



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 18 May 2022

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
9th Meeting 2022, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Fergus Ewing (Inverness and Nairn) (SNP)

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

*Paul Sweeney (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Rhoda Grant (Highlands and Islands) (Lab)

Inglis Lyon (Highlands and Islands Airports Ltd)

Liam McArthur (Orkney Islands) (LD)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 18 May 2022

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning and welcome to the ninth meeting in 2022 of the Citizen Participation and Public Petitions Committee.

Agenda item 1 is a decision on taking business in private. Do we agree to take in private item 3, which is consideration of the committee's 2021-22 annual report?

Members *indicated agreement.*

The Convener: Fergus Ewing joins us remotely this morning, and Paul Sweeney will be with us shortly.

Continued Petitions

Air Traffic Management Strategy Project (PE1804)

09:30

The Convener: Item 2 is consideration of continued petitions, the first of which is PE1804, which has been lodged by Alasdair MacEachen, John Doig and Peter Henderson on behalf of Benbecula community council. As those who follow our affairs know, the petition calls on the Scottish Parliament to urge the Scottish Government to halt Highlands and Islands Airports Ltd's air traffic management strategy project and to conduct an independent assessment of the decisions and decision-making process of the ATMS project.

I welcome to the meeting Inglis Lyon, managing director of Highlands and Island Airports Ltd, who joins us remotely. I very much appreciate his making time available in his schedule to participate in this morning's discussion.

Members have a number of questions to ask. As we are quite familiar with the ground, having had various evidence sessions with various people, I am very happy to move straight to questions, but if there is anything that Mr Lyon would like to say in advance of that, I am very happy for him to do so.

Inglis Lyon (Highlands and Islands Airports Ltd): Thank you for agreeing to see us today and for hosting me remotely. It helps.

The Convener: That is great. I will put the first question to you and then various members of the committee will ask theirs.

I should also say that we have been joined this morning by Liam McArthur and Rhoda Grant. I am very happy to invite them to say something after committee members have asked the principal questions.

The petition was lodged before a change in HIAL's strategy, and a number of people who have given evidence to us have been suspicious of the motivation underpinning all of that. After five years of pursuing the ATM strategy, Mr Lyon, you have now changed your mind about it. Was that wholly or principally driven by financial considerations, or is there a wider basis for the change of position?

Inglis Lyon: There were a number of moving parts in the decision to take a different strategic direction. There was the industrial action, on which I would like to go into some detail; there was a financial element; there was a campaign that was run by Prospect, with support from MSPs; and there was also the output from our island communities impact assessment. Therefore, a

number of different moving parts brought us to the table.

I will start with the industrial action, which comprised three different constituent elements. The first was a day of strike action. For airlines, airline passengers and airports, such action is hugely disruptive, but a day of it can be managed, because airlines will put passengers on to flights on the following or preceding dates. It is hugely disruptive and regrettable, but it is manageable.

Then there was an overtime ban, which meant that passengers were sometimes unable to get into some of the remote airfields and sometimes unable to leave them. That was hugely disruptive to tens of thousands of passengers, and it cost Loganair approximately £2 million. Again, though, that sort of thing is manageable in the grand context of what we do at Highlands and Islands Airports Ltd.

The thing that really put the bite on the organisation was when training stopped as a result of action taken by the trade union. Training is the life-blood of what we do in HIAL. A number of controllers in the control tower could not make progress, because of the industrial action, and that has had an effect on the airports that we are still working through. Indeed, things are still coming to a conclusion at Inverness airport, where we are still experiencing some closures as a result of our being unable to undertake training during the industrial action. As I have said, training is a major element for us.

There was also the financial element. When we went out to tender for the remote tower, we received four bids that ranged from being almost on budget to, in one case, being three and a half times the budget. When we examined the bids in detail, we found significant variances in how some organisations had priced risk and how some had priced cost certainty. When we looked at the matter in the round, we decided that there was considerable uncertainty in the bids that we had received. We had had a firm steer from Transport Scotland that the budget was the budget and we could not contemplate going over it. At that point, that consideration came into play.

We also had input from our island communities impact assessment, which said that there were things that we should do with the local authorities to mitigate the impact of our decisions. Therefore, we have a number of things on the go—and, indeed, had a number of things on the go at the time—to try to mitigate the impact of our decisions. One was the sustainable aviation test environment in Orkney, and you will have seen the benefits of that last week with Royal Mail's announcement of unmanned aerial vehicles covering the north and west of Scotland. We also have some exciting

developments taking place in Stornoway and other developments elsewhere.

