



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Thursday 29 September 2016**

**Session 5**



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Pàrlamaid na h-Alba

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**Thursday 29 September 2016**

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**PUBLIC PETITIONS COMMITTEE**

**4<sup>th</sup> Meeting 2016, Session 5**

**CONVENER**

Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Angus MacDonald (Falkirk East) (SNP)

**COMMITTEE MEMBERS**

\*Maurice Corry (West Scotland) (Con)

\*Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Rhoda Grant (Highlands and Islands) (Lab)

Elaine Smith (Central Scotland) (Lab)

Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

**CLERK TO THE COMMITTEE**

Catherine Fergusson

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Public Petitions Committee

Thursday 29 September 2016

[The Deputy Convener opened the meeting at 09:30]

### Continued Petitions

**The Deputy Convener (Angus MacDonald):** Welcome to the fourth meeting of the Public Petitions Committee in this session. Apologies have been received from Johann Lamont.

Today we have one agenda item, which is consideration of continued petitions. We will consider 23 continued petitions, some of which are being considered by the members of the current Public Petitions Committee for the first time, having been carried over from session 4.

#### School Bus Safety (PE1223)

**The Deputy Convener:** PE1223 is on school bus safety. The petition is by Ron Beaty, and we have received submissions from Transport Scotland and the petitioner. It is the longest-standing petition that we have under consideration.

Transport Scotland recognises Mr Beaty's contribution in its latest submission, noting various ways in which he has influenced policy on school bus safety. Transport Scotland notes that the United Kingdom Government is not willing to increase the minimum size of the school bus sign or to make overtaking a school bus an offence. Furthermore, the UK Government is not minded to devolve the relevant powers as it has done for seat belts on school buses.

Ultimately, Transport Scotland takes the view that a one-size-fits-all approach to school bus signage is not practical due to the different types of vehicles and settings across Scotland. As we see from his submission, Mr Beaty has expressed his disappointment with Transport Scotland's submission.

Do members have any suggestions for action?

**Brian Whittle (South Scotland) (Con):** I understand where Mr Beaty is coming from but, to me, the matter speaks to practicality. Enforcement would be incredibly difficult. To be honest, I think that we should close the petition in its current guise.

**The Deputy Convener:** Are there any other views?

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I am minded to agree with my colleague. We have probably taken the petition as far as it can go, given Transport Scotland's response and the difficulties in enforcing what the petitioner wants. We understand his good intentions, but I do not think that we can take the petition any further forward, so I recommend closing it.

**The Deputy Convener:** We have been joined by Stewart Stevenson MSP, who is the local member. Would Mr Stevenson care to add to the debate?

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I will do so comparatively briefly in view of your very long list of petitions. Mr Beaty has once again travelled from Gamrie, which is a six-hour journey and shows the continuing engagement of Mr Beaty in this important subject. It is probably the only petition that has been carried forward from session 3, so it is a very long-running petition. We have seen some success from Mr Beaty's previous petition, with the proposed seat belts on school transport bill coming up, as the clerk's note tells us.

I will simply say a couple of things. First, it would be relatively straightforward to take an approach such as is being taken with the proposed seat belts on school transport bill to enforce different signage by placing a duty on local authorities. However, I do not necessarily recommend that—that is not where I am coming from. I am merely saying that I do not think that we should be deceived by the idea that what the petition seeks would be difficult to do. Previous work has established that it is perfectly legal for school bus signage to be substantially larger than it currently is.

The key issue for the committee's attention is in paragraph 12 on page 3 of the clerk's note, which relates to Transport Scotland's submission of 23 February 2016, in which it refers to continuing to consider the implications of the Glasgow pilot. A pilot in an urban area may be quite different from the requirements and effects in a rural area. The Aberdeenshire pilot gave us some indication of the effects in a different area.

The committee might care to consider keeping the petition open until Transport Scotland has provided a substantive response following its consideration of the Glasgow pilot. Let me tell the committee the obvious: none of the members of the committee who were here when the petition first came to it are now present. It will cost you little to keep it on the agenda at least for that reason, and I think that there would be some benefit in doing that. We are, of course, entirely in the hands of the members of the committee, and it is not a matter that I will have a deliberative input to, but I encourage you to take that approach.

**The Deputy Convener:** Thank you, Mr Stevenson.

**Brian Whittle:** Is there a timescale for when we will get that narrative back?

**Stewart Stevenson:** I am afraid that I do not speak for Transport Scotland. That is a matter that it would need to address. Mr Beaty's comment to the committee that Transport Scotland's enthusiasm for the proposal is at best comparatively modest might mean that it will need a nudge to bring its deliberations to a conclusion, and the committee might consider doing that.

**Brian Whittle:** Okay. That is reasonable.

**The Deputy Convener:** Is the committee happy to follow Mr Stevenson's suggestion?

**Rona Mackay:** It is reasonable to press Transport Scotland for further clarification. Given that explanation, there would be no harm in doing that.

**Maurice Corry (West Scotland) (Con):** I agree with that and with what Mr Stevenson said.

**The Deputy Convener:** Having read Mr Beaty's latest submission, I understand his frustration. It is well worth approaching Transport Scotland once more. I understand that Mr Beaty's family have been personally affected by the issues that are raised in the petition, and Mr Stevenson has referred to his tireless campaigning. I think that we should approach Transport Scotland once more and see what we get back from it. Is that agreed?

