



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 3 November 2021

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

6th Meeting 2021, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Bill Kidd (Glasgow Anniesland) (SNP)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*Paul Sweeney (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jackie Baillie (Dumbarton) (Lab)

Sue Webber (Lothian) (Con)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 3 November 2021

[The Convener opened the meeting at 10:01]

New Petitions

Lockdown Restrictions (Toddler and Baby Activities) (PE1883)

The Convener (Jackson Carlaw): Good morning and welcome to the sixth meeting in session 6—we have six MSPs this morning as well, so that is 666—of the Citizen Participation and Public Petitions Committee. We are meeting in hybrid format and Paul Sweeney is joining us remotely. Our only agenda item is the consideration of new petitions.

To those petitioners who might be following our proceedings, I say that, as a first step, we write to the Scottish Government for their views on the petitions that we are considering, and that all members of the committee have the opportunity to consider the detailed submissions that we receive in advance of our consideration of petitions.

Our first petition is PE1883, on the opening of toddler and baby activities in tier 3 of Covid-19 and any future pandemic lockdowns, which has been lodged by Katrina Clark. I am very pleased to welcome our colleague Jackie Baillie, who will speak in support of the petition. The petition calls on the Scottish Parliament to urge the Scottish Government to allow baby and toddler activities to be considered equally with other indoor activities in tier 3 of future lockdowns.

In its response, the Scottish Government states that guidance was available from September 2020 for unregulated organised children's activities and was developed in consultation with relevant stakeholders; that soft play centres in level 0 and level 1 areas began to reopen from 2 November 2020; and that all centres were able to reopen on 19 July 2021.

The response highlights support for families during the pandemic, including in relation to play and wellbeing, and notes that, due to the fluid nature of the pandemic, the Scottish Government is not in a position to rule out further Covid-19-related restrictions or to advise on what those might be.

The petitioner's response points out that, even though guidance was in place from late 2020 onwards,

"the general consensus from parents on social media ... was that baby/toddler groups were not available until March/April/May of this year."

The petitioner draws comparisons with the reopening of pubs and cafes, and suggests that age groups were not treated equally. She also highlights the impact on speech and language.

Before members comment on the petition, I wonder whether Jackie Baillie would care to speak in support of it.

Jackie Baillie (Dumbarton) (Lab): I have never known a politician refuse to speak, convener.

The Convener: Well, I have never known you to do that, Jackie—that is certainly true. [*Laughter.*]

Jackie Baillie: Thank you, convener, for that kind comment.

I thank you and the committee for the opportunity to speak. Katrina Clark is my constituent. We certainly miss having petitioners at the committee, because we as MSPs are very much second best to them, but I will try to do her petition justice.

Obviously, Katrina wants baby and toddler groups to be open should we ever be in a tier 3 position again. We are all thankful that we are no longer operating under those restrictions; we should recognise that the guidance that was produced at the time and the levels of restrictions that were put in place were developed at pace, which led to some anomalies and inconsistencies. At the heart of the petition is an understanding that we should review what we did, learn from it and ensure that if we are ever in the position of having to impose restrictions again, we can do so proportionately.

Katrina's principal aim, which I think is one that we all share, is to limit any detrimental impact on babies and toddlers so that they are not unduly disadvantaged. She acknowledges the importance of play, as we all would; the Scottish Government addresses that point in its response.

Katrina is also concerned about socialisation. For a year, mums and babies missed the opportunity to interact with one another and mums missed the opportunity to get mutual support from one another. The First Minister recognised that point in relation to supporting the mental health and wellbeing of mothers and babies.

It is about weighing up the threat that is posed by Covid against the loss of that socialisation and play for mothers and babies at a critical juncture in their lives. We are all aware of some of the contradictions, such as soft play not being allowed

at all between levels 2 and 4 but adults being able to go tenpin bowling or to pubs and restaurants. It is that inconsistency that people do not understand and would like to be reviewed.

In essence, Katrina's petition is about ensuring that babies and toddlers will not be disadvantaged should we ever be back in a place where we are experiencing restrictions. I hope that the committee support that, as well as the general notion that we should review the restrictions that were put in place to see whether they were fit for purpose.

The Convener: Would anybody like to comment?

David Torrance (Kirkcaldy) (SNP): I have every sympathy with the petition. We should write to the Scottish Government to seek its views, but I do not think that either the Scottish Government or the United Kingdom Government could give guarantees, as it will depend on how the pandemic develops in the future. However, let us see what the Scottish Government has to say on the views of the petitioner. I am quite happy to do that.

The Convener: It strikes me that, at some point, there will be an inquiry into the pandemic. We have already been told that the inquiry will be fully comprehensive and will look at the pandemic from every conceivable perspective, so we could keep in reserve the petitioner's submission and any final conclusions that we come to as a committee to submit to the inquiry at a future date, should the opportunity present itself.

In the meantime, I agree that we should write to the Scottish Government because I take the point—and I imagine that the Scottish Government will accept it—that, in this first effort to address issues arising from the pandemic, there will have been inconsistencies. I would like to think that there will be a review or that the Scottish Government will undertake a review of what those inconsistencies were and whether, in hindsight, they were necessary or well judged.

I have my own reservations about whether the Scottish Government could make formal guarantees that nothing similar would ever be put in place in a future pandemic, but it seems sensible to write to the Government on that basis in the first instance. Does that seem sensible? Does anyone have any other proposals? Bill Kidd is indicating that he wants to speak.