Notwithstanding all of that, it was insufficient to move the local authorities from removing an objection. There was also the campaign that Prospect and supportive MSPs were running.

If you are asking me whether the decision was made because of the finances, I would say no, it was not. Finances were part of it—they were a consideration—but for us the principal point was to get the industrial action off the table, because it was beginning to impact on our ability to run the business and to continue to provide lifeline services to the north and west of Scotland.

The Convener: I understand all that and it is a helpful exposition of the position. It sounds—and I am choosing my words carefully—as though force majeure motivated the change in the position as opposed to a re-evaluation of HIAL's original thinking and as though an evolution of the various points that you have just raised led to the change of heart. Is there a bitterness in HIAL that the change has been brought about and that it is not the route that you would have preferred to take?

That leads me to another question that has come up in some of the evidence that we have received. I have to say that Prospect seemed reassured on this point, but is there a commitment that the strategy that will now be followed will be sustained? Is there no suggestion that the plan is to return to the original proposal after a period of time and when there is a further window of opportunity?

Inglis Lyon: First, there is absolutely no bitterness. We have to run a business that serves remote communities in the north and west of the Highlands. As the chief executive of that business, I have to say that it is a privilege to do so. We worked incredibly closely with Prospect from last August to arrive at the position that we are at now, and credit has to go to the people involved in those discussions for getting this over the line.

Secondly, on strategy, we have agreed with Prospect to undertake a review in five years' time. That will be an independent review and both sides will stand by its findings; of course, we cannot tie the hands of incoming boards and chief executives with regard to what will happen in five years' time. For a five-year period from now, the original strategy will not be pursued.

The Convener: Thank you. That is clear.

Fergus Ewing (Inverness and Nairn) (SNP): Thank you, Inglis Lyon, for setting out clearly why you changed tack. You have set out compelling reasons for doing so in a candid and helpful way.

I want to ask about something that Mr Henderson raised in the previous evidence

session, which was the extent to which changing tack has incurred a cost in expenditure that could fairly be described as abortive—in other words, expenditure on pursuing a model that has now been shelved for five years. What level of abortive expenditure has there been on developing the air traffic management strategy?

Inglis Lyon: When we reported that to the committee in January, and to Mr McArthur last December, we quoted a figure of £9 million. If I can give you some detail of that £9 million, it might help to put it in context.

Approximately £1.4 million of that £9 million is down to staff costs. Staff members were originally taken on to provide a bank of staff to help us manage the project, but, given some of the staff shortage issues that we were experiencing across the company, those staff members were, and continue to be, deployed in roles at other sites in HIAL. Therefore, you can subtract £1.4 million in revenue costs from that £9 million.

Contained in the capital sum is a simulator that was bought for £324,000, which will be used to train Highlands and Islands air traffic control staff for the next 10 years. Because that asset is on the books and is depreciating, it is not directly attributable to the cost of the project.

Finally, there has been much discussion around what we will do with New Century house, which was bought below market value for the purpose of housing our surveillance centre. However, things have changed, and it is now being used as a temporary training facility. We are midway through evaluating our estate in Inverness for two reasons. First, our reason for buying and holding New Century house has changed and, secondly, 67 per cent of the team at our head office, which was at capacity pre-pandemic, are now hybrid working, so we have capacity there.

We will look at matters in the round and try to determine the best way forward. If, as a result, New Century house becomes surplus to requirements, that valuable piece of real estate will be sold—we are not precious about it—and the value returned to HIAL. We should also bear in mind that it was bought at below market value.

Fergus Ewing: So the headline figure of £9 million needs to be reduced by various factors. Although the cost was incurred in pursuit of a project that has been shelved, the expenditure is serving other valuable purposes for HIAL—I understand that.

Are you able to say what you expect the price range for the sale of New Century house to be in relation to its purchase? Would the sale, as you seem to imply, further reduce the £9 million cost by perhaps producing a profit?

Inglis Lyon: Yes, that is correct. I do not want to go into the commercial details just now, but on the assumption that we would realise a price similar to the purchase price, that £9 million would reduce to circa £5.5 million.

Fergus Ewing: Okay. As you will understand, it is not the function of this committee to go into matters in detail; we simply give voice to petitioners who come to the Parliament with a cause and seek transparency and accountability. It is not our purpose to go into the issue in detail—it is our job to decide whether someone else should do so.

Therefore, I have a simple question. Would you support HIAL's handling of the air traffic management strategy process being the subject of an external review by an organisation such as Audit Scotland?

