



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Citizen Participation and Public Petitions Committee

**Wednesday 18 January 2023**

**Session 6**



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

**Wednesday 18 January 2023**

**CONTENTS**

	<b>Col.</b>
<b>CONTINUED PETITIONS</b> .....	1
Onshore Wind Farms (Planning Decisions) (PE1864) .....	1
Swimming Lessons (PE1891) .....	3
Upland Falconry (PE1859) .....	6
Detainees in Custody (Access to Medication) (PE1900).....	9
Community Participation Requests (Appeal Process) (PE1902) .....	12
Sex Education in Schools (PE1918).....	14
<b>NEW PETITIONS</b> .....	16
A890 (Adoption as Trunk Road) (PE1974).....	16
A832 (Adoption as Trunk Road) (PE1980).....	16
Strategic Lawsuits against Public Participation (PE1975).....	19
People with Dementia (Council Tax Discounts) (PE1976) .....	22
Biological Fathers (Right to be Informed of Welfare Concerns) (PE1977) .....	24
Sale of Raw Milk (PE1978).....	25
<b>DECISION ON TAKING BUSINESS IN PRIVATE</b> .....	30

---

**CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE**

**1<sup>st</sup> Meeting 2023, 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:**

Foyso Choudhury (Lothian) (Lab)

Rhoda Grant (Highlands and Islands) (Lab)

**CLERK TO THE COMMITTEE**

Lynn Tullis

**LOCATION**

The Adam Smith Room (CR5)



# Scottish Parliament

## Citizen Participation and Public Petitions Committee

Wednesday 18 January 2023

*[The Convener opened the meeting at 09:31]*

### Continued Petitions

**The Convener (Jackson Carlaw):** Good morning, and welcome to the first meeting of the Citizen Participation and Public Petitions Committee in 2023.

On our agenda this morning, we have continued petitions that we wish to discuss, followed by the first consideration of some new petitions.

### Onshore Wind Farms (Planning Decisions) (PE1864)

**The Convener:** The first continued petition is PE1864, lodged by Aileen Jackson on behalf of Scotland Against Spin, which calls on the Scottish Parliament to urge the Scottish Government to increase the ability of communities to influence planning decisions for onshore wind farms by adopting English planning legislation for the determination of onshore wind farm developments, empowering local authorities to ensure that local communities are given sufficient professional help to engage in the planning process and appointing an independent advocate to ensure that local participants are not bullied and intimidated during public inquiries.

We last considered the petition on 29 June last year, when we agreed to explore a number of the issues by writing to the Minister for Public Finance, Planning and Community Wealth, UK Government ministers, Planning Aid Scotland and the Scottish Government's planning and environmental appeals division—DPEA. We have now received responses from all of those bodies.

The DPEA sets out the training and advice provided to reporters when conducting public inquiries. It notes:

"Reporters are advised to be alert to any overstepping of the mark and to intervene if they perceive that cross-examination is becoming overbearing".

Planning Aid Scotland says that all its staff and volunteers are required to be chartered planners. Although it has not recently provided training relating to public inquiries, it says that it will continue to monitor the type of advice requests that it receives and use the information to inform the training that is provided to its staff and

volunteers. PAS would welcome the Scottish Government undertaking research into how support could be provided for communities that participate in public inquiries.

Following the evidence session with the minister, the committee received clarification that the Scottish Government has powers to alter the 50MW threshold for renewable energy developments but has not explored the benefits or disadvantages of doing so.

Although the Secretary of State for Scotland and the UK Minister for Energy and Climate declined to comment on the specifics of the petition, they indicated the UK Government's willingness to engage constructively with the Scottish Government on planning matters.

We have also received two new submissions from Aileen Jackson, the petitioner, commenting on the responses received. She welcomes the minister's clarification on the Scottish Government's power to alter the 50MW threshold—I think that Mr Ewing raised that matter in examination. Aileen considers that that potentially opens the possibility for more decisions on proposed wind farm developments to be taken at a local authority level. She also highlights the UK Government proposals for changes in national planning policy on onshore wind farm developments in England. That is coupled with the United Kingdom Government's willingness to work with the Scottish Government on these matters.

We have had a lot of constructive feedback from the various bodies to which we wrote. On the basis of that feedback, do colleagues want to suggest ways in which we might take things forward?

**David Torrance (Kirkcaldy) (SNP):** The committee could write to the Scottish Government to set out the committee's recommendations on the basis of the evidence that has been gathered so far. That might include recommending that the Scottish Government undertakes work to explore the benefits and disadvantages of altering the 50MW threshold for consideration of renewable energy developments; undertaking research into how support could be provided for communities that wish to participate in public inquiries into planning decisions, including onshore wind farm developments; exploring the scope for planning authorities to determine more applications for onshore wind farm development; and exploring opportunities to ensure that the demonstration of local support is a key material consideration for planning authorities when determining applications for onshore wind farm developments.