*Members indicated agreement.*

**The Deputy Convener:** Thank you, Mr Stevenson.

### Youth Football (PE1319)

**The Deputy Convener:** PE1319, on improving youth football in Scotland, by Willie Smith and Scott Robertson, is another long-running petition. When we last considered it, at our meeting on 30 June, we agreed to take oral evidence on the petition, and arrangements are being made for that. In the meantime, are members content to note the submissions that we have received from various footballing bodies, PFA Scotland, the Children and Young People's Commissioner Scotland and the petitioners?

*Members indicated agreement.*

### Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)

**The Deputy Convener:** PE1408, by Andrea MacArthur, concerns the method of diagnosing pernicious anaemia. Members have a note by the

clerk and submissions from the petitioner and the Scottish Government.

The papers note that the Scottish Haematology Society made progress on developing a draft summary document for use in the Scottish practice setting. However, the society has now withdrawn from the process and it is not clear how the draft summary document is being taken forward.

Do members have any comments or suggestions on what action we may wish to take on the petition?

**Brian Whittle:** Why did the society withdraw? Do we know?

**The Deputy Convener:** I believe that there was an issue with resources.

**Brian Whittle:** Does that mean that the draft summary document is not going to be continued?

**The Deputy Convener:** I am not sure. Clearly, there is a bit of uncertainty. I think that we need to write to the Minister for Public Health and Sport to ask for clarification of the status of the draft summary document and whether it will be published. Is that course of action agreed?

*Members indicated agreement.*

### Judiciary (Register of Interests) (PE1458)

**The Deputy Convener:** PE1458, is by Peter Cherbi and calls for the establishment of a register of interests for members of Scotland's judiciary. Members will have seen the note by the clerk and submissions from the petitioner and Professor Paterson. Members will also be aware of further information that was provided by Mr Cherbi in respect of the Scottish Courts and Tribunals Service and the Judicial Complaints Reviewer.

The action that is called for in Mr Cherbi's petition received support from a number of MSPs in the previous session of Parliament, but neither the Scottish Government nor the current or former Lord President supports the introduction of such a register.

Do members have any views on what we should do with the petition?

**Maurice Corry:** I personally do not think that the proposed register would be the worst thing but, since the views of those who decide on the matter are set, the petition should be closed.

**Rona Mackay:** I have sympathy with Mr Cherbi and agree that there should be a register. However, I am not sure how much further we can take the petition or what road we could go down to progress it.

**The Deputy Convener:** I have some background to the issue. There was a debate in

the chamber on the matter in the previous session, and the petition received quite a lot of support from members. Also in the previous session, the former Lord President, Lord Gill, appeared before the Public Petitions Committee. We have received a submission from the current Lord President, Lord Carloway, who is basically opposed to the suggestion, and I would be interested in asking whether he would be keen to come in and give us oral evidence to back up his earlier submission.

I note Professor Alan Paterson's comments and criticisms in relation to the perceived inadequacies of the current recusals register. It could be helpful to take oral evidence from him, too.

I also note Mr Cherbi's suggestion that we should invite the Judicial Complaints Reviewer, Gillian Thompson, to give her thoughts on the proposal to create a register of judicial interests. However, we took evidence from her on the petition in the previous session and I am unsure whether she has changed her view, which was that there should be a register.

Would members be interested in hearing from Lord Carloway and Professor Paterson?

**Maurice Corry:** That seems pretty fair.

**Brian Whittle:** The petition is not unreasonable, and I would be keen to explore the issue further.

**Rona Mackay:** I agree. I would be happy to hear more evidence, as it is a big subject.

**Maurice Corry:** I am happy with that.

**The Deputy Convener:** We can ask the Lord President whether he is prepared to give oral evidence to the committee—there was a difficulty with the previous Lord President agreeing to do that. If he does not agree to do that, we will have to refer to his written submission.

Do we agree to that suggested course of action?

**Members** *indicated agreement.*

### **Thyroid and Adrenal Testing and Treatment (PE1463)**

**The Deputy Convener:** PE1463 is by Sandra Whyte, Marian Dyer and Lorraine Cleaver, on the diagnosis and treatment of thyroid and adrenal conditions. We have been joined by Elaine Smith MSP, who has been campaigning vociferously on the issue for some time.

As members will be aware, the Scottish Government commissioned Thyroid UK to conduct a patient survey as part of a listening exercise. The results of the survey were published last year. Following that, the previous Public Petitions Committee held an evidence session with the

Minister for Public Health and Sport and her officials to discuss the survey results.

Members will see in the meeting papers an update from the Scottish Government dated 2 August 2016. The Scottish Government advises that Scottish data cannot be extrapolated from the survey results. We wrote to the Scottish Government to ask what action it will take to address the issues raised by the survey results but a clear answer has not been provided so far. We have received a number of submissions expressing disappointment with the Scottish Government's response, including from Thyroid UK and the petitioner.

Do members have any comments? Perhaps we should hear from Elaine Smith.

**Rona Mackay:** That would be useful

09:45

**Elaine Smith (Central Scotland) (Lab):** Thank you, convener. I do not know where to start, to be honest, but I might start with John Midgley. His submission goes through the letter from the Government and tears a lot of holes in it. It asks a huge number of questions, and it questions a lot of the answers that the committee has received. He talks about things like illogical arguments. Under recommendation 5, he talks about the need for more research and about studies being "fatally flawed", going on to explain why.

Dr Midgley's response is hugely interesting. Recommendation 9 says that

"leading US scientists Dr A Bianco and J Jonklaas of the US have publicly expressed their doubts as to appropriateness of the uniform use of thyroxine monotherapy and have questioned currently held positions against combined therapy in a significant proportion of patients."