Inglis Lyon: We would welcome that, Mr Ewing. We have no issue with that at all, whether it is done by Audit Scotland or A N Other. We might query whether Audit Scotland was the right body, for no other reason than it has not audited HIAL thus far—we have our own external auditors—but I am very happy with the principle.

09:45

Fergus Ewing: Is there any other body that you think could carry out an audit? I am mindful that any body looking into the matter would have to have rather more than a rudimentary understanding of the air traffic control issues, which are, as we have heard from the Civil Aviation Authority, fairly complex. I had pondered whether Audit Scotland is in fact the right body, for the reasons that you have stated. Can you suggest any way in which public accountability could be achieved by a body that has a reasonable knowledge of the issues involved, which would be essential to do a proper job?

Inglis Lyon: There might be an opportunity for peer review. There are a number of capable organisations in the Scottish Government that could undertake a degree of peer review. There might also be an opportunity for the committee to speak directly with our external auditors, who audit us on a number of—[Inaudible.]—on a routine basis. [Inaudible.]

Fergus Ewing: That completes my questions. I think that I just lost the last word or so of what you said, but I hope that everybody else heard you.

The Convener: No, we did not. I am sorry, but we lost the last sentence, Mr Lyon. Could you conclude that point again?

Inglis Lyon: I said that I was happy to make that connection with our external auditors, who are

an independent company, if you wanted to speak to them about carrying out that kind of review.

The Convener: That is great—thank you.

David Torrance (Kirkcaldy) (SNP): Good morning, Mr Lyon. The lack of engagement with local communities on the future of air traffic control in the areas concerned caused real problems. Why was there a lack of engagement? Can you assure us that, if anything is going to change in the future strategy for the area, you will engage with the communities?

Inglis Lyon: Good morning—it is nice to meet you.

Prior to announcing the strategy, the company that did the work for us undertook a number of engagements. After announcing the strategy, and up to the beginning of the pandemic, we undertook more than 200 different sets of engagement across the Highlands and Islands. During the pandemic, and to date, we have taken a very different approach to our community engagement, and we were recently held up by one local authority as an example of best practice. Where we are today is therefore a long way from where we were at the start of the episode, if you like.

Would we, with the benefit of hindsight, do things differently? I think that we have learned, and we will continue with that approach as we go forward. As I have said, a local authority has held us up as an example of best practice. That is good to hear, and it is a good benchmark to set for ourselves.

David Torrance: Why were HIAL staff and recognised trade unions not involved in the development of the air traffic management strategy from the outset? How do you intend to involve staff in the development of any future strategies? Would that not have helped industrial relations?

Inglis Lyon: Yes. Some of the staff were involved prior to announcing the outcome of the strategy. Since the revised strategic direction, we have worked with our staff to help inform the discussion by setting up a number of working groups, which I am sure Prospect would confirm has helped build a number of bridges. If you were to ask me whether we have built enough bridges or repaired enough of the bridges, I would say no—that is work in progress.

Paul Sweeney (Glasgow) (Lab): The committee has heard concerns that HIAL management places too much faith in “Air Traffic Management 2030 Strategy: Scoping Study”, which was produced by the consultant Helios, and the results of which relied significantly on emerging new technology. How do you respond to those concerns?

Inglis Lyon: Helios provided a report with a number of options. The recommended option was the way the board decided to go at that point in time. It could have chosen another option, but it decided to choose the one that was recommended as the first option. Since then, that board has moved on to pastures new, and we have a new board. In June 2020, I think, the new board sat down and went through all the available evidence and confirmed that the decision to pursue the strategy that we had was the right decision.

At that point, we had also employed a new chief operating officer who was given carte blanche to review everything and decide whether we were still pursuing the right strategy. He also came to that conclusion. Helios had provided options, if you like, and the board decided to pursue the recommended option.

Alexander Stewart (Mid Scotland and Fife) (Con): Mr Lyon, communities were very fearful and anxious about the whole process, and they still are. There is no question but that they feel that there might be loss, reduction or diminution of services that they expect.

Can you give assurances to the communities that are served by HIAL airports that there will not be a reduction or diminution of services or aviation safety resulting from roll-out of the new air traffic control system and procedures? As I said, people are still very fearful about what is planned and what will happen.

Inglis Lyon: First of all, I thank you for raising the issue of safety. Whatever we do in HIAL airports is always about improving on levels of safety. We operate in one of the most highly regulated industries not only in the UK but in the world, so whatever we do must, therefore, lift safety. We do not compromise; what we have in the Highlands and Islands today is safe, and we have an opportunity to make it safer, which is what we intend to do.