**The Convener:** I am content with that. In asking the Government to undertake an exploration of the benefits and disadvantages, I might also draw to

its attention, or provide it with, the response that we received from the UK Government saying that it would be very happy to engage on the whole matter.

**Fergus Ewing (Inverness and Nairn) (SNP):** On the issue of engagement with the UK Government, particularly in the light of the fact that the whole development of wind power, onshore and offshore, will be dependent to some extent on grid upgrade and interconnector capacity expansion—particularly with regard to the interconnectors that cross borders—we could recommend that the case for co-operation between the Scottish and UK Governments is not strong but a sine qua non of the delivery of the respective renewable energy aims and ambitions of both Governments. A standing committee might be the way to deal with that, given the nature, complexity and breadth of the issues involved.

Secondly, in relation to the work that Mr Torrance suggests be done, could we ask that, in its response, the Scottish Government states what implications alterations would have on cost and time—the cost of dealing with applications, which might be considerable were the petitioners' asks to be granted, especially if independent advocates were to be appointed, and the length of time that might be added to applications?

I say that because, as a former energy minister, I remember opening one wind farm that had taken about 13 years to go through the planning process and about 13 months to build, and I am not sure whether anyone really gains from a delay of that magnitude. I have that in mind, but that is anecdotal and I do not have a clear picture. However, I would like to see the facts on those two issues from the Scottish Government and, perhaps, from others—the planners and the local government side, if that is appropriate.

**The Convener:** I think that we can accommodate all that. Are we content to proceed on that basis?

**Members** *indicated agreement.*

### Swimming Lessons (PE1891)

**The Convener:** For the record, I should say that we are joined by two of our parliamentary colleagues—Foysoil Choudhury and Rhoda Grant, who has so missed us that she is joining us in relation to three petitions, two of which we will consider jointly. Foysoil Choudhury joins us in relation to the petition that we now move to consider. PE1891, lodged by Lewis Alexander Condy, 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. I will invite Mr Choudhury to comment in a moment.

We last considered the petition a year ago, on 19 January 2022. As a committee, we offer our sincere apologies to the petitioner for not bringing the petition back for further consideration in our schedule before now. However, at our last consideration, we agreed to write to the Scottish Government, and I am pleased to say that we have now received a response from the Cabinet Secretary for Education and Skills. In her response, she restates that

“there is no mandatory curriculum in Scotland therefore local authorities and individual schools have the flexibility to decide upon the content of their own lessons at the local level.”

However, the cabinet secretary goes on to offer information about Scottish Swimming's national learn to swim framework and the delivery model pilot schemes that are taking place over the course of 2022-23

“to help educate and provide opportunities for children across Scotland to experience the water in a fun, safe and inclusive approach.”

The cabinet secretary has also highlighted the launch of the Water Safety Scotland and Education Scotland educational resource for schools

“to provide a consistent level of learning across Scotland's educational institutions”.

I welcome Mr Choudhury. As is normal practice when colleagues join our meetings, I am happy to offer him the opportunity to comment on the petition and to speak to the committee.

**Foysoil Choudhury (Lothian) (Lab):** I thank the committee for giving me this opportunity to come and speak to you all.

I am disappointed that it has taken a year to come back to this petition. Within that year, as you have probably heard, many accidents have happened and quite a lot of deaths linked to swimming-related issues have taken place. That is probably one reason that quite a lot of constituents have come to us to say that they want us to make sure that learning to swim is in the curriculum and that school students are taught that skill.

You have mentioned the minister's comments. I wonder whether the committee could invite the minister and the Convention of Scottish Local Authorities to say why they feel that learning to swim should not be in the school curriculum. I would request the committee to leave the petition open for further consideration.

I have said the majority of the relevant stuff previously—nothing has changed since my previous presentation, and I am in your hands. We have been speaking to schools and schools also

feel that, if it is in the curriculum, students will learn to swim.

**The Convener:** Thank you. In response to the first point, I think that the cabinet secretary makes clear that—whether or not the committee might wish it otherwise—there is no mandatory curriculum in Scotland, so there can be no direction from the Government in that regard.

You allude to deaths that have taken place among young children as a result of not being able to swim. To be honest with you, I am not aware of the incidence of that, which is, in itself, a difficult matter to address.

Colleagues, we have heard from Mr Choudhury and we have also finally had this response from the Scottish Government. On reflection, what do colleagues think we should do?