Bill Kidd (Glasgow Anniesland) (SNP): I do not have another proposal; I will just re-emphasise some of the points that were made by Jackie Baillie and the petitioner. I concur that, when lessons are there to be learned, we should make sure that they are included in the development of any proposals for future pandemics.

Jackie Baillie: I wonder whether it would be possible, in addition to writing the Scottish Government, to consider writing to Play Scotland, organisations that represent mother and toddler groups and educational psychologists to see whether there is any impact on socialisation.

The Convener: I am happy to include that suggestion as well.

Alexander Stewart (Mid Scotland and Fife) (Con): I agree with Jackie Baillie that to get submissions from organisations on the impact would be useful. The Scottish Government has the opportunity to review but those organisations had to live through what took place and it is important to get their views and opinions, because that will give us a steer from the organisations and individuals that were most impacted.

The Convener: At the moment, we cannot anticipate the range of other petitions about issues that are consequential to the Covid pandemic that we may subsequently be asked to consider. I will just paste to the wall the idea that this might be an appropriate thing for us to consider at some stage under deliberative engagement, which is part of the committee's new remit. We could bring together various groups so that we could take evidence from them through the new deliberative engagement aspect of our responsibility.

At the same time, however, I imagine that the COVID-19 Recovery Committee might be doing work in relation to that, too, so we should perhaps liaise with it to see what its timetable and agenda are.

Are we content to take the actions that have been outlined?

Members indicated agreement.

Unborn Victims of Violence (PE1887)

The Convener: PE1887, which was lodged by Nicola Murray, calls on the Scottish Parliament to urge the Scottish Government to create an unborn victims of violence act, creating a specific offence that enables courts to hand down longer sentences for perpetrators of domestic violence that causes miscarriage.

The Scottish Parliament information centre briefing that has been provided sets out the current legal framework and explores how various criminal offences may apply to instances of domestic abuse during pregnancy. The information is summarised in the clerk's note, which notes that women are at increased risk of physical abuse, and particularly domestic violence, during pregnancy and early maternity.

The Scottish Government submission provides information on the Domestic Abuse (Scotland) Act

2018, stating that it enables physical, psychological and controlling behaviours to be prosecuted at once, which includes certain forms of psychological abuse and coercive and controlling behaviour that were previously difficult to prosecute.

However, in her submission, the petitioner shares her experience of domestic abuse, which sadly led to the loss of her child. She explains that she was hit by a car and that her injuries caused her to miscarry, which led to her partner taking a plea deal of reckless and culpable conduct with a domestic abuse aggravator. The sentence was a payment of just £300 compensation.

The petitioner explains the impact of the incident, including permanent left-side weakness, difficulty in walking for long periods or distances, complex post-traumatic stress disorder and grief.

In 2018, the petitioner conducted a study with 40 female domestic abuse survivors, the main findings of which are provided in the clerk's note. Do colleagues wish to speak about this serious petition?

Bill Kidd: It is a sad thing that we have to discuss such issues but it is good that the petition has been lodged. It is of such importance that we should take it forward, possibly by writing to key stakeholders such as the Crown Office and Procurator Fiscal Service, the Law Society of Scotland, the Scottish Law Commission, the Scottish Sentencing Council—after hearing about the sentence that was handed down in that instance—Scottish Women's Aid and Victim Support Scotland. Those organisations all have something beneficial to put forward on the action that the petition calls for. If we seek their views, we would be performing a necessary duty.

The Convener: I do not rule out, at some stage, the committee taking oral evidence on the petition. In the first instance, we will see what formal responses we get.

We will keep the petition open. Are we agreed on the recommended actions that Bill Kidd set out?

Members *indicated agreement.*

Hedgehogs and Moles (Legal Protection) (PE1888)

The Convener: PE1888, which is on full legal protection for hedgehogs and moles, was lodged by Joseph Allan. He has tabled a handwritten submission this morning, which I think members should have received. The petition calls on the Parliament to urge the Scottish Government to grant full legal protection to hedgehogs and moles.

The Scottish Government has confirmed its commitment to enhancing biodiversity and to protecting vulnerable species in Scotland. Its submission confirms that the hedgehog is listed in appendix III of the Bern convention—the Convention on the Conservation of European Wildlife and Natural Habitats—and schedule 6 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or capture them using specified methods. The submission states that there are no plans to extend the legal protection for hedgehogs, or to their breeding sites. It highlights steps that are being taken to halt the decline of hedgehogs, although it states that it does not have any information to suggest that the species is in danger of extinction in Scotland.

Similarly, it states that the Scottish Government does not have any definitive data that shows that mole populations are declining, or on the desirability or otherwise of such a decline. It has asked the petitioner to provide further information to explain the exact nature of his concerns, which the petitioner has done this morning, in that he has identified that moles are particularly vulnerable at one point in their breeding season.

The Scottish Government notes that it will carefully consider any recommendations that are made by the Joint Nature Conservation Committee for potential changes to the animals and plants that are listed under schedules 5 and 8 of the Wildlife and Countryside Act 1981.

My anecdotal observation—I speak as an old man—is that, when I was younger, hedgehogs were quite a common sight. They are less so, now, and that is as much as anything because neighbourhood hedgerows—the natural habitats in which hedgehogs used to thrive—have decreased in number over my lifetime, although there is now a conspicuous effort to restore hedgerows, to rewild and to reintroduce more of what I imagine are natural habitats of the hedgehog.

Do colleagues have any comments?