On diminution of services, again I say that the idea is that the changes that we hope to introduce will achieve one of our core objectives, which is to improve resilience. One of the reasons for embarking on the strategy in the first place was to improve resilience. We cannot be in the position in which we found ourselves at a couple of airports where we were struggling to achieve manning levels and had closures.

Again, if one thing has been demonstrated in the pandemic, it is our ability to keep real lifeline services going for remote communities, and this all been about preserving and enhancing those links.

Alexander Stewart: Supporting those services and ensuring that communities have them is the crux of the matter. What lessons have you learned from the whole fiasco, which has had communities

and MSPs up in arms? What have you learned from dealing with that over the past five years, and how can you put lessons that you might have learned into practice in order to ensure that there will be practical action for communities who are still anxious about what might come out of the process?

Inglis Lyon: I shared something with one of your colleagues who is at the committee today when the same question was asked of me when we met. I said that the idea of sharing the challenges that we have early on would be very helpful to us, and to your good selves. We should take an open-book approach to sharing the challenges and working on solutions, whether they are joint solutions or us simply telling folk what is going on. For me, improvement of such communication is the biggest lesson that we could learn.

I go back to the point that I made earlier, which is that we have moved our communication and information flow on to such an extent that one of the local authorities says that we are an example of best practice. We are proud of what we do and I would like to see it continue, because that will ensure that there are no surprises.

The Convener: Those were the formal questions from committee members. We also have two colleagues with us this morning. I would very much like to give both Liam McArthur and Rhoda Grant the opportunity either simply to make an observation or to put a question, given the importance of the issue and the fact that this evidence session is almost the final opportunity for the committee to consider all the various bits of evidence that we have received.

Liam McArthur (Orkney Islands) (LD): Thank you, convener, and good morning, Inglis.

In response to questions from the committee, you said earlier that, with hindsight, things would have been done differently. I think that we can all be accused of having wisdom with hindsight, but having lived this process for a number of years—if not all five of them—it seems to me that hindsight was not really necessary. Very much from the outset, there were concerns expressed that the cost calculations and estimates were wide of the mark in relation to what would actually be required to deliver the work safely and successfully. They were out of alignment with what many people within the sector were suggesting.

Staff's concerns about the proposals and the implications for jobs, including in the islands, were evident from the get go. The opposition within local communities, including local authorities, again, was evident. HIAL's consultants identified the remote tower model as the most complex and risky of the options, yet over the course of the four

or five years that I engaged with HIAL, I was told repeatedly and the public were told repeatedly, through public statements, that that was the only viable option to deliver safely and in accordance with changing regulations, the air traffic management system that is required across the Highlands and Islands. I appreciate that we are now in a different place, but it is difficult to accept that one needed hindsight to arrive at that conclusion. There is real anger and frustration that it has taken the best part of five years to get to a conclusion that many people arrived at pretty much from the get go. That is just for the record; it is not a question, but an observation.

I welcome your response to the question that Fergus Ewing asked about the audit. Over and above that, Peter Henderson previously expressed concern that we could find ourselves in a similar situation in relation to centralised radar surveillance. Again, HIAL is taking forward a proposal, and there are concerns among staff at each of the airfields about its implications. Those concerns are not being given due weight; we could, some way down the line, again be dealing with a similar situation, in which HIAL will be forced to reconsider the proposals.

What assurance can you give us that that is not the case and that staff concerns in relation to centralised radar surveillance will be taken properly into account?

Inglis Lyon: Thank you for the question. I am disappointed to hear about that concern. We have continued the working parties and announced the revised strategy. In terms of how we deliver it, I will say, to be completely honest with you, that the number of attendees at the working parties has dropped dramatically since we announced the strategy. The working parties had the opportunity to say, "This is good," "This is bad," or "We are indifferent." I will take that concern away and discuss it with Prospect. I will try to find a way to encourage more participation at the working parties, to ensure that we have the right level of feedback between the units—[*Inaudible.*]

Liam McArthur: I have a final question. Obviously, one of the drivers for the move to remote towers was concern about recruitment and retention of air traffic control staff in certain airports. I and others expressed concern that that was not necessarily an issue at some airports. HIAL has a track record of recruiting and retaining staff very successfully when it has embarked on local recruitment exercises, but when it tried to recruit ready-made air traffic controllers from Sweden and elsewhere as a short-term option, it ended up reaping the whirlwind, because those staff were always going to leave.

Is there an assurance from HIAL that, in going forward with the new model, there will be a return

to recruiting from local communities? Not just for HIAL, but across the public and private sectors, that approach has demonstrated itself to be a far more effective way of identifying people. They might be people for whom you might need to provide additional training, but they are far more likely to remain within the organisation for the medium to longer term.

