received a response from the cabinet secretary that states that the Scottish Government does not have a list of conditions that are clinical priorities and that there are, therefore, no criteria for the designation of clinical priorities.

The cabinet secretary goes on to say that, "even ... where there is no specific policy or strategy"

for an individual condition,

"the Scottish Government is still undertaking work to support all people living with long-term conditions to access the best possible care and support".

That includes, for example, a

"national policy on the reimbursement of electricity costs for home dialysis".

It is the Scottish Government's view that publishing more strategies for individual health conditions would not be the most effective way to improve care.

We have also received two submissions from the petitioner. The first responds to the cabinet secretary's letter and draws our attention to the existence of a clinical priorities team in the civil service with staff aligned to particular clinical conditions.

The petitioner's second submission provides an update on the work that Kidney Research UK has been doing to improve awareness, prevention, early detection, treatment and monitoring of chronic kidney disease in Scotland. That includes the launch of an action plan for Scotland and efforts to work constructively with the national health service and Government bodies to improve the lives of people with chronic kidney disease.

The petitioner remains concerned that there is no named civil servant to help to oversee and support the changes that are proposed in Kidney Research UK's action plan, and he has invited the cabinet secretary to intervene directly in the matter by attending a summit on chronic kidney disease. This is the first time that such an event has been convened in Scotland.

Those are two significant contributions from the petitioner in response to the cabinet secretary. Do colleagues have any suggestions for action?

David Torrance: I wonder whether the committee would consider writing to the Cabinet Secretary for Health and Social Care again, to highlight the petitioner's submissions and ask whether the Scottish Government will provide a dedicated team leader to support the recommendations that are set out in Kidney Research UK's "Chronic Kidney Disease: An Action Plan for Scotland"; what assurances the Scottish Government can provide that specific actions to improve the prevention, early diagnosis and treatment of chronic kidney disease will be included in the long-term conditions strategy; and whether the cabinet secretary and the Minister for Public Health and Women's Health will commit to attending Kidney Research UK's summit on chronic kidney disease.

The Convener: Do we know whether a date has been set for that summit? The clerk tells me that it is open at the moment. Do those suggestions from Mr Torrance meet the committee's approval?

Members *indicated agreement.*

The Convener: Thank you. We will keep the petition open and pursue the issue further in the way that Mr Torrance has suggested.

Cot Deaths (PE2082)

The Convener: Petition PE2082, on improving the support that is provided to families affected by cot death, was lodged by Kevin McIver. It calls on the Scottish Parliament to urge the Scottish Government to stop promoting the Lullaby Trust to Scottish families for cot death support, as that charity provides support only to families who live in England and Wales, and instead to improve the practical support that is available to families by

prioritising the promotion of the Scottish Cot Death Trust, which has been supporting families since 1985.

When we previously considered the petition on 29 May 2024, we agreed to write to the Scottish Cot Death Trust. We have received a response from the trust that states that a fundamental difference on the final messaging on bed sharing meant that it took a decision not to support the Scottish Government resource on safer sleep for babies. Although the trust aligns with and supports most of the Government's safer sleep messaging, its view is that the safest place for a baby under three months to sleep is one that is

"flat, firm, clear and separate."

The response goes on to highlight international studies on sudden unexpected death in infancy, which, taken collectively, suggest that there is a fivefold increased risk of a baby dying if the child shares a bed with their parents. The response also notes that the Scottish Government has plans to update the safer sleep guidance and it asks that that be used as an opportunity to re-engage with the trust on the messaging around the risks of bed sharing. As our papers note, the Scottish Government has published updated guidance for professionals on safe sleep for babies, which includes strengthening messaging on bed sharing.

Do members have any comments or suggestions for action?

David Torrance: I wonder whether the committee would consider closing the petition under rule 15.7 of standing orders, given that the Scottish Government does not promote the Lullaby Trust as a baby loss support organisation and provides grant funding to the Scottish Cot Death Trust to deliver its sudden unexpected death in infancy simulation and awareness training. Further, the Scottish Cot Death Trust aligns with and supports most of the Scottish Government's safer messaging, but was unable to support the final messaging relating to bed sharing and how to do so more safely.

In closing the petition, I wonder whether the committee could write to the Scottish Government to encourage it to review its safer sleep messaging and, in doing so, to engage constructively with the Scottish Cot Death Trust to ensure that Scottish families have access to the most robust infant safer sleeping messages.