David Torrance: We should write to stakeholders, including the Scottish Wildlife Trust, the hogwatch Scotland project and the Mammal Society, to seek their views on what the petitioner is asking for. Once we get the relevant information back, we can take the petition from there.

The Convener: We appear to be agreed on that.

It is an odd coupling—sorry, that is probably an unfortunate suggestion. [*Laughter.*] Combining hedgehogs and moles in the petition struck me as a bit random. Nonetheless, we will consider them together, albeit that there will be representations from different organisations.

Bill Kidd: I imagine that both moles and hedgehogs live under the ground at certain times. That is particularly relevant when it comes to large-scale construction, and given the 26th United Nations climate change conference of the parties—COP26—and care for the environment. The petition may therefore be of the moment.

The Convener: A lot of voluntary groups and societies are certainly concerned with the welfare of the hedgehog, although the mole is slightly new to me as a feature of such a petition.

We have agreed to keep the petition open and to proceed on the basis that has been outlined.

Self-employed People in Travel Industry (Financial Support) (PE1889)

The Convener: PE1889, by Nikki Peachey, calls on the Scottish Parliament to urge the Scottish Government to provide tailored financial support to self-employed people in the travel industry whose businesses have been affected by the Covid-19 pandemic.

In its submission, the Scottish Government outlines the various support measures that have been offered to members of the travel sector throughout the pandemic. It states that a UK-wide approach is required to deal with the issues that the travel sector is facing, and that it has written to the UK Minister for Business and Industry to seek a dialogue on the issue.

In her submission, the petitioner explains that the Covid-19 pandemic has hit such workers hard, that they have not received commissions, due to restrictions on international travel, and that they have incurred increased costs that are associated with booking and refunding travel for clients. In addition, many self-employed workers did not qualify for financial assistance via furlough, the self-employment income support scheme or travel agent grants.

The petitioner advises that although loans have been offered through the UK Government-backed bounce back loan scheme, that has meant starting repayments while still not receiving any income. She concludes by stating that many in the industry report facing bankruptcy and losing their homes and their livelihoods.

I recall that one of the first major post-pandemic representations outside the Parliament, which took place just after we came back from the summer recess, involved travel agents and their representatives.

I invite comments or suggestions from colleagues.

David Torrance: As someone who has met local travel agents and has asked the First

Minister a question on the subject, I think that we should write to the Scottish Government to ask for an update on how its correspondence and dialogue with the UK Government on the matter are going.

Alexander Stewart: I agree. There is no doubt that individuals in the sector have suffered, and I am sure that other members will, like me, have received correspondence from many who feel that they fell into the gaps that opened up with the moves to ensure that others in the sector were being supported. The self-employed really had problems, and the petitioner has indicated at length the difficulties that they face.

I certainly want the petition to be progressed in some way and suggest that we take views from the Scottish Government and, indeed, the UK Government on how things are being managed. As I have said, the people in question certainly suffered, and we need to learn lessons that can be applied to the industry. Without the opportunity to be involved in the travel sector, they fell between a rock and a hard place, and it is important that we support them now.

Paul Sweeney (Glasgow) (Lab): I share the sentiments that have been expressed. The petition highlights an area where Covid economic resilience measures were put in place very rapidly. Because of the pace at which things had to move, the measures were somewhat blunt in their design and, as a result, key parts of the industry that were affected fell through the cracks. The petition provides a good example of an area where we need to respond clearly with countermeasures.

We will all want to avoid the pandemic causing economic scarring and permanent financial distress, so I think that a retrospective scheme of assistance for people who have been dealing with financial detriment over a long period of time—the past year—would be a worthwhile endeavour. I therefore recommend that we contact industry representatives to gather more evidence on and their responses to the petition, and that we see whether we can collaborate with the Scottish Government and the economic development agencies, such as Scottish Enterprise and Skills Development Scotland, on designing a scheme to assist people who have obviously suffered significant detriment and are continuing to face severe financial hardship.

The Convener: That suggestion seems very sensible. When we write to the professional bodies, it might also be useful to get an impression of the industry's current status and, for example, the number of independent self-employed travel agents who might no longer be operating. I know that travel is resuming and that people are starting to plan and book immediate and future travel, but it would be interesting to hear the thoughts of

those in the industry on the status of any recovery. They could also tell us about their potential fears with regard to any further restrictions that might be proposed or imposed in future months.

Are members content to proceed in the way that has been suggested?

Members indicated agreement.

Rural Healthcare (Recruitment and Training) (PE1890)

The Convener: PE1890 is on finding solutions to recruitment and training challenges for rural healthcare in Scotland. The petition, which has been lodged by Maria Aitken on behalf of Caithness Health Action Team, calls on the Scottish Parliament to urge the Scottish Government to find ways of providing localised training, recruitment and retention of healthcare staff in difficult-to-recruit positions in Scotland. Members will have received a late submission on the petition from our colleague Edward Mountain MSP, which was circulated yesterday.

The committee is currently considering PE1845, which is on an agency to advocate for the healthcare needs of rural Scotland and explores similar issues in relation to rural healthcare. The committee agreed to write to the Scottish Government, the remote and rural general practice short-life working group and rural health boards. We have already received some submissions, and we are expecting the remainder later this week.