The petition has been going on for five years, as you know, and I think that a lot of it is about entrenched opinions in the medical profession, which is quite worrying.

On Wednesday night, I went to a meeting where an endocrinologist addressed a room that was packed with women—the condition primarily affects women. The two men in the room happened to be the endocrinologist and a man who was there with his daughter who was only well and functioning because she was getting her medicine—desiccated thyroid hormone—from Thailand. In 21st century Scotland, women should not need to go on to the internet to source medicine that is bringing them back from the dead—I am not being dramatic about it; I have been there myself. They are having to source medicine from Thailand, America or wherever, and that is unacceptable. The women who were there that night told me that they feel strongly that,

because it is primarily a women's problem, it is not getting the attention that it otherwise might get. I apologise to the men in the room, but that was the considered opinion at the meeting.

Many interesting things were said at the meeting. The endocrinologist who was there was quite open minded. He had his own views on certain things, but he was open minded about combined therapy with T3. I am not going to name names, but he does not feel that he can prescribe desiccated thyroid hormone because of its current status. One of the women in the room had been on desiccated thyroid hormone as a child. It was taken away as a treatment only in the 1980s, and she has never felt well since her treatment was changed. She remembers feeling well when she was on desiccated thyroid hormone.

There is also a submission from Professor Rudolf Hoermann, who has been an endocrinologist for more than 30 years. His submission to the committee is really interesting. At the end of it, he says:

"I would expect less lecturing from an outdated knowledge base and more awareness for the undeniable existence and magnitude of the issues. At the very least, patients and doctors alike should not be unnecessarily and unreasonably restricted in their treatment options."

That seems to be the bottom line.

On Wednesday night, we also heard that desiccated thyroid hormone was one of the first ever medical treatments, which I did not know.

I make a plea to the committee. You have a host of information including patients' stories that come direct from the horse's mouth, so perhaps the Scottish Parliament information centre could pull something together. There is a lot of medical information in support of the petition, so perhaps SPICe could pull something together that looks at Dr Midgley's response to the Government and takes out the contradictory evidence. It could be a paper for the committee that also took in some of the patients' experiences. The committee could then decide what sort of action it wanted to take beyond that.

After all this time and given all the evidence that has unfolded over the past five years, I am extremely keen—as, I am sure, the petitioner is—for the committee to consider holding a short inquiry. I do not know what the committee's workload is like—I am sure that it is very busy—but the petition has been really interesting for the committee and has unveiled a host of issues. I would therefore be keen on the committee holding an inquiry.

If the committee decided to take evidence again from the Minister for Public Health and Sport, perhaps you could also take evidence from Dr John Midgley if you were going to have only a

one-off evidence session. However, I think that it would add to the whole process if the committee also heard directly from some of the women whose lives have been affected by the issue.

In the context of preventative medicine, we would make real savings in the NHS if we could get the treatment for thyroid disorders right. We would make savings on things such as fertility treatment and people being put on antidepressants when it is their thyroid medicine that is wrong—the list is endless. We could also bring many people back into the economy who, at the moment, just cannot function because their medicine is not right, which I think is a bit of a scandal.

**The Deputy Convener:** You clearly feel passionate about the issue, and you have opened my eyes about the predicament that the petitioners and others have found themselves in. I have stated previously in the committee that it is beyond me why desiccated thyroid hormone treatment is not available in this country, particularly given that it was available in the 1980s.

How do members feel about Elaine Smith's suggestions? We would not go wrong in having a more detailed paper from SPICe.

**Rona Mackay:** I agree entirely with what Elaine Smith has said. I would want to get, as a first stage, a balanced, detailed paper from SPICe for our information. I would then like to have, as Elaine Smith suggested, a proper inquiry into the issue, because it is far too important not to be explored further.

**Brian Whittle:** The issue has dragged on for five years. If we are going to move it on, we should agree to have the paper from SPICe. However, if we are going to move the issue on properly, I would like it to be interrogated from all sides of the chamber. The issue will just keep dragging on, otherwise.

**Maurice Corry:** I agree with that.

**The Deputy Convener:** The best course of action is, therefore, to ask SPICe for more details and to ask the clerks to draw up a paper looking at the options for having a mini-inquiry and possibly taking oral evidence from the Minister for Public Health and Sport and Dr Midgley. We will expect a paper back on the issue, and we can take a further decision on actions at a later date, which I hope will be sooner rather than later. Is that agreed?

**Members indicated agreement.**

**Maurice Corry:** I think that we should also have evidence from Professor Rudolf Hoermann.

**The Deputy Convener:** As another option?

**Maurice Corry:** Yes.



**The Deputy Convener:** The clerks can take all that away. I hope that we can move on the issue pretty quickly.

**Elaine Smith:** Convener, do you mind if I stay for consideration of the next petition?

**The Deputy Convener:** Of course not—feel free to do so.

### **Alzheimer's and Dementia Awareness (PE1480)**

#### **Social Care (Charges) (PE1533)**

**The Deputy Convener:** PE1480, on Alzheimer's and dementia awareness, and PE1533, on the abolition of non-residential social care charges for older and disabled people, have been lodged by Amanda Kopel and Jeff Adamson, respectively. Both petitions relate to aspects of social care charging. Do members have any suggestions for action? One suggestion for action is that we write to the cabinet secretary. Are we agreed on that course of action?