The Convener: I am content with that. I am pleased that, in some respects, the aims of the petition have been achieved. However, in that letter to the Government, can we emphasise the evidence of a fivefold increase in cot death from sharing beds? I do not think that we want to leave that as a lightly laid message—it should be

strongly emphasised to the Government. On that basis, are we content?

Fergus Ewing: I was going to say something very similar. In the light of the tragic circumstances that befell the petitioner's family, the petitioner has allowed the matter to be raised in the Scottish Parliament and allowed us to obtain the evidence that you refer to. The evidence shows that, in every country in the world that has policy on the issue, bed sharing seems to have a fairly high risk of cot death, which is tragic and sad. Through the petitioner's efforts, he has been able to highlight the issue and what is a tragic loss for any such family.

The Convener: Absolutely—I could not agree more. That is why, albeit that there is probably nowhere further for the committee to take the petition, that particular point should be heavily emphasised to the Government.

We thank the petitioner for bringing forward a very significant petition which, as Mr Ewing says, was motivated by circumstance. We hope that, given that the aims have in part been addressed, the future action that is proposed will lead to a significant reduction in the incidence of cot death, which, of course, is a tragedy for any family who experiences it.

Dangerous Dogs (Breed-specific Regulations) (PE2083)

The Convener: PE2083 is on reviewing the rules to ensure that no dog becomes more dangerous as a result of breed-specific regulations. The petition, which was lodged by Katrina Gordon, calls on the Scottish Parliament to urge the Scottish Government to review the Dangerous Dogs (Designated Types) (Scotland) Order 2024 and to ensure that breed-specific regulations do not restrict responsible dog owners from undertaking exercise and training routines that support the dog's welfare and reduce the risk of their dog becoming dangerous.

When we previously considered the petition, which was at our meeting on 12 June 2024, we agreed to write to the Minister for Agriculture and Connectivity, following comments made during the stage 1 debate on the Welfare of Dogs (Scotland) Bill. The committee received a response from the Minister for Victims and Community Safety, who has portfolio responsibility for policy matters relating to dog control and dangerous dogs. The minister restated the Government's position that the introduction of safeguards in relation to XL bully dogs in Scotland followed as a direct result of the UK Government decision to introduce controls on XL bully dogs in England and Wales. The minister went on to state that the Scottish Government recognises the importance of

engaging with and hearing from XL bully dog owners on the impact of the safeguards and that officials have previously met the petitioner. Advice and support for XL bully dog owners have also been provided in response to correspondence that is received via the XL bully dog inquiries email mailbox—heavens!

In response to our question about the verification of XL bully dog characteristics, the minister states that Scotland is using the breed definition confirmation standard that was developed in England and Wales to ensure a consistent approach across the United Kingdom. However, it is noted that it is the responsibility of owners to check whether their dog is an XL bully and, if there is doubt, to follow the XL bully safeguarding rules as a precaution.

10:00

We have also received two submissions from the petitioner, the first of which responds to the minister and highlights the impact of the regulations on the welfare and safety of dogs in private homes. The petitioner also draws attention to advice provided to the Scottish Government, in advance of the safeguards being introduced, to avoid breed-specific legislation and explore alternative ways forward.

The petitioner's most recent submission comments on the report that was published following the summit on responsible dog ownership. Although the petitioner welcomes recommendations to provide more funding for dog wardens and Police Scotland, and to continue ministerial engagement with stakeholder groups on this matter, she remains concerned that little is being done to address the consequences of those breed-specific regulations, which in her view are resulting in otherwise healthy and well-behaved dogs becoming more dangerous, particularly in their own homes. The petitioner repeats the call for the regulations to be repealed and offers some potential actions aimed at supporting the welfare of dogs who are restricted by the rules.

We will now go to our Crufts expert, Mr Golden.

Maurice Golden (North East Scotland) (Con):

I have a lot of sympathy for the petition. Since we last wrote to the Scottish Government, we have received a detailed response. The petition aims to make changes for responsible dog owners who have the kind of dog that does not require muzzling and can routinely socialise well. According to the Scottish Government, if that dog looks like an XL bully, its exercise and training must be restricted.