In its submission, the Scottish Government states that it recognises the training, recruitment and retention issues that are faced by health boards that operate in rural areas across Scotland. The submission details a number of training and recruitment initiatives for doctors in difficult-to-recruit areas, including remote and rural settings. Wider initiatives are also highlighted as contributing to the improvement of rural healthcare or tackling employment challenges that are specific to rural areas. NHS Highland funding is highlighted, including recovery and renewal investment, which allocated £2.2 million to NHS Highland in 2021-22, and funding of £54,625 for the recruitment of a full-time director of psychology.

The petitioner's view is that the Caithness community does not appear to benefit from funding that is provided to NHS Highland, and the petitioner believes that health services are centralised to Raigmore hospital.

Mr Mountain has written in support of the petition. I am sure that he would have wished to be with us today and that he would have asked us to pursue the issues that are raised in the petition.

Do colleagues have comments to make on the petition?

David Torrance: As PE1845 is near enough exactly the same as PE1890, we should consider them together and wait for the evidence on that petition. I would like us to take evidence on the issue. We should wait until all the evidence is in and consider both petitions together.

The Convener: I notice that Mr Mountain has strongly encouraged us to take evidence after we have received submissions on both petitions.

Alexander Stewart: It is vital that we have the opportunity to take evidence on the petition. The initiatives and the training that are in place work, but maybe we will find in taking evidence that there are still some loopholes. Taking evidence would guide us on how we might banish those. I am very supportive of the committee's taking evidence on the petition and of my colleague Edward Mountain.

The Convener: We would formally agree to take evidence when we have received the written submissions that we are seeking to receive in the first instance. Are members content to proceed on that basis and to keep the petition open? I think that that was David Torrance's proposal. We will write to NHS Highland to seek its views on the petition. We can then combine that representation with any representations that we have received on PE1845. Having done that, we will probably formally agree to take oral evidence on the petition.

Are members content with that approach?

Members indicated agreement.

Swimming Lessons (PE1891)

The Convener: PE1891, which was lodged by Lewis Alexander Condry, calls on the Scottish Parliament to urge the Scottish Government to ensure that all children will have had the opportunity to learn to swim by making it a statutory requirement to provide lessons in the primary school curriculum.

The petitioner notes:

"In 2017, it was estimated that 40% of children left primary school not being able to swim."

He has pointed out that there is currently no requirement for local authorities to provide school swimming lessons in Scotland.

The SPICe briefing that accompanies the petition notes:

"Local authorities have a statutory duty to secure an adequate and efficient education for children of school-age in their area; what this education should entail is not set out in legislation. In fact, very little of the school curriculum is statutory."

The Scottish Government has reiterated that point, and it has stated that the curriculum is designed to allow local flexibility and acknowledged that some schools already offer swimming lessons through the curriculum and others offer them through their active schools programme.

Through sportscotland, the Scottish Government works with Scottish Swimming, whose priority is that every child should learn to swim. It is currently in discussions on how to expand its programme.

The petitioner suggests that it is unfair to allow councils to choose whether to provide swimming lessons, as it leads to many children missing out or being forced to take private lessons, which may be inaccessible to lower-income families or those who live in rural areas. He believes that making the provision of swimming lessons in school a mandatory requirement will redress that inequality.

10:30

My recollection is that, when I was younger, there was quite an in-your-face public awareness and information campaign on the need to learn how to swim, by whatever means. Maybe it is just because the message is no longer targeted at me, but I am less aware of there being any such campaign now. We are told that the Scottish Government is in conversation with Scottish Swimming on how it can expand its programme, and I would be very interested to find out how that might be done.

Paul Sweeney: I think that the petitioner's intent is sound, especially given the tragic incidents that occurred over the summer. A significant number of deaths could have been prevented if people had had proper education in swimming. We underestimate the impact that swimming lessons have as a life-saving measure. The need to learn to swim is often framed in the context of sport or physical education, rather than being highlighted as a critical life-saving measure.

I note that the SPICe paper indicates that the Scottish Government does not hold data on how many schools provide swimming lessons as part of the curriculum on a voluntary basis or as an integrated part of the physical education curriculum. I would be interested in the committee gathering from local authorities information on their provision in that regard, which we could use as a basis for considering what further action to take, if colleagues are minded to agree with that suggestion.

The Convener: That seems like an admirable suggestion. Do members have any other thoughts or comments?

We can write to the key stakeholder organisations, including the Royal Society for the Prevention of Accidents—that picks up on Paul Sweeney's point about the role of swimming lessons as a life-saving measure. With regard to the suggestion about writing to local authorities, it probably makes sense for us to write to the Convention of Scottish Local Authorities in the first instance, if that would be acceptable. I would also be interested to find out from Scottish Swimming where it is in the discussion about expanding its programme and what action is proposed. I would like to get an understanding of what public information initiatives are under way in relation to encouraging people to swim for the reasons that Mr Sweeney identified.

As there are no further suggestions, are members content to keep the petition open and to proceed to gather further information on the basis that I have outlined?

Members indicated agreement.

Dog Attacks (PE1892)

The Convener: The next new petition is PE1892, which has been lodged by Evelyn Baginski. It calls on the Scottish Parliament to urge the Scottish Government to introduce a law that would make an attack by one dog on another dog a crime that would be subject to a penalty, whereby the owner would be required to pay a fine and reimburse any expenses that were related to the incident.

In its submission, the Scottish Government states that, under the Dangerous Dogs Act 1991, it is an offence for a dog to be dangerously out of control. It says:

"A dog is deemed to be dangerously out of control if there is reasonable apprehension that it will injure a person or an assistance dog".

In addition, the Control of Dogs (Scotland) Act 2010 provides for a civil regime in respect of dog owners who allow their dogs to be out of control.