**Members** *indicated agreement.*

**Brian Whittle:** I take it that we have not yet had a submission from the cabinet secretary on the issue.

**The Deputy Convener:** No, we have had nothing so far.

### **Polypropylene Mesh Medical Devices (PE1517)**

**The Deputy Convener:** PE1517, which is on polypropylene mesh medical devices, was lodged by Elaine Holmes and Olive McIlroy on behalf of the Scottish mesh survivors hear our voice campaign.

The chief medical officer has provided an update on the single incision mini-slings trial, and the Medicines and Healthcare Products Regulatory Agency has provided information on completed and on-going projects. The documents include the interim report by the independent review team that was published in October last year.

The expert group's work is on-going. In carrying the petition over, our predecessor committee suggested that it should be considered again once the independent review team's final report had been published. Do members have any comments on that suggestion? Perhaps we should defer further consideration of the petition until that final report has been published.

**Rona Mackay:** I agree. We have to see that report.

**The Deputy Convener:** We could write to the Scottish Government to seek an update on the expert group's work.

**Rona Mackay:** Yes—absolutely.

**The Deputy Convener:** Do members agree?

**Members** *indicated agreement.*

**The Deputy Convener:** That is another petition that has dragged on for quite some time.

### **A83 (Rest and Be Thankful) (PE1540)**

**The Deputy Convener:** PE1540, which was lodged by Douglas Philand, calls for a permanent solution to be found to issues that have been experienced on the A83 at Rest and Be Thankful. The issues relate to the closure of that section of the A83 following landslips on the hillside beside the roadway. Members have submissions from Transport Scotland and the petitioner, as well as a note from the clerk. Are there any views on further action that we should take?

**Maurice Corry:** I have detailed knowledge of the matter. Writing to the Minister for Transport and the Islands would be appropriate. There are clear solutions, one of which is to move the road to the south side of Glen Croe. I know that that option has been brought before the Parliament.

The biggest problem is the economic impact on Argyll and Bute, as the A83 is a main artery there. It is clear from the petition, and I know, that a permanent solution is needed. It is no use trying to patch things up.

We need to write to the minister, so the first option in the note by the clerk seems appropriate at this stage. Information is still being gathered and consultation groups are still meeting in the village hall in Arrochar to go through matters. The Government has actively participated in trying to come to a solution. It would be fair to let the review go forward.

**Rona Mackay:** I, too, think that the review should go forward. Is the £6.6 million investment regarded as being not for a permanent solution?

**Maurice Corry:** Yes. The problem relates to geology. The worry is that, if the nets are strained every time there is a landslide, they will have to be renewed. We are talking about hundreds of thousands of pounds, and we feel that that is—dare I say—money down the drain. I can see the problem with that.

There is sometimes a fear about people going up that road, as we all know. I have travelled on it many times.

There is a permanent solution, and the money that is being spent on the temporary solution is getting close to that for a permanent solution. I

hope that the review will address that. The matter should be looked at in that way.

**The Deputy Convener:** It is good to get some local insight into the issue.

To clarify, do we agree to write to the Minister for Transport and the Islands to ask for confirmation of the timing of the review of the national transport strategy and the strategic transport projects review and to ask how the issue is affecting the wider communities of Argyll and Bute?

**Maurice Corry:** There is a bigger issue than simply repairing the road. That is the problem.

**The Deputy Convener:** Do members agree to that course of action?

**Members indicated agreement.**

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

10:00

**The Deputy Convener:** We move on to PE1545, which is on residential care provision for the severely learning disabled. The petition is by Ann Maxwell on behalf of the Muir Maxwell Trust. Members will see that we have received two submissions from the Scottish Government.

Since the petition was lodged, the Scottish Government has consulted the petitioner and committed to funding a project to improve data collection on the demand for residential care. It has also launched a project to identify suitable alternatives to out-of-area placement. The Scottish Government has been engaging with the petitioner on those projects and has provided a two-year project plan. I am sure that members will join me in welcoming the Scottish Government's engagement with the petitioner on those issues. Do members have any suggestions on the way forward?

**Brian Whittle:** I note that the two years will be up in March 2017. It seems reasonable to wait until the project is completed and to see the report.

**The Deputy Convener:** That is just the first stage of the two-year project. Would members prefer to defer further consideration until after that point?

**Rona Mackay:** It would be sensible to wait until we see the report.

**Maurice Corry:** I agree.

**The Deputy Convener:** We will postpone further consideration until March 2017, when the first stage of the two-year project should have

been completed under the timeframe proposed by the Scottish Government.

I thank the petitioner, Ann Maxwell, for the significant amount of work that she has put into bringing the petition to Parliament. It is good to know that the Scottish Government has engaged positively with her.

### **Sewage Sludge (PE1563)**

**The Deputy Convener:** We move on to PE1563, which is on sewage sludge spreading. The petition was lodged by Doreen Goldie on behalf of Avonbridge and Standburn community council and relates to the use of sewage sludge on land.

The Scottish Government's position on the issues that the petition raises has not changed in recent months; it has confirmed its commitment to improving existing legislation. The petitioner in turn has expressed her disappointment with the Scottish Government's position. I declare a local interest, as I have been dealing with the petitioner and other local residents for a considerable period on the issue.

Do members have views on whether we as a committee can do anything more at this stage, given that the Government has a clear approach in mind for strengthening the regulatory framework?

**Rona Mackay:** I think that we have come to the end of the road with the petition, but a letter to the petitioner to say that we have expressed her concerns to the Government would still be in order.