10:00

Inglis Lyon: We had a good discussion up in Shetland the other week, where we have just approved exactly that approach. A young lady who entered at assistant level is now moving to trainee air traffic controller level.

We will always maintain jobs from the local employment market. However, there will be occasions on which we have to fish in the bigger pool, because that is what we need for a short-term fix. Therefore, although the primary source of employment should always be our local hinterland, there will be occasions on which we do that. That is just the nature of our business. However, where possible, staff are certainly local. You will also see that the posts that we have advertised, provided that they are not operational, are based all over the country—all over the northern—[*Inaudible.*]

The Convener: Rhoda Grant—do you have an observation or a question?

Rhoda Grant (Highlands and Islands) (Lab): I have a bit of both, convener.

I will not go over ground that has been covered by the committee, apart from to say that I am pleased that Prospect and HIAL are working so well together and that staff are now involved in the working groups.

There is a level of distrust about why we have reached this point and what has brought us here, about which you answered a question at the beginning of the meeting. I suppose that the independent review in five years is what is causing people some concern. Is this just a pause? Will that review bring us back to where we once were?

First, how do you rebuild trust, not just with the workforce—I understand from you and Prospect that that work is on-going—but with the communities that you serve?

Inglis Lyon: Our teams are closer to us, so work with the community is going to be a longer-term project. As I said, we have started to roll out our revised engagement programme, and it seems to be yielding benefits. From speaking to a lot of MSPs, MPs and local authorities, the feedback is positive about the change, and it is equally positive about the level of engagement—about the honesty and transparency that we are sharing in those engagement sessions. This is part of what is

needed, Rhoda—that we get to the point at which, ultimately, you know as much about the business as we do. If we can get to that point, that will help.

Rhoda Grant: Okay. Thank you.

Radar for Shetland airport, which is the one airport that uses remote radar at the moment, was to transfer from NATS to HIAL, but there has been a delay. What are the reasons for that, and does it augur well for centralisation to Inverness of radar for the other airports?

Inglis Lyon: Shetland is a greenfield site. As far as I know, the Civil Aviation Authority has not done that before, in Scotland. Certainly, we have not done such a complex project before. The airport is slightly behind in respect of some staffing issues—for example, training. Once those are out of the way, as is close to being the case, we will be able to learn from that project where we will go from there.

Rhoda Grant: Is there an option to have the radar controlled locally at the airports, which would create more jobs? That would almost be to go in the opposite direction of travel from what was happening previously. Using the recruitment approach that Liam McArthur talked about, local people might be recruited and trained. That would create more jobs in the local communities, where they are desperately needed.

Inglis Lyon: One of the issues that we have talked about today and previously is resilience. If the people are all under one roof, somebody could be controlling radar for Sumburgh on Monday, for example, and then could, because of sickness, illness or absences in Stornoway, be controlling it for Stornoway on Tuesday, then maybe for Kirkwall on Wednesday. By having the people under one roof, we are able to get resilience; we can get the economy of scale that builds resilience into the airports. That is the basis on which we agreed the compromise with Prospect and their colleagues in the tower.

Rhoda Grant: However, you would not revisit that—you would not look at it again. I am conscious that that might be a way to rebuild trust and to reassure the communities that you want to work with them, too.

Inglis Lyon: I suggest that that would be considered as part of the five-year review.

The Convener: I am grateful, Mr Lyon. Is there anything that we have not covered that you would like to address in a final observation or comment?

Inglis Lyon: No, thank you.

The Convener: Thank you for your evidence this morning. We appreciate very much the time that you have given and the comprehensive way in

which you have answered questions from committee members and our visiting colleagues.

Members, are you content to consider the evidence that we have heard today at a future meeting?

Members indicated agreement.

The Convener: The committee agrees, in which case I will suspend the meeting. Thank you, again, for your participation.

Inglis Lyon: Thank you for your time. Goodbye.

10:05

Meeting suspended.

10:07

On resuming—

Witchcraft Act 1563 (Pardon and Memorial) (PE1855)

The Convener: The second continued petition for consideration this morning is PE1855, which was lodged by Claire Mitchell QC. It calls on the Scottish Parliament to urge the Scottish Government to pardon, apologise and create a national monument to memorialise those people in Scotland accused and convicted as witches under the Witchcraft Act 1563.

At our last consideration of the petition on 23 February 2022, we heard evidence from the petitioners, Claire Mitchell QC and Zoe Venditozzi, and agreed to consider the evidence at a future meeting. As members will be aware, following that meeting, during the parliamentary debate on international women's day, the First Minister gave an apology to those people in Scotland accused and convicted as witches under the 1563 act.