The Animal Health and Welfare (Scotland) Act 2006 relates to the offences of causing unnecessary suffering and facilitating animal fighting. In its submission, the Scottish Government states that, depending on the exact circumstances, certain conduct that relates to the behaviour of a dog that attacks another dog may fall within the scope of the offences in that act.

The petitioner states that the Control of Dogs (Scotland) Act 2010 does not fully legislate for attacks by one dog on another and that it does not consider the financial effect on owners who have lost a dog in that way. To address the issues that are raised in the petition, the petitioner suggests the introduction of financial penalties to provide

compensation to dog owners who have lost a dog as a result of an attack by another dog. The petitioner believes that such compensation could cover veterinary fees and funeral expenses.

I invite comments from colleagues. I realise that Mr Kidd, Mr Torrance and I must have been involved in the passing of the 2010 act, but I cannot quite recall the detail of the provisions, the deficiencies in which the petitioner seeks to address.

Do colleagues have comments?

David Torrance: I think that we should write to the Scottish Government for an update on the recent consultation on the act to see where it stands.

The Convener: On both the 2006 and 2010 acts?

David Torrance: Yes.

The Convener: That is fine. We could ask whether the Government is considering any further offences, because it would be interesting to know its position on that.

Mr Kidd, are you trying to intervene?

Bill Kidd: No, I am trying to—[*Inaudible.*]—something. [*Laughter.*]

The Convener: Okay. Are we content to write to the Government, in the first instance, to gather further information on where it stands on the existing legislation and to ask whether it is contemplating updating it? Should we also write to the British Veterinary Association to seek its views on the issues that the petition raises? The petitioner makes specific reference to the veterinary fees that arise when one dog attacks another. I am not a dog owner, so I do not know how much such costs would typically be. It would be interesting for us to have some idea of that and of the number of occasions in which vets treat animals that have been attacked in that way.

Do members agree to keep the petition open and to take those further actions?

Members indicated agreement.

War Memorials (PE1893)

The Convener: PE1893, on introducing legislation to protect Scotland's war memorials, was lodged by James Watson on behalf of the friends of Dennistoun war memorial group. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce legislation that recognises desecration or vandalism of war memorials as a specific criminal offence.

The Scottish Government notes in its submission that the petition is identical to a

previously closed petition, PE1830, which must have been considered towards the end of the previous parliamentary session, and that its position on the matter remains unchanged. The Scottish Government therefore refers to its previous submission for its full response. That submission advises that vandalism is a crime regardless of the motivations for it and that the Government condemns all acts of malicious vandalism and graffiti. The submission notes that, as legislation is currently in place to deal with the vandalism and desecration of statutes and memorials, including war memorials, the Scottish Government has no current plans to introduce new legislation for that specific purpose.

Paul Sweeney: The sentiments of the petition are well founded. In recent years, we have seen a number of alarming and distressing incidents of war memorials being desecrated in Scotland. It is certainly worth while reviewing the measures and protocols in the light of such incidents, so it might be appropriate to keep the petition open to allow for further submissions.

It might be appropriate to ask the Commonwealth War Graves Commission for its views on the protocols that are in place across the country for maintaining war memorials and ensuring that they are kept in good order. Consideration could be given to whether any improvements could be made, instead of introducing new legislation, given the Scottish Government's position. A member might also want to consider introducing a member's bill on the matter.

At this stage, it might be appropriate to keep the petition open to at least allow for further submissions.

Alexander Stewart: I concur with Mr Sweeney's comments. There has been an increase in antisocial behaviour involving vandalism and graffiti in a number of locations across Scotland. It would be good to seek more information. It would be useful to contact the Commonwealth War Graves Commission to ask about its policies and procedures, because it continues to look after and maintain many war memorials across our towns, cities and villages. It is vital that we acknowledge that such memorials are a lasting memory and should be protected. They are protected, but it would be useful to find out further information.

The Convener: Do members agree to keep the petition open and to proceed on that basis?

Members indicated agreement.

Medical Certificates of Cause of Death (PE1894)

The Convener: PE1894, on permitting a medical certificate of cause of death to be independently reviewed, was lodged by Mr Kenneth Robertson—as the MSP for Eastwood, I should say that he is a constituent of mine and has previously corresponded with my office on the issue.

The petition calls on the Scottish Parliament to urge the Scottish Government to change the Certification of Death (Scotland) Act 2011 to permit a medical certificate of cause of death to be independently reviewed by a medical reviewer from the death certification review service when the case has already been reviewed by the procurator fiscal but not by a medical professional expert. It is quite a technical issue.

The petitioner states that the 2011 act does not allow for an application for review of a medical certificate of cause of death by an interested party where the procurator fiscal has investigated the deceased person's cause of death. He notes that anyone can refer a death to the procurator fiscal but there is no obligation for the PF to investigate. An investigation may also only involve asking the certifying doctor if they are willing to certify the cause of death to the best of their knowledge and belief. The petitioner believes that that creates a dangerous loophole that could be exploited to cover up sub-standard care.

The SPICe briefing that accompanies the petition notes that the 2011 act was designed to

“introduce a single system of independent, effective scrutiny applicable to deaths that do not require”

procurator fiscal investigation. The death certification review service—DCRS—was established in 2015. That service checks the accuracy of approximately 12 per cent of medical certificates of cause of death in Scotland and also carries out interested person reviews in cases where questions or concerns about the content of an MCCD remain after an individual has spoken to the certifying doctor or if questions or concerns arise at a later stage. That is to check the accuracy of information contained in the MCCD.