**David Torrance:** Considering the response that we have had from the cabinet secretary and the Scottish Government, I would like to close the petition under rule 15.7 of standing orders, on the basis that there is no mandatory curriculum in Scotland. Also, the Scottish Government has indicated that the learn to swim framework is being delivered in 27 out of 32 local authority areas, with progress being made within two further local authority areas towards delivering the framework during 2023 and that Water Safety Scotland and Education Scotland have launched an educational resource for schools to provide a consistent level of learning across Scotland's educational institutions.

**The Convener:** Colleagues, I am obviously sympathetic to the representations that we have received from Mr Choudhury. Could we couple that suggested action with a notice to the petitioner, drawing their attention to the actions that the Scottish Government has indicated are being taken, but pointing out to them that they can bring back the petition in a year's time if they feel that the provisions that the Government has said are about to be fulfilled by local authorities and Water Safety Scotland have failed to address the issues? I do not know whether there is much more that we can do at this stage, but we could draw to the petitioner's attention that there is that route to take.

**Fergus Ewing:** I was not on the committee at the time that the evidence was taken but I have read the evidence and it covers both the desirability of kids learning to swim and the importance of that skill as a lifesaving device, which I notice Mr Torrance raised in the evidence session.

In light of what Mr Choudhury has said this morning, I feel that, although we probably should close the petition for the technical reasons that have been set out, it might be helpful if, in addition

to the work that you have suggested, convener, we write to the minister stressing that we are closing the petition because there is no mandatory curriculum and, in that respect, it is a technical reason.

However, we could add that, although we welcome the progress that has been made, some local authorities are still not offering provision. There are concerns that deaths have arisen perhaps because of lack of ability to swim. Each of those cases would probably be subject to a fatal accident inquiry. We do not know whether those inquiries have taken place but, if the deaths occurred recently, they probably have not.

09:45

In the letter, we could say that we have advised the petitioner to consider bringing the petition back in a year, and ask the Scottish Government to confirm that it will not neglect attention to that matter, but drive it forward with COSLA colleagues and, in particular, that it will try to advance the causes that Mr Choudhury has spoken to eloquently this morning, and that the petitioner has advocated us to pursue.

**The Convener:** Yes—that is quite a nice marriage of the different suggestions that have been made. It makes clear that, although we feel the technical need to close the petition, we have not lost sight of the underlying issues and are almost encouraging it to be brought back to us, should the shortcomings prevail. Are we content to proceed on that basis?

**Members indicated agreement.**

### Upland Falconry (PE1859)

**The Convener:** Our next petition, PE1859, was lodged by Barry Blyther, who is in the public gallery this morning. The petition calls on the Scottish Parliament to urge the Scottish Government to amend the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 to allow mountain hares to be hunted for the purposes of falconry.

Members will recall the evidence sessions that we had in December last year with the petitioner, the Minister for Environment and Land Reform and NatureScot. I should also include Stanley, the eagle, in that, because we put questions to Stanley directly. *[Laughter.]* We heard about a number of issues in relation to the petition, and there are some outstanding issues and questions for us to consider, all of which have been summarised in our papers.

**Fergus Ewing:** With the convener's permission, I would like to place on record a couple of matters

arising from the evidence session with the minister, of which I have given notice to the clerk.

First, at the outset of her evidence, the minister said that I had been the cabinet secretary at the time, but I pointed out that I was not the cabinet secretary responsible for the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill. However, the minister then added that the junior minister who took the legislation forward was acting under both Roseanna Cunningham and me. That is true, but it gives a slightly false impression of the situation, and I wanted to correct that. For the avoidance of doubt, I was not cabinet secretary with direct responsibility for that bill; that was Ms Cunningham, and Ms Gougeon took forward the bill on a practical day-to-day basis, acting on instruction from Ms Cunningham. Therefore, I had no direct ministerial focus or policy role for that bill, although, of course, I was a member of Cabinet.

Secondly, later on, the minister said:

"If the solution that Mr Ewing is referring to is that I instruct law officers to make a statement that a criminal offence will not be prosecuted, he is doing a disservice to the legal profession that he was once part of."—[*Official Report, Citizen Participation and Public Petitions Committee*, 21 December 2022; c 17.]

In response, I point out that I am still part of that profession, because I am on the roll of solicitors, although I am no longer in practice. Of more substance is the fact that I did not call for a blanket ban on prosecution; rather, I sought guidance, and I hope that guidance is an option that can be explored.

I will make further, substantive remarks later, but I wanted to clarify those points for the record. Thank you for the opportunity.

**The Convener:** I know that all the members were impressed by the petition and I think that we were troubled by some of the evidence that we received. We have had an opportunity to reflect on that. A number of issues arise from it, and I think that the committee's likely direction of travel is clear but, in pursuing that journey, are there suggestions as to what we might reasonably do now? It would be good to hear from colleagues in relation to that.