**The Deputy Convener:** Is that agreed?

**Maurice Corry:** I agree with that.

**The Deputy Convener:** The petition has been partially successful in that it encouraged the Scottish Government to undertake the sewage sludge review earlier this year, and action has been taken locally to address a number of the issues that have been raised. However, I think that we have taken the petition as far as we can go with the powers that the committee has. Do members agree to close the petition?

**Members indicated agreement.**

**The Deputy Convener:** It would be an idea to remind the petitioner, as I think Rona Mackay suggested, of the rules on bringing back issues. The rule is that a person has to wait a year before bringing back a petition. If progress has not happened, the petitioner may wish to do that.

### **NHS Centre for Integrative Care (PE1568)**

**The Deputy Convener:** PE1568 is on funding of, access to and promotion of the national health

service centre for integrative care. The petition was lodged by Catherine Hughes amid concerns about the provision of services at the centre.

We have received correspondence from NHS Greater Glasgow and Clyde about its plans for the public engagement strategy in relation to its current proposals. Aileen Campbell, the Minister for Public Health and Sport, confirmed in her correspondence of 26 July that designation of a centre or facility as a national resource is not a matter for the Scottish Government. As the minister confirmed recently during a members' business debate, the public engagement on the proposals runs from September until November. Members will note that the proposals on the CIC are part of wider proposals by NHS Greater Glasgow and Clyde that have been subject to debate in the Parliament, as recently as yesterday afternoon. Do members have any views on what actions we might wish to take on the petition?

**Maurice Corry:** We should refer the petition to the relevant committee—the Health and Sport Committee—as it is doing work on the issue.

**The Deputy Convener:** Elaine Smith stayed for this petition specifically, so I ask her to contribute.

**Elaine Smith:** I will give an update on the petition. The CIC was one of the services that were mentioned in the motion that was passed in Parliament yesterday that asked for the Government to call in certain proposals, although of course it is up to the Government to decide how to take that forward. There is a meeting in the old Yorkhill hospital tomorrow at half past 3 for MSPs who are interested in the issue. I know that some MSPs are going to that—I certainly am. Useful information for the committee might come out of that.

I am slightly confused because, like a lot of people, I thought that the centre was a specialist national hospital, and the previous committee perhaps had evidence that indicated that that was the case. It is certainly a hospital that receives referrals from all over Scotland—or it did until NHS boards started to cut back those referrals. The Government now says that it is not a national service or resource. It says:

“a highly specialised clinical service may be considered for national designation through application to the National Specialist Service Committee.”

However, I am not clear about who would make that application. Would it be the health board that runs the service or the Government? There are questions about that.

The centre has been viewed as a national resource. The petitioner is passionate about the service because it seems to have good outcomes for patients who might have reached the end of their treatment and have nowhere else to go. The

in-patient service is highly valued and has extraordinarily high patient satisfaction ratings. If something is working, why try to change it? I understand that, if things are not working, change might be necessary.

I am just imparting further information to the committee. Clearly, it is up to members to decide what to do with the petition.

**The Deputy Convener:** Thank you—that is helpful. Do members have any comments?

**Rona Mackay:** It is difficult to know how to deal with the petition, because it is part of the on-going health board review that we are in the middle of. I see no harm in referring the petition to the Health and Sport Committee; that is one action that we can take. I do not see the point in writing to the health board to ask for an overview of its engagement strategy, because we can predict the response that we will get. There is absolutely no harm in referring the petition to the Health and Sport Committee.

**The Deputy Convener:** Elaine Smith raises valid and salient points. Given that the Health and Sport Committee is working on its strategic plan and vision for 2016 to 2021, there is a strong argument for referring the petition to that committee as soon as possible, rather than deferring consideration and delaying it even longer with the Public Petitions Committee. Do members agree to that?

**Members indicated agreement.**

### **Adult Cerebral Palsy Services (PE1577)**

**The Deputy Convener:** PE1577, by Rachael Wallace, is on adult cerebral palsy services. We have received a submission from the petitioner. It would seem an appropriate point for us to ask the Scottish Government whether it is minded to introduce or consult on a national clinical pathway for adults with cerebral palsy. I understand that the petitioner considers that it is important that national health service professionals and other stakeholders are consulted on the issue. Do members have any views?

**Brian Whittle:** It is entirely reasonable to ask for a clinical pathway to be set out for adults with cerebral palsy, and we should write to the Scottish Government to find out where it sits on the matter.

**Rona Mackay:** I agree that we should do that.

**Maurice Corry:** We need to find out what the Government's position is before we can take forward the petition.

**The Deputy Convener:** Do members agree that we should write to the Scottish Government to ask whether it is minded to introduce or consult on a national clinical pathway for adults with cerebral

palsy and to consult NHS professionals and other stakeholders on the issue?

**Members** *indicated agreement.*

### School Libraries (PE1581)

**The Deputy Convener:** PE1581, by Duncan Wright on behalf of Save Scotland's School Libraries, is on school libraries. We have recently received submissions from the author Theresa Breslin, the Chartered Institute of Library and Information Professionals in Scotland, Literature Alliance Scotland and the petitioner, who referred to the open letter that was sent to the First Minister by Julia Donaldson, the author of the Gruffalo books, in which she expressed concerns about the provision of school librarian services. Each submission suggests that the proposed changes run contrary to initiatives to support and promote literacy and to make reading fun and an integral part of the curriculum. I would welcome members' views on the petition.