Since our last consideration of the petition, we have received a response from the petitioner welcoming the First Minister's apology and the work being undertaken by Natalie Don to take forward a member's bill in relation to the pardon. Unfortunately, Natalie Don is unable to join us this morning, but she provided a brief statement in advance of today's meeting, which indicated that she is consulting on her proposed bill, which focuses on a pardon. It will be published imminently. However, she says that it does not deal with the issue of a national memorial.

Unfortunately, I was not at the February meeting to consider the evidence, although I have obviously read the *Official Report* carefully. Do members have any comments or suggestions for action?

Alexander Stewart: It is important that we take evidence from Natalie Don. Obviously, she is

carrying out a consultation, and it would be useful to get an update on how she is progressing with the member's bill. It would also be advantageous for the committee to write to the Scottish Government to request that it considers a memorial to individuals who were convicted as witches under the 1563 act.

David Torrance: Can we write to the Scottish Government to ask what public body might be involved so that we could contact that body directly to see whether it would support the proposal?

The Convener: That is a good idea. We cannot commission a memorial, although it may be that there is a parliamentary committee that could pursue the matter. It would be helpful if the Scottish Government—assuming that it responds positively to the idea—were to indicate which body might be appropriate to advance the proposal.

Do members agree with those recommendations?

Members indicated agreement.

Prescription and Limitation (PE1860)

The Convener: Our next continued petition is PE1860, which was lodged by Jennifer Morrison-Holdham. The petition calls on the Scottish Parliament to urge the Scottish Government to amend the Prescription and Limitation (Scotland) Act 1973 to allow retrospective claims to be made.

Our last consideration of this petition took place on 2 February, when we agreed to write to the Minister for Community Safety. We have received new responses from the Scottish Government, which include a copy of the response that the minister received from the Scottish Courts and Tribunals Service.

From the information provided, it appears that information on the use of judicial discretion under section 19A of the Prescription and Limitation (Scotland) Act 1973 to disapply time limits for bringing legal proceedings in certain actions, is not currently collected in a way that allows for it to be easily analysed or interrogated.

Do members have any comments or suggestions for action?

David Torrance: We should write to the Scottish Government to ask whether it intends to take any further action to collect and evaluate information on the use of judicial discretion under section 19A of the Prescription and Limitation (Scotland) Act 1973 to disapply time limits for bringing legal proceedings in certain actions and what action that might be.

The Convener: I am inclined to agree although it is very clear from the evidence base that,

although the problem is acknowledged, the resource does not currently exist to do anything about it. It might be sensible to identify in that correspondence whether, if it is not something that can happen immediately, it is something that could happen in due course.

Are members content with that recommendation?

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".

We last considered the petition on 2 February, when we agreed to write to NatureScot, asking whether it routinely provides information about its conservation objectives when rejecting licensing applications. In its response, NatureScot explained that the circumstances under which licences can be granted do not always relate to conservation objectives. It states that licence refusals are routinely issued, and that its approach is always to explain to the applicants the reasons for the refusals against the relevant legal tests.

In their recent submission, the petitioner cites case law that they believe highlights the requirement for NatureScot to balance objectives when deciding whether to grant exemptions for licensing. They also stress the requirement on NatureScot to be transparent, accountable, consistent and proportionate, and express concerns about conflicts with NatureScot's policies and a lack of oversight and accountability.

Do members have any comments to help us advance our thinking?

David Torrance: I think that we should write to NatureScot to seek reassurance that its processes are in place for licence refusals and that the reasons for any refusal are transparent and clear to the recipient, and are applied consistently across Scotland. We could also ask whether NatureScot has appropriate guidance for staff on the procedure for licence refusal to ensure that the issues raised by the petitioner in regard to transparency and clarity have been addressed by consistent procedures.

The Convener: That seems reasonable. Do members agree with that course of action?

Members indicated agreement.

Child Sexual Abuse Allegations (Religious Organisations) (PE1905)

10:15

The Convener: PE1905, on the public inquiry into the response of religious organisations to allegations of child sexual abuse since 1950, was lodged by Angela Rosina Cousins on behalf of UK XJW's Support. The petition calls on the Scottish Parliament to urge the Scottish Government to order a public inquiry into the actions taken by religious organisations in response to child sexual abuse allegations since 1950.