The Scottish Government notes in its submission that the Crown Office and Procurator Fiscal Service is responsible for the investigation of all sudden, unexpected or unexplained deaths in Scotland and that, in many cases, the MCCD will be provided by a pathologist, who is an independent doctor and specialist in causes of death. The Scottish Government also notes that, given the Procurator Fiscal Service's independence,

“it would not be appropriate for DCRS to review MCCDs in cases already investigated by”

the procurator fiscal and that it does not intend to amend the 2011 act to enable the DCRS to review cases previously investigated by COPFS—I apologise for all the acronyms.

In response, the petitioner reiterates his belief that the Crown Office and Procurator Fiscal Service is unable to provide the same level of scrutiny as the death certification review service because the procurator fiscal is not medically qualified. He states that

“there are thousands of deaths every year in Scotland which are referred to the Procurator Fiscal but not investigated”

and, as such, are not eligible for medical review by the death certification review service.

It is quite a technical, targeted concern, of which my constituent has personal experience, although he refers to it in general in the petition. Do colleagues have any comments?

David Torrance: I would like to keep the petition open and write to the relevant stakeholders—the Crown Office and Procurator Fiscal Service and Healthcare Improvement Scotland—to seek their views on what the petitioner asks.

The Convener: I am happy that we do that. It is a technical but nonetheless interesting issue. It would be useful to get that further evidence and, perhaps, to return to the Scottish Government on the back of it. Are we agreed?

Members indicated agreement.

NatureScot (Decision-making Procedures) (PE1895)

The Convener: PE1895, which was lodged by Gary Wall, calls on the Scottish Parliament to urge the Scottish Government to make it mandatory for NatureScot to explain its conservation objectives in decision making within the framework of the Scottish regulators' strategic code of practice and the Scottish Government guidance, “Right First Time: a practical guide for public authorities to decision-making and the law”.

In its submission, the Scottish Government states that NatureScot, which was formerly known as Scottish Natural Heritage—I thought that it still was, so I am a bit behind the times—is Scotland's statutory nature conservation body and advisor to the Scottish Government. NatureScot is classified as a non-departmental public body and is subject to NDPB accountability and governance frameworks.

The submission explains that licensing decisions are delegated under the Wildlife and

Countryside Act 1981 and the Conservation (Natural Habitats, &c) Regulations 1994. The Scottish Government states that the legislation does not provide for an appeals procedure for licensing decisions. However, all decisions by NatureScot are subject to challenge through the public sector complaints handling system, which includes recourse to the Scottish Public Sector Ombudsman.

The submission concludes that NatureScot ensures that its decision-making process complies with the Regulatory Reform (Scotland) Act 2014, the Scottish regulators' strategic code of practice and Scottish Government's guidance, "Right First Time", through application of transparent, proportionate and consistent processes. With that taken into consideration, the Scottish Government does not consider that additional accountability measures are required over and above those that are already in place for NatureScot.

10:45

The petitioner suggests that the terminology that the Scottish Government uses in its submission to describe NatureScot's processes is different from that used in the legislation and, therefore, incorrect. He also suggests that NatureScot's practices are inconsistent with case law. The petitioner believes that it is currently impossible for a citizen to hold NatureScot to account and suggests:

"if it was made mandatory that they have to explain their 'objective' for decisions in the context of the aims of the legislation, especially for refusals, it would go some way to explain how they have applied 'proportionality'".

The petitioner has responded specifically to the Scottish Government's position, so I am happy to write back to the Scottish Government to seek its views on the challenge that the petitioner has made. That is a reasonable thing to do. If there are no other suggestions, we will do that in the first instance.

Members indicated agreement.

Reusable Water Bottles (PE1896)

The Convener: PE1896 calls on the Scottish Parliament to urge the Scottish Government to replace the disposable water bottle that is provided with primary school lunches with a sustainable, reusable, metal bottle.

The petitioner is aged seven years old and is called Callum Isted. I believe that he might be the youngest petitioner that there has been to the Scottish Parliament, so I congratulate him straight away on that. He advises that, each week, schoolchildren are given 250ml disposable plastic water bottles to have with their lunches. He feels strongly that that is the wrong thing to do.

Callum has been campaigning to have reusable water bottles since early this year and is determined that his campaign will succeed. He has solved the problem for his school and now wants to help the whole of Scotland. He points out that some schools do not have working facilities such as drinking taps. He and his eco group at school have asked for the broken taps in his school to be repaired.

Callum does not understand why the Scottish Government cannot provide funding to councils to provide reusable water bottles. He also mentions COP26 and the fact that some children in Scotland cannot access safe drinking water without damaging the oceans with single use plastic.

The Scottish Government submission details the requirement that free drinking water must be readily available for all children and young people throughout the school day, as per the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020—that sounds very Mr Gradgrind. However, the nutritional standards and the associated statutory guidance do not specify the way in which water should be provided, and the Scottish Government states that that is a matter for individual education authorities to determine. The Covid-19 pandemic was cited as one reason why education authorities and schools might not wish to progress with providing reusable water bottles, given concerns about communal water facilities.

I am delighted that we are joined by Sue Webber MSP, who has an interest in the petition. I invite her to make any comments that she wishes to the committee.

Sue Webber (Lothian) (Con): Thank you, convener. You have said a lot about Callum. He is already a determined and passionate young man.