I believe that the committee has given an answer to the petition. Ultimately, as the convener has highlighted, it is up to dog owners to attempt

to identify whether they have one of the designated types of dog. In many cases, that is very difficult to discern, but I urge members of the public, if they feel that their dog is covered by the legislation, not to immediately place a muzzle on it, but, rather, to sign up to muzzle-specific training, so that the dog can become routinely used to it.

Unfortunately, given all that, I think that we have to close the petition under rule 15.7 of standing orders.

The Convener: Thank you. As there are no other comments or observations, are we content to support Mr Golden's proposed action?

Members indicated agreement.

Digital Display Boards (Legislation) (PE2090)

The Convener: Our next petition is PE2090, lodged by Stephen Henson, which calls on the Scottish Parliament to urge the Scottish Government to update the Town and Country Planning (Control of Advertisements) (Scotland) (Regulations) 1984 to require application for express consent to advertise using a digital display, including where a site has been upgraded from a traditional paper-based display.

We previously considered the petition on 12 June 2024, when we agreed to write to the heads of Planning Scotland, the Royal Town Planning Institute and Outsmart.

We have received a submission this morning from our colleague Paul Sweeney, who had hoped to be with us as we consider the petition further.

Outsmart, the trade association for the out-of-home advertising industry, has provided its views on the petition. Outsmart's response explains that applications for advertisement consent require public consultation and that planning authorities determine applications case by case. Outsmart's view is that the existing provisions are proportionate and appropriate. The submission explains that out-of-home media owners can work with local authorities to investigate and resolve matters where there is an issue with the luminescence of digital advertising screens.

As members will see, Mr Sweeney has lodged a submission that considers global best practice. He says that the best example of that comes from Melbourne city council. That is all detailed in his submission. Notwithstanding that, do colleagues have any suggestions for action?

David Torrance: I wonder whether the committee will consider closing the petition under rule 15.7 of standing orders, because the Scottish Government considers the existing provisions to

be appropriate, it is up to local planning authorities to determine applications case by case, and because Outsmart—the trade association for the out-of-home advertising industry—also considers the existing provisions to be proportionate and appropriate.

The Convener: Mr Torrance proposes switching the lights off on this particular petition.

Fergus Ewing: I agree that we cannot take the petition any further. We have ventilated the issue of luminescence. The Scottish Government says that local authorities can produce guidance as they wish for their own area. This might be more of an issue for Glasgow than for rural areas, it being an urban metropolitan local authority. To be fair to the Scottish Government, it has pointed the petitioner to the fact that the local authority could be persuaded to introduce guidance.

I read the petitioner's comment that a particularly large sign is directly opposite a few small houses. One can imagine that that could form a light nuisance, especially in the evening. However, in case the petitioner feels that we are not casting sufficient light on the issue, I note that it is a matter for the local authority.

The Convener: I do not mean to be flippant, because the issue can be quite distressing for individuals who—having previously been sited opposite what we used to refer to as a 48-sheet booster, which might have had downlighting at night—find themselves opposite a digital display, perhaps with multiple advertisements that revolve over the course of an hour, sometimes quite rapidly. Depending on the luminescence, I imagine that that could be quite distracting. However, as the Government suggests, the solution is through local authorities. Does the committee agree with Mr Torrance's proposal to close the petition?

Members indicated agreement.

Rape and Sexual Assault (Minimum Sentences) (PE2102)

The Convener: We come to PE2102, which is our final continued petition this morning. The petition was lodged by Anna-Cristina Seaver and calls on the Scottish Parliament to urge the Scottish Government to abolish the option of an absolute discharge in cases in which the accused is found guilty of rape or sexual assault, and to introduce a statutory minimum sentence for those offences, including the convicted person being registered as a sex offender.

We previously considered the petition on 25 September 2024, when we agreed to write to the Scottish Government, Victim Support Scotland, Rape Crisis Scotland and the Scottish Sentencing Council. The Scottish Government's response

states that it supports discretion for the criminal court when sentencing in individual cases, including imposing an absolute discharge for rape and sexual assault, if the judge considers that to be appropriate. The submission states that the Scottish Government does not have any current plans to adjust the powers of the court to impose absolute discharges in criminal cases.

The committee asked the Scottish Sentencing Council for details on circumstances in which an absolute discharge might be given; we were curious to understand why that would happen if someone had been found guilty of rape or sexual assault. Its response states that, as each case is unique and turns on its own facts and circumstances, it is not possible for the council to be more specific about what exceptional circumstances might amount to in respect of any offence, which does not advance us terribly much.