At our last consideration of the petition, we heard directly from the petitioner about her experiences and the issues that she would like to see addressed. I thank Angela again for taking the time to come to the Scottish Parliament and speak to the committee on what was clearly a particularly difficult topic. I think that I speak for all members when I say that the committee found Angela's evidence compelling, although it was difficult to deliver.

In that session, we heard that victims of that abuse are hidden in plain sight and need to be heard, as they are often isolated from everyday life. The petitioner made her case for the Scottish Government to conduct a public inquiry into the matter and raised the significance of mandatory reporting mechanisms.

Members will also recall the submission that we received from the independent inquiry into child sexual abuse that is under way in England and Wales. The inquiry undertook a specific investigation into child protection in religious organisations and has published its report, along with recommendations, including recommendations for further work. Members can find a link to the full report in their papers.

The evidence session was difficult for the committee. Having reflected on that evidence, do members have any comments on how we might now choose to proceed?

David Torrance: I would like to keep the petition open and write to the Scottish Government to highlight that evidence session and the report from the independent inquiry into child sexual abuse in England and Wales. We should state that the report notes the findings of that inquiry and the issues that have been identified as requiring further consideration, and highlight that the petitioner's experience reflects many of the findings of that inquiry and the issues that it identified. We should also highlight that, in Scotland, there are no plans to extend the scope of the inquiry into the abuse of children in care and

there is currently a gap in progressing consideration of the issues related to the response of religious organisations who have been informed of allegations of abuse against children who were not in care.

Alexander Stewart: I very much concur with that. As the convener indicated, it is a difficult situation, but it exists and we need more clarity on it. What has been suggested would give some of that clarity at this stage, so that the committee can then consider what gaps there may be in the process and ensure that there is an opportunity to look at what has happened in England and Wales with reference to some of the issues, because that is very relevant to the petitioner and the issues that she was trying to raise.

The Convener: No other colleagues are indicating that they wish to comment.

I continue to be perplexed. The inquiry in England and Wales has managed to accommodate the review into abuse in the care sector and, that being the case, it is unclear to me why there is resistance to closing the gap in the scope of the inquiry in Scotland. That is very much the petitioner's perspective, from the evidence that we heard, and that point remains largely unanswered. The argument that it would create difficulty or delay does not seem to have been borne out by the ability of the inquiry elsewhere to accommodate that area of abuse, so we really want to pursue that point.

Is the committee content with the recommendations that have been made in relation to the evidence that we heard?

Members indicated agreement.

Council Venues (Funding) (PE1912)

The Convener: PE1912, on funding for council venues, was lodged by Wendy Dunsmore. It calls on Parliament to urge the Scottish Government to provide the necessary additional revenue to local councils to run essential services and venues.

When we last considered the petition, we agreed to investigate the issues with local authority chief executives. We have received responses from the Convention of Scottish Local Authorities, Angus Council, North Ayrshire Council, Argyll and Bute Council, North Lanarkshire Council and Fife Council.

The responses highlighted a number of common challenges for leisure and sport funding at local authority level including: low customer return rates after pandemic lockdowns, resulting in reduced revenue for leisure venues; continuing financial pressure as a result of funding cuts; and the creation of limited flexibility for councils because of ring-fenced funding from the Scottish Government.

Local authorities also highlighted a number of changes in their service provision to tackle the issue of financial sustainability. However, concerns remain over the allocation of funding for sport and leisure activities in the future, which very much echo the concerns of the petitioner.

Do members have any comments or suggestions for action?

Alexander Stewart: I am delighted that a number of local authorities responded, although it was only a small number of the total number of local authorities. However, they captured some of the relevant areas, and there is no doubt that the pandemic and its impact is one of those. I suggest that we refer the petition to the Local Government, Housing and Planning Committee, in the context of its wider consideration of local government finances and the post-pandemic recovery.

The Convener: Do others have a view?

David Torrance: I agree with the suggestion.

The Convener: Mr Ewing, were you nodding in assent?

Fergus Ewing: Yes; I concur.

The Convener: Thank you. We will do that, then.

Adult Disability Payment (People Undergoing Cancer Treatment) (PE1913)

The Convener: Our next petition is PE1913, which was lodged by Wendy Swain. The petition calls on the Scottish Parliament to urge the Scottish Government to create a separate department within Social Security Scotland that would fast-track future adult disability payment applications for people with a cancer diagnosis while they are undergoing treatment.

At our last consideration of the petition on 2 February, we agreed to seek views from Macmillan Cancer Support and Cancer Research UK. Macmillan Cancer Support's response requested that the committee urge the Scottish Government to ensure that the new system of adult disability payment in Scotland follows a number of key principles, which are set out in its submission and relate to the processing times for applications, fast-tracking applications and making greater use of paper-based assessments and evidence from medical professionals.