**Brian Whittle:** As someone who is of a certain age, I think that it is logical to have a school library. We should have a national framework that covers the whole country, and I do not see why that should not be the case. The petition is certainly worth pursuing.

**Rona Mackay:** It is vital that we pursue the issue, because school libraries are an incredibly important part of the education system. We should write to the Government to ask whether there has been any change in the position since last December and we should refer the petition to the Education and Skills Committee to consider in a wider context.

**The Deputy Convener:** I do not think that we can do both those things at this point. We would have to seek an update from the Scottish Government and then consider referring the petition to the Education and Skills Committee.

**Maurice Corry:** We must get an update, because one of the problems is that local authorities are taking different views on the running of budgets. In my area, the provision of school libraries was a big issue on the islands. As Rona Mackay said, we should find out where the Scottish Government stands.

**Brian Whittle:** Education is devolved to local government, but I would be interested to find out what the Scottish Government's guidance to local government on the issue is.

**The Deputy Convener:** It would be good to see that before we consider further action.

**Maurice Corry:** The issue goes wider than the remit of local authorities, as it includes concerns about how the education system is being

programmed and the part that is played by research, librarians and so on, which is important. We can get that information only by following the route that has been suggested.

**The Deputy Convener:** We will seek a further update from the Scottish Government on whether the position has changed since December 2015. It would also be useful to seek the views of the Scottish Library and Information Council. When we get that information, we can consider further options. Is that agreed?

**Members** *indicated agreement.*

### Invasive Non-native Species (PE1586)

10:15

**The Deputy Convener:** PE1586 is on statutory control measures for invasive non-native species. The petition is by James Mackie, on behalf of Innes community council. Members will note that we have received submissions from the Scottish Environment Protection Agency and the petitioner.

The petition seeks to create statutory powers to force landowners to destroy invasive non-native species that grow on their private property. The session 4 Public Petitions Committee sought the views of a number of stakeholders, many of whom considered that the existing legislation provides adequate powers to address the issue that the petition raises. Stakeholders also supported a co-ordinated approach to invasive non-native species management, rather than a piecemeal one. SEPA provided additional information in its submission dated 12 May, in which it explained who leads research into biocontrols and the level of funding that has been set aside for relevant projects. SEPA also explained that it operates a 24-hour helpline for members of the public.

Do members have any views on what action we should take on the petition?

**Rona Mackay:** I would be inclined to follow the advice of the Scottish Wildlife Trust and SEPA, which are the experts in this field. I want us to close the petition, as I do not think that there is any point in keeping it going.

**The Deputy Convener:** Do members agree to close the petition?

**Members** *indicated agreement.*

**Maurice Corry:** There is sufficient legislation and advice in place for the council authorities, for example, to deal with it. The issue is one of enforcement.

**The Deputy Convener:** As no other member wants to speak, I thank the petitioner for bringing the petition to the Parliament. As a member of the Environment, Climate Change and Land Reform

Committee, I understand Mr Mackie and Innes community council's frustrations about invasive non-native species. However, as Mr Corry said, enforcement is the answer, and we look forward to local authorities and SEPA using the powers that they have.

### **Healthcare Services (Skye, Lochalsh and South-west Ross) (PE1591)**

**The Deputy Convener:** PE1591 is on the major redesign of healthcare services in Skye, Lochalsh and South-west Ross. We are joined by Rhoda Grant, presumably for this petition. We will hear from her shortly.

The petition was lodged by Catriona MacDonald, on behalf of SOS-NHS, and is continued from the session 4 committee's consideration. We have two submissions from the petitioner in the meeting papers, which follow responses that were provided to our predecessor committee by the Scottish health council and NHS Highland. The petitioner provided her most recent submission following publication of the initial agreement on the plans for modernisation of the services, which she argues is based on a flawed economic appraisal.

We have some options provided for consideration.

**Rona Mackay:** I would like to hear from Rhoda Grant about what options are available, because the issue is new to me.

**Rhoda Grant (Highlands and Islands) (Lab):** The situation is quite difficult because, as members will see from the petition, people are concerned about the service redesign. The issue has been on-going for a number of years. After the health board made its proposal, the community was not happy, and the health board went back to full consultation. I think that the community is totally agreed that there should be one hospital only in Skye but neither of the hospitals there is fit for purpose. We are losing services from Skye to Inverness, so people are having to travel further while we consider the issue. There is an argument in favour of building the hospital sooner rather than later in order to get services back into Skye.

However, that does not negate the concerns of people in the north of Skye, because the proposal is to build a new hospital in Broadford that covers not only Skye but parts of Wester Ross. They have concerns, which are replicated throughout the Highlands and Islands, about travel for non-emergency care to clinics and the like. Public transport is not good, the weather is poor and the patient transport service does not work in that area. People without access to their own transport are rightly concerned about how they will access the hospital in Broadford or the palliative and

elderly care that is provided in Portree at the moment. There are a number of issues of concern.

We recognise that, to allow people to access specialist care locally, we need to move ahead quickly with building a hospital, but the health board needs to plan with the community and speak and listen to people about their needs. That has been difficult, because they have been at loggerheads for a period of time. However, they need to come together to talk about what they can have instead and build services that meet the needs of the community. That has been missing, although there are on-going working groups. I want the health board to involve people from the north of Skye and bring them into those working groups. The health board argues with me that they have tried to do that, but the community feels that that has not happened.