Victim Support Scotland supports the aims of the petition and states in its response that there is no evidence to support a view that there are cases sufficiently exceptional to warrant an absolute discharge for sexual crimes. Given the seriousness of rape and sexual assault, Victim Support Scotland believes that there should always be some form of punishment and safeguarding for the public as the result of a guilty verdict. Its submission states that abolishing the absolute discharge for sexual crimes would validate the experience of survivors, show a clear outcome from the trial and demonstrate that justice has been carried out.

Rape Crisis Scotland's response states that it is difficult to imagine any circumstance in which an absolute discharge would be appropriate for a crime as serious as rape.

Do members have any comments or suggestions for action?

Fergus Ewing: You have highlighted that, in the Victim Support Scotland written submission of 20 November 2024, considerable doubt is cast on current approach and on how an absolute discharge can conceivably be justified. I appreciate that the Government's argument is that that occurs only in the most exceptional circumstances, but we do not really know what those are nor how frequently the disposal has been deployed, and we should know that.

On a wider note, I suggest that we write to the Scottish Sentencing Council to highlight Victim Support Scotland's written submission, and to ask how people can have confidence that absolute discharges are being used appropriately, given the serious nature of rape and sexual assault and the lack of information that is provided about what "exceptional circumstances" means in practice for such cases.

We should also write to the Lord Advocate and to the Cabinet Secretary for Justice and Home Affairs, asking the same questions so that we get a suite of answers, and highlighting the worrying and troublesome fact that those who are subject to an absolute discharge would not be made the subject of sex offender notification requirements—in other words, they would fall off any radar that exists, however adequate, or not, it may be. Again, that seems to be an anomaly.

Finally, the petition has—quite understandably—attracted a fairly high level of support. From memory, it has 563 signatures or thereabouts, and the number has gone up substantially from when we previously considered it. It is, therefore, plainly a matter of considerable public interest. For that reason, even though we are moving towards the end of the parliamentary session, I think that, rather than closing the petition, we should have at least one more shot at obtaining information that we have not—in my view, at any rate—thus far obtained.

The Convener: Thank you, Mr Ewing. I felt, in reading the Scottish Sentencing Council's submission, that it had about it a terrible whiff of, "How can we get rid of this annoying inquiry by not really responding to it and doing so in the shortest possible way?" I did not feel that it was an adequate response whatsoever. It may not be possible to summarise matters, as the SSC suggests, but I think that it could have gone a little further in giving some examples that it may be aware of from its own experience in order to illuminate the issue further for the committee. I do not think that the SSC's response did the committee's inquiry justice at all. I am, therefore, very much of the view that Mr Ewing's suggestions have merit.

Do colleagues wish to add anything, or are we content to keep the petition open and pursue these matters with the Government and in particular with the Lord Advocate and the Cabinet Secretary for Justice and Home Affairs?

Fergus Ewing: I agree with all that, convener—I have one further point to add. The Scottish Government, in its response, says that there are checks and balances, one of which is that if the Crown Office and Procurator Fiscal Service considers that the court has imposed an unduly lenient sentence, it is open to that body to appeal against the sentence.

I wonder if it could be clarified—I should know this, but I do not, because my practising days have been over for two decades now—whether that applies to an absolute discharge. Is that a sentence, or is it in fact an exoneration of sorts? If it is the latter, does that provision apply, and can the Crown appeal against an absolute discharge?

Secondly, if the Crown is competent to do so, has it ever done that? Has that actually happened?

The Convener: I think that illuminating some of the alleged ways forward with evidence of incidents would be quite helpful in enabling the committee to understand whether such things have actually ever occurred.

I thank you again for your comments, Mr Ewing. Are members content to keep the petition open and to pursue the matter further in the way that has been suggested?

Members *indicated agreement.*

New Petition

Women-only Homeless Accommodation (PE2147)

10:13

The Convener: Item 3 is consideration of new petitions, of which we have only one this morning. I highlight—as I always do—that, in advance of the committee considering new petitions, we do two things. First, we invite the Scottish Parliament's independent research body, the Scottish Parliament information centre, to offer us a view on the issues that have been raised in the petition. That information is submitted to members of the committee in advance, with the papers that we receive. We also invite the Scottish Government to give us a preliminary view. We do those two things because, historically, they were the first two things that the committee used to recommend doing, which only delayed the progress and consideration of the petition. So, we come to the petition with those bits of information in front of us.