With the support of his family, Callum set out over the summer to walk the John Muir way from Helensburgh to Dunbar in various stages. His walk concluded in the October holidays, when I met him. He has been determined to complete that sponsored walk so that every pupil in his school could get a reusable water bottle and has succeeded. In addition, he has organised a raffle and a pyjama day to beat his financial target and allow Klean Kanteen bottles to be provided to the 185 pupils in his school in Livingston. He has written to the First Minister regarding his concerns and he has managed to get the petition here before the committee. He is absolutely delighted about that in itself. However, I am really delighted to support the campaign further.

As I said, Callum is a very determined young man and he is not finished yet. He will continue with his campaign, whatever happens, in order to reduce plastics in schools. Right now, he is at

home “bouncing off the walls”—those are the words of his mum—because he has been invited to the green zone at COP on Friday. Given what is going on in the country this week, it is only right that we support him in his ambition for every child at primary school to have a reusable water bottle.

The Convener: I am sure that the whole committee congratulates Callum, and I am sure that he will make a very effective presentation when he is there on Friday. Sue Webber said that he is at home this week, which means that he might be watching us just now. If that is the case—congratulations, Callum.

David Torrance: The petition is very relevant in relation to COP26 and our carbon footprint. As somebody who is in their third session of being on the committee that deals with petitions, it is incredible to see somebody who is seven years of age petition us to try and achieve something across the whole of Scotland. Callum is so young but has taken so much time to lodge a petition, so we should give him the opportunity to come and give evidence before us.

I would also like to write to all the key stakeholders—COSLA, Zero Waste Scotland, Keep Scotland Beautiful and the Sustainable Scotland Network.

Paul Sweeney: I concur that it would be great to have Callum before the committee to give evidence. It is commendable that he is so passionate about the issue at such a young age.

The petition campaigns for an incredibly practical measure. Yesterday, I was speaking with children at Thorntree primary school in Glasgow with my colleague Ivan McKee. The members of their eco-schools committee raised similar concerns around how they could take practical steps in their school to reduce their carbon footprint and improve environmental efficiency. The petition touches on a very live issue and on concerns that are shared by lots of young people across Scotland.

Callum is perhaps a bit of a pioneer, because his petition shows that the petitions committee should be accessible to everyone, including those of a young age. If young people are learning about politics and discussing issues at school, the petitions committee is potentially a useful way for them to engage with Parliament. In more ways than one, Callum has done us all a great service. I would be really happy to invite him to speak to the committee about what we can consider doing to amplify the issue.

Alexander Stewart: I also commend and congratulate Callum on his endeavours. He is someone of a young age who has such a passion, and he has not only created a huge opportunity for his own school, but extended that. We on this

committee are very much obliged to have him here to explain his views and to give him a platform to talk about his passion.

The petition raises a very live issue in relation to COP26. The idea of trying to encourage young people at primary school to be involved in eco-committees has been a real success. I think that Callum will be a real pioneer for the future. I look forward to hearing from him when he has the opportunity to come here.

The Convener: I think that we are agreed on that.

Sue Webber, do you know which school Callum attends? I do not see that information anywhere.

Sue Webber: He is at Dedridge primary school in Livingston.

The Convener: That school has a very active campaigner on the ground.

We would love to have Callum come to the Scottish Parliament. That will be no challenge to him at all, after he takes on the world at COP later this week.

As well as inviting Callum to come to the Parliament to give evidence in support of his petition, I propose that we invite some of the stakeholders to join us on that occasion to explore the issues raised in the petition in some detail. However, in the first instance, we should write to them to get some idea of their views on the issues that have been raised. Are we all agreed on that?

Members indicated agreement.

Council Tax Collection Procedures (PE1897)

The Convener: The next petition for consideration is PE1897, on reforming certain procedures for the collection of council tax. The petition, which was lodged by Richard Anderson, calls on the Scottish Parliament to urge the Scottish Government to reform the procedures for the collection of council tax that apply when a person has difficulty in making payment.

The SPICe briefing outlines the process of using summary warrants to enforce council tax debts. It explains that a summary warrant issues information to a judge, who will then grant it without any further investigation of individual circumstances. As a result of a summary warrant, a 10 per cent surcharge is added to the debts listed.

The Scottish Government’s response states that its policy is

“to ensure households that are financially vulnerable do not have to meet a Council Tax liability they are unable to afford”,

and highlights the council tax reduction scheme. It further states that around 500,000 households receive some level of council tax reduction, and of those households, 80 per cent receive a full reduction and are therefore not liable for council tax.

The protected trust deed—PTD—protocol commenced on 1 October 2021 and sets out non-statutory changes to the operational processes for protected trust deeds. The intention of the protocol is to improve transparency and clarity to better enable trustees to manage debtor and creditor expectations in a protected trust deed.

I invite colleagues to comment.

Paul Sweeney: The petition is another example of the injustice that council tax creates for many people. One of the big problems with council tax is that it is regressive. There are many debates that we could have—I am sure that there have been such debates in the Parliament over the past 20 years or so—about reform and replacement of the council tax, which lingers on.

I understand that there will be a debate in Parliament tomorrow on reform of social security in Scotland. That is a major part of how we deal with council tax, because the onus is on the individual to seek a reduction, but it is often the case that people are not aware of how to do that. Also, there are huge lags in efficiency in how that adjustment is made. That can result in financial distress, which is compounded by the litigious approach of councils. We should review how things are done.