Do members have any comments or suggestions?

David Torrance: We should keep the petition open, but in doing so, I would like us to write to Social Security Scotland to highlight the concerns of the petitioner and the recommendations for improving its system that are set out in Macmillan

Cancer Support's submission. It recommends regularly publishing processing times for benefit applications broken down by condition, ensuring that processing times for special rules cases are kept to the minimum period of around a few days, reducing the processing times for applications for non-terminal patients to 11 weeks or less and considering maximising the use of paper-based assessments and making greater use of evidence from medical professionals to limit the need for unnecessary face-to-face assessments.

The Convener: Are we content to progress the proposals as identified by Mr Torrance?

Members *indicated agreement.*

The Convener: We will keep the petition open and progress accordingly.

Parental Access to Children (Legal Aid) (PE1917)

The Convener: PE1917, which was lodged by Amy Stevenson, calls on the Scottish Parliament to urge the Scottish Government to provide full legal aid to all parents who are fighting for access to their child or children, regardless of income.

We last considered the petition on 23 February, when we agreed to write to a number of stakeholders. Since then, we have received written submissions from the petitioner, Relationships Scotland and Shared Parenting Scotland. The submissions highlight a number of issues with the current legal aid provision that is dependent on income, including the costs of legal proceedings, the impact of the financial barriers on children, the importance of early resolution mechanisms and the need to consider children's rights and put children's interests first.

I am inclined to write to the Scottish Government highlighting the evidence that we have received, requesting that legal aid provision relating to parental responsibilities be included as part of its planned review of the legal aid system and asking for information on the scope of the review now that it is under way, the plans and timetable for consultation and the timetable for introducing the legal aid reform bill.

Does that proposal meet with the approval of the committee?

Members *indicated agreement.*

Heavy Goods Vehicle Speed Limit (PE1925)

The Convener: Our final petition today is PE1925, which was lodged by David Singleton. The petition calls on the Scottish Parliament to urge the Scottish Government to increase the 40mph speed limit for heavy goods vehicles in

Scotland to 50mph, in line with other parts of the United Kingdom.

We last discussed the petition on 9 March, when we agreed to write to the Scottish Government. The response from the Scottish Government confirms that HGV speed limits are being considered as part of the national speed management review. Transport Scotland indicated that it would be happy to engage directly with the petitioner.

Do colleagues have any suggestions for action?

David Torrance: As the Scottish Government is already considering the speed limits for HGVs, and as Transport Scotland has indicated its willingness to engage directly with the petitioner on the matter, I think that we could maybe close the petition under rule 15.7 of standing orders.

Paul Sweeney: In closing the petition, we could perhaps advise the petitioner to maintain a correspondence with his local members of the Scottish Parliament in order to ensure that he receives a satisfactory outcome from his discussions with Transport Scotland. If there are any concerns, they can be taken up accordingly, rather than it being done through the petitions process.

Fergus Ewing: I agree with the suggestions that have been made—to close the petition, but to recommend that the petitioner and others pursue the matter with their MSPs.

As an MSP who drives the A9, I suspect, rather more frequently than others, I add that the 50mph speed limit for HGVs on that road has, I think, in the view of the vast majority of my constituents, added considerably to the safety of the traffic. Previously, lorries going at 40mph and people breaking the speed limit at 80mph gave it a kind of "Wacky Races" feel. To be serious, that massively enhanced the risk of fatalities, which is a very, very serious problem. I must admit that I have moved from being agnostic at the beginning to being a very firm supporter of the 50mph limit. I just wanted to put that on the record, convener.

I very much hope that the safety aspects, particularly on the A9—which I think can be monitored and proven by the study into that that I believe is being undertaken by Transport Scotland—are taken into consideration. That study will be a useful piece of evidence for the measure being extended to apply to the rest of Scotland, as indeed it applies throughout the rest of the UK.

The Convener: Thank you. Are we content to close the petition on the basis that has been suggested, but to make sure that the petitioner is aware of the offer to engage and to draw to their attention the suggestion that they maintain close

links with their MSPs in order that the aims of the petition can be pursued and achieved?

Members *indicated agreement.*

The Convener: I thank the petitioner for bringing their petition to the committee.

That concludes the public part of our meeting. We have not agreed the date of our next meeting as yet, but we will meet again in early course. Are members content for me to liaise with the clerks, agree the date and advise members of it?

Members *indicated agreement.*

The Convener: Thank you. We will now move into private session.

10:27

Meeting continued in private until 10:37.

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