I am not giving you any answers, but anything that you can do to bring the community and the health board together around the table to discuss the design of services that cover all the needs of all the people would be welcome. The Scottish Ambulance Service has a role in ensuring that there is adequate cover for transport to the hospital, as well as the emergency cover that it provides. We should look at what could be delivered from Portree to save people travelling, as we all want healthcare as close to home as possible.

**The Deputy Convener:** We have heard from one of the local members. Are there any further comments or suggestions?

**Brian Whittle:** When I read the petition, I admit that it looked as though the situation was at an impasse, and I tried to understand what we as a committee could do. I am inclined to look at the possibility of the committee taking oral evidence in order to better understand the situation—it is not a situation that should be left. We could write to the Government and get an update on its position. When a decision like that is made, it is made.

One of the things that struck me as Rhoda Grant was speaking was that the Scottish Ambulance Service would certainly be able to provide a good analysis of the issues. Convener, could you let us know what the committee can realistically achieve?

**The Deputy Convener:** There would be nothing to stop us taking oral evidence. There is a strong argument to keep the petition open and to write to the Scottish Government to ask whether it would reconsider the decision to approve the redesign in the light of the economic analysis that has been received from Professor MacDonald. We could also take on board Rhoda Grant's suggestion that we write to the Scottish Ambulance Service, as I do not think that we have previously heard its

view. Given Rhoda Grant's request and the fact that there are previous examples of ministers overturning approved major service changes following reviews by independent scrutiny panels, it is worth one further attempt. We could ask the Scottish Government what its view is on setting up an independent scrutiny panel to look at the situation.

**Maurice Corry:** I have just stepped down as chair of the integration joint board for Argyll and Bute. We have had exactly the same situation in the Ross of Mull and all I can say is that I commend what you are saying. Engagement with the community is important, as is engagement with the Scottish Ambulance Service. It must ensure that the redesign proposals, including any adjustments that have been made, are conveyed to the community and understood. We had it right back to ministerial level and—although lots of lessons were learned—I would not want that to happen in Skye.

The issue needs to be explored further and there should be engagement about the logistics with the agencies involved and—most important—with the people. The key issue in Mull was that people were not able to get to the facilities because they did not drive, did not have a car and lived up a glen. It is very important that the facilities are accessible. We did it and we got there, but it involved a bit of mind bending and it was hard work. I fully understand where Rhoda Grant is coming from and I commend the Mull experience.

**The Deputy Convener:** Funnily enough, Mull and Skye are two areas of the world that I know quite well.

**Maurice Corry:** So you know the issues.

**The Deputy Convener:** I am certainly aware of the issues. Do we agree to take the petition forward by writing to the Scottish Government and the Scottish Ambulance Service and looking at further options after we hear back from them?

*Members indicated agreement.*

**The Deputy Convener:** I thank Rhoda Grant for her attendance.

### **Group B Streptococcus (Information and Testing) (PE1592)**

**The Deputy Convener:** PE1592, by Shaheen McQuade, is on group B streptococcus information and testing. Members will see from the committee papers that the United Kingdom national screening committee is reviewing the evidence on group B strep. Do members have suggestions for what action we should take?

**Brian Whittle:** I see from our papers that a review of evidence on group B strep screening is due to be published. It would perhaps be realistic to wait until that evidence is delivered.

**Rona Mackay:** I agree. We need to wait until that evidence is published.

**Maurice Corry:** Absolutely. We cannot take a decision until we have seen that report.

**The Deputy Convener:** Do we agree to delay further consideration of the petition until the national screening committee's review of the evidence on group B strep screening is published?

*Members indicated agreement.*

### **Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 (Review) (PE1593)**

**The Deputy Convener:** PE1593 is on a full review of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. Paul Quigley submitted the petition on behalf of Fans Against Criminalisation. Since the petition was considered in the previous session of Parliament, James Kelly MSP has launched a proposal for a member's bill that would give effect to what the petition calls for. As members will note, the consultation on the proposal runs until October. Do members wish to do anything further on the petition at this point, or should we defer further consideration until it becomes clear whether Mr Kelly's proposals will be lodged as a bill?

**Brian Whittle:** We should defer further consideration of the petition.

**Rona Mackay:** Yes, we should definitely defer consideration.

**The Deputy Convener:** Do we agree to defer consideration of the petition?

*Members indicated agreement.*

### **Shared Space Schemes (Moratorium) (PE1595)**

**The Deputy Convener:** PE1595, by Sandy Taylor, is on a moratorium on shared space schemes. The petition calls for a moratorium on shared space schemes until safety issues have been addressed. In particular, Mr Taylor has concerns about the impact that schemes of this type have on the ability of blind and visually impaired people—and vulnerable pedestrians—to safely access the places where such schemes are introduced. This is the first time that the committee has considered the petition. Members will note the submissions that we have received from Mr Taylor, Margaret Hutchison and Sarah Gayton. Do

members have any comments on what action we may take?

**Rona Mackay:** I declare an interest in the petition, as the petitioner is from my constituency and I have been backing his campaign from the start and continue to do so. I am well aware of the issues surrounding the petition. Do you want me to say now what action I think we should take?

**The Deputy Convener:** Feel free.

**Rona Mackay:** I would be very keen to have the Minister for Transport and the Islands in to give evidence to the committee on the issue at a future meeting. I would also like the petition to be referred to the Equality and Human Rights Commission, because the petitioner states clearly that there is a breach of the human rights of the less able in the community, who effectively feel barred from their own town. The design of the shared space initiative in Kirkintilloch is entirely unsuitable and it has caused a huge amount of public anger.