Reforms could be made in light of the Scotland Act 2016, which devolved social security powers. We could respecify social security and design new interfaces so that, when someone claims any benefit, an automatic communication triggers a council tax reduction. It is not beyond the wit of man, or of our current infrastructure, to design such measures.

The issue is ripe for discussion and debate, and the petition is timely. I am keen that we gather submissions from COSLA and Social Security Scotland about how to design the system to interact with and improve the efficiency of council tax. Even though the tax is fundamentally flawed, we can at least help to make it a bit better.

The Convener: How young you are. It is 31 years not 20 that some of us have been debating the issue—that is, every year since it was introduced.

Are there any other comments?

Bill Kidd: It would be perfectly reasonable to write in that manner to those bodies, and to Citizens Advice Scotland, which Paul Sweeney did not mention. We should write to CAS to get its

views on the matter because it regularly deals with people who are in difficult circumstances.

The Convener: I am happy to include Citizens Advice Scotland. We will keep the petition open and seek information from the bodies suggested by Paul Sweeney and Bill Kidd. Are members content with that?

Members indicated agreement.

Entering Homes without Permission or Warrant (PE1898)

The Convener: The next petition for consideration is PE1898, on making entering someone's home without their permission or without a warrant a crime. The petition, which was lodged by Julia Gow, calls on the Scottish Parliament to urge the Scottish Government to make it a crime for a stranger to enter your home without permission or a warrant.

In its response, the Government sets out the current offences that relate to entering someone's home without their permission. The submission confirms that

"While entering someone's home without their permission is not a crime in and of itself, housebreaking with intent to steal is an aggravated form of the common law offence of theft in Scots law. The essential elements of this crime are that a person (1) overcomes the security of the premises and (2) does so with the intention of stealing."

A number of other common-law or statutory offences might be used, including the common law offence of malicious mischief, the statutory offence of vandalism and a provision of section 57 of the Civic Government (Scotland) Act 1982, which criminalises

"Any person who, without lawful authority to be there, is found in or on a building or ... premises"

where

"it may reasonably be inferred"

that the person

"intended to commit theft there".

11:00

Additionally, the SPICe briefing highlights section 38 of the Criminal Justice and Licensing (Scotland) Act 2010, as it sets out an offence of threatening or abusive behaviour, which might cover some situations where a person enters someone's house without permission.

In her submission, the petitioner questions the "essential elements" of the aggravated form of theft in Scots law, which states that a person must both overcome the "security of the premises" and do so with the intent of stealing. She asks the committee to consider how being subject to either

element of the crime can leave a person feeling safe and secure in their own home. The petitioner urges the committee to consider the mental trauma and loss of experiences as a result of having someone enter your home without permission.

Again, I invite members to comment.

Bill Kidd: For me, it was worth while receiving this petition, purely on the basis that I thought that that was already a crime, so we learn something every day here. I very much consider that we should write to the Crown Office and Procurator Fiscal Service, and to Police Scotland, which have to deal with many of those circumstances, to seek their views on the issues that the petition raises.

This is an issue that I did not know about—and that most people probably do not know about. For those who suffer such an event without a proper way of redressing that, it must be quite worrying and, in some instances, even terrifying.

The Convener: Indeed. We might ask SPICe to do a bit of work for us on how the position in Scotland compares with that in other legislatures across the United Kingdom, to see whether there is any significant variation in the protection for homeowners. Different laws will be in place, but we can ask whether there is any significant difference. Are we agreed to proceed on that basis?

Members indicated agreement.

The Convener: Thank you. We will keep the petition open and, in the first instance, make further inquiries, as suggested.

Covid-19 Vaccination (Under-16s) (PE1899)

The Convener: PE1899 is the last petition that we are considering today, on conducting a risk benefit analysis prior to providing those under 16 with a Covid-19 vaccination. The petition, which was lodged by Mary Henderson, calls on the Scottish Parliament to urge the Scottish Government to conduct an inquiry into the risks and benefits of providing Covid-19 vaccinations to those who are under 16 years old.

The Scottish Government submission confirms that the chief medical officers from the four UK nations recommend that

“all healthy children aged 12-15 should be offered one dose of the Covid-19 vaccine.”

In reaching their decision, and in addition to the wider health issues, the UK chief medical officers took into consideration issues such as disruption to education, reduction in public health harm and mental health issues.

The Government’s submission explains that, in deciding to offer vaccinations to children and young people aged 12 and over, the chief medical officers

“have been informed by the independent expertise of leaders of the clinical and public health profession from across the UK.”

In her response, the petitioner highlights several international articles that support her concerns regarding the vaccination of children. She feels that

“Natural immunity does not appear to have been fully investigated and the longer-term effects are unknown for all four Covid 19 vaccines.”

She is concerned that the

“move to vaccinate those under 16 is being driven more politically rather than medically.”

I invite members to comment on how we should proceed with the petition.

David Torrance: The vaccination programme is based on advice from the medical profession and is being offered across the whole UK, so I am happy to close the petition under rule 15.7 of standing orders, on the basis that the Scottish Government has stated that it has taken advice and guidance on its approach from several sources and that the approach is consistent across the UK.

The Convener: As no other member has offered an alternative course of action, do we agree to close the petition under rule 15.7 of standing orders, as David Torrance recommended?

Members indicated agreement.

The Convener: I thank the petitioner very much, but we will close the petition on the basis of the submission that we have received from the Scottish Government.

Our next meeting will take place on 17 November.

Meeting closed at 11:05.

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