PE2147, lodged by Laura Jones on behalf of the Scottish Tenants Organisation, seeks to create more women-only homeless accommodation that protects and meets the specific needs of women. It calls on the Scottish Parliament to urge the Scottish Government to reform homeless services in Scotland, and to ensure that services protect women from sexual assault and exploitation, by increasing funding and supporting the creation of more women-only homeless accommodation.

The petitioner tells us that increasing numbers of women are being placed in unsuitable hotel and bed-and-breakfast emergency accommodation, with little consideration for the specific challenges and risks that that poses for women. The petitioner is concerned in particular about the risk of sexual assault and exploitation that women face when placed in temporary emergency accommodation.

As the SPICe briefing notes, although local authorities have a duty to assess anyone in their area who is applying as homeless and to provide temporary accommodation in certain circumstances, the Scottish Government has a policy to reduce the use of temporary accommodation. The briefing also highlights Scottish Government homelessness statistics for the period between April and September 2024, which indicate that hostels and bed and breakfast accommodation accounted for 24 per cent of temporary homeless accommodation.

10:15

In its response to the petition, the Scottish Government recognises that women's experiences

of homelessness are very different to men's experiences, and the response to women's housing needs should therefore also be different. The response draws our attention to the temporary accommodation standards framework, which was published in April 2023 and aims

"to ensure that any time spent in temporary accommodation causes minimal harm."

To achieve that, it aims to ensure that the accommodation is of good quality, safe, warm and affordable, and that standards are consistent across Scotland. The framework includes standards on support to access different types of accommodation, which are allocated based on gender, and provision of single-gender accommodation for households that are experiencing domestic abuse. The Scottish Government response also references the implementation of the equally safe strategy, which is aimed at preventing violence against women and girls and supporting survivors who have experienced such abuse. In the year ahead, the Government will invest £21.6 million in delivering the equally safe funding programme.

Members will also have noted from our papers that issues related to the petition have been raised as part of the Housing (Scotland) Bill and the Social Justice and Social Security Committee's inquiry on financial considerations when leaving an abusive relationship.

This is the first time that we have considered the petition and I can see that we are joined in the gallery by those who might have an interest in it. Colleagues, do you have any suggestions as to how we might proceed?

David Torrance: I wonder whether the committee would consider writing to the Scottish Government to seek clarification on the funding that it has provided through the delivery of the equally safe fund or local government settlement, and to ask what specific contribution it has made to the provision of women-only homeless services and efforts to ensure that a consistent gender approach is taken to the allocation and supply of temporary accommodation.

I wonder whether it would also consider writing to the Government to ask when it expects the temporary accommodation standards framework to become legally enforceable.

The Convener: That latter point is particularly important. You are nodding, Mr Choudhury.

Foyso Choudhury (Lothian) (Lab): I agree with Mr Torrance.

Fergus Ewing: I agree. I am struck by the information that we have had from the petitioner and others about the gravity of the problem and the extent of the risk that those women are exposed to. In our papers, I note that Ash Regan's work on the topic of hostel safety is referenced. She has referred to the need to "stop more women dying". *The Glasgow Times* has run a campaign that highlights the issue.

Although the Scottish Government has said that funding has been provided, there is a lack of clarity about whether any of that funding will find its way to providing the solution that the petitioner wants. I agree with the approach that Mr Torrance has advocated, but we should specifically ask what will be done to address the issue this year—so as to elicit not a vague response of, "Money will be made available in a general way," but what exactly will be done—otherwise we will be in the same position and no further.

I hope that I am not being unfair to the Government—needless to say, I never wish to do that—but my concern is that women's homelessness is one of those issues on which we talk about spending huge amounts of money but nothing actually happens.

The Convener: Thank you, Mr Ewing. That is all duly noted.

Mr Torrance's recommendation is that we keep the petition open and pursue the issues as he has directed, which Mr Ewing has fleshed out. Are members content that we proceed on that basis?

Members indicated agreement.

The Convener: We will keep the petition open and take it forward on that basis.

That brings us to the end of our public consideration of business.

10:19

Meeting continued in private until 10:32.

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

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