**The Deputy Convener:** I will ask the clerks to clarify whether we could invite the minister to give evidence and simultaneously refer the petition to the Equalities and Human Rights Committee or the Equality and Human Rights Commission.

10:30

**Rona Mackay:** Whichever would be most effective.

**The Deputy Convener:** We could hear from the minister first, and you would then have the option of referring the petition to the Equalities and Human Rights Committee after that.

**Rona Mackay:** That would be fine.

**Maurice Corry:** There was a report on television on the exact issue that the petition describes, in a place called Poynton. All the points that Rona Mackay made came out in that report. The approach that we will suggest to the minister is absolutely the right one to take.

**The Deputy Convener:** Are members agreed on that course of action?

**Members indicated agreement.**

**The Deputy Convener:** We look forward to hearing from the minister at a future date.

### **Marine Fish Farms (Legislative and Regulatory Control) (PE1598)**

**The Deputy Convener:** PE1598, by Guy Linley-Adams on behalf of Salmon & Trout Conservation Scotland, is on protecting wild salmonids from sea lice from Scottish salmon farms. Members will see from the papers that we have received a number

of submissions. What action do members think we should take?

**Brian Whittle:** The more I read about the matter, the more concerned I become. One of the questions that we asked on the previous occasion that the petition came before the committee, when oral evidence was given, was whether the treatment of lice in salmon killed all the crustaceans in the area. It speaks to the issue of ecology for me, and I am certainly minded that we should take the petition forward robustly.

I know that there are other ways of dealing with the problem. For example, the introduction of wrasse is a more ecological way of dealing with it, and I would like to know a lot more about that method. Salmon farming is a major industry in Scotland, but if it is affecting wild salmon and crustaceans through the eradication of sea lice in the way that that is currently done, that concerns me.

**The Deputy Convener:** I was previously a member of the Rural Affairs, Climate Change and Environment Committee when we scrutinised the Aquaculture and Fisheries (Scotland) Bill in 2013. We went on site in Lochaber and saw wrasse, which seemed to be a good remedy for the issue.

Do members feel that it would be appropriate to refer the petition to the Rural Economy and Connectivity Committee, under rule 15.6.2, to allow that committee to look into the subject in more detail, rather than the Public Petitions Committee prolonging its consideration of the matter?

**Rona Mackay:** Yes, I think so.

**Maurice Corry:** Yes, I think so, because that committee will see the bigger picture of the effect on the rural economy. That is an appropriate action to take.

**The Deputy Convener:** Do members agree to forward the petition to the Rural Economy and Connectivity Committee?

**Members indicated agreement.**

**The Deputy Convener:** I thank the petitioner for bringing the issue to the attention of the Public Petitions Committee.

### **Speed Awareness Courses (PE1600)**

**The Deputy Convener:** PE1600, by John Chapman, is on speed awareness courses. We have received responses from IAM RoadSmart, which was previously known as the Institute of Advanced Motorists, the RAC, and the Scottish Government.

The Scottish Government's response acknowledges the potential merits of what the petition suggests but notes that any such courses "would require the approval of the Lord Advocate".

Do members have any views on the petition?

**Brian Whittle:** It would be interesting to see what the Lord Advocate says on the petition, if the measures in question would require his approval.

**Maurice Corry:** I think that that is appropriate. How the matter would be dealt with is a legal issue that is currently in statute. It would involve a major change.

**The Deputy Convener:** Do members agree that we should write to the Lord Advocate's office to seek its views on the petition and its concerns about the effectiveness of speed awareness courses?

*Members indicated agreement.*

### **European Beavers (PE1601)**

**The Deputy Convener:** PE1601, on European beavers in Scotland, is by Andy Myles. Members will see from the papers that the Scottish Government expects to make a decision on the issue that the petition raises by the end of the year. Do members have any comments on the petition?

**Maurice Corry:** The petition should be referred to the Environment, Climate Change and Land Reform Committee because it is about a bigger issue. It is about balance in nature and about cause and effect. I think that we should note the petition but pass it on to that committee for consideration.

**The Deputy Convener:** Are members agreed?

*Members indicated agreement.*

**The Deputy Convener:** It struck me that the decision on the beavers has been imminent for about six months, which I think I have mentioned previously, so I look forward to seeing a decision soon. In the meantime, we will refer the petition to the Environment, Climate Change and Land Reform Committee.

### **Antenatal Care (Electrocardiograms and Heart Echo Tests) (PE1602)**

**The Deputy Convener:** The final petition today is PE1602, on electrocardiogram and heart-echo tests within antenatal care, by Carol Sunnucks. Submissions have been received from the Royal College of Obstetricians and Gynaecologists, the Nursing and Midwifery Council and the Scottish Government. Members will note what those responses say about the work under way on

peripartum cardiomyopathy. Do we have any views on the petition?

**Brian Whittle:** I note that a good-practice guide on cardiac disease and pregnancy is due. Perhaps we can write with a request for indicative timescales on that.

**Rona Mackay:** I agree. The petitioner has highlighted the importance of such a guide and the Scottish Government has acknowledged that. We should await the publication of the good-practice guide, keep the petition open and gather more evidence.

**The Deputy Convener:** Are we all agreed that we should write to the appropriate agencies to seek indicative timescales for the publication of the good-practice guide on cardiac disease and pregnancy, and take further action once we have heard back?

*Members indicated agreement.*

**The Deputy Convener:** That brings us to the end of proceedings. I thank committee members and the MSPs who attended the meeting to present submissions.

*Meeting closed at 10:37.*



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