**Alexander Stewart (Mid Scotland and Fife) (Con):** There is no doubt that the petition has created real anxiety across all areas. When the minister was here the last time, the committee was quite intent on progressing it. Mr Ewing has, in his way, highlighted the things that were said in the previous session that needed to be corrected.

It is important that we go back to the minister, so I suggest that we write to the Minister for Environment and Land Reform and NatureScot on the outstanding issues that were raised, on a

number of which clarification is still needed. Those issues include the existing licensing purposes and options; the circumstances in which falconry could constitute an offence and in which a person could be charged and prosecuted—that issue is vitally important; how the welfare of birds of prey, particularly large birds such as eagles, can be ensured through the content of the new arrangements for the protection of mountain hares; and the potential unintended consequences of any legislative change. Those are fundamental matters that we should raise at this stage, and I propose that we do that at the next level.

**The Convener:** Are there any other suggestions or comments from colleagues?

**Fergus Ewing:** I agree with Mr Stewart's recommended course of action and, in doing so, I express my gratitude for the information and help that we have received from the Scottish Parliament information centre. We had a briefing earlier, for which we are grateful.

In the light of that, I hope that we can put in the letter to the minister the information that we received about the possible distinction between the use of falconry for hunting purposes and for exercise purposes. As well as the issues that Mr Stewart has enumerated, we should ask that regard be paid to whether that information might form the basis of her seeking guidance and advice from NatureScot, which, I gather, deals with operational and strategic arrangements for licences in general, to see whether it can recommend a way that would enable the sport of falconry to continue to be practised in the light of the distinction that we have had the benefit of hearing about this morning from SPICe.

In addition to that, I hope that we can write to Police Scotland and the Crown Office and Procurator Fiscal Service to clarify the circumstances that would constitute an offence, and whether a person could be charged and prosecuted. Again, that might benefit the legal authorities, which are the only ones that have the right to decide whether there should be a prosecution. To be fair to her, the minister has no such locus and that line cannot be crossed. We should ask the prosecution authorities in what circumstances they might be minded to consider criminal proceedings. Perhaps we should also set out in the letter the distinction that we have had explained to us this morning, so that they can see a potential solution but also the quandary that falconers face, and appreciate that the committee is taking the issue seriously.

What I am asking for, convener, is that the letters to the legal authorities and to the minister should go to some lengths to set out our concerns about what we have heard, and our desire for a



solution to be found that involves everybody working together to that end.

**The Convener:** I am content with that. I also suggest that, in the light of the responses that we might receive, we go back and ask SPICe to draw all that information together in the form of a further briefing, which would then inform the committee about the steps that we could take on the back of that. We want to arrive at a solution having underpinned our recommendation by exploring every possible piece of advice to clarify all the outstanding points.

**Fergus Ewing:** Perhaps I could add a little addendum.

**The Convener:** Please do.

**Fergus Ewing:** I forgot to say that, at the very end of the letter to the minister, we could perhaps politely indicate that all members of the committee feel particularly exercised and concerned about this matter, and it is therefore our intention to pursue it. We should indicate that we are treating it very seriously indeed, and perhaps thereby inject a little bit of lead into the ministerial pencil.

**The Convener:** On which analogy, I will ask whether members are content with the action that has been suggested?

**Members indicated agreement.**

### **Detainees in Custody (Access to Medication) (PE1900)**

**The Convener:** PE1900 was lodged by Kevin John Lawson. The petition, on which, as colleagues will recall, we have previously taken evidence, calls on the Scottish Parliament to urge the Scottish Government to ensure that all detainees in police custody can access their prescribed medication, including methadone, in line with existing relevant operational procedures and guidance. We took evidence from former members of the Drug Deaths Taskforce and, subsequently, the Minister for Drugs Policy. We explored a range of issues in relation to the petition, including the use of dihydrocodeine, access to monitoring data and implementation of the medication-assisted treatment standards.

The committee has received two submissions from the petitioner, Kevin John Lawson, which are included in our papers, and correspondence from NHS Grampian to the Minister for Drugs Policy, which was an area that we explored in our cross-examination.

The correspondence from NHS Grampian confirms that it is currently unable to administer MAT, including methadone, in a police custody setting. That, it states, is due to historical

constraints and the absence of a controlled drug licence.

The correspondence states that NHS Grampian has set up two short-life working groups, one of which is specifically tasked with completing the implementation of MAT standards in police custody. NHS Grampian is also looking to have a controlled drug licence in place by the end of February this year.

In the light of the responses received, do colleagues have any comments or suggestions for action?

**David Torrance:** I would like us to keep the petition open. I think that, in doing so, we should write to the Minister for Drugs Policy to highlight the issues that are raised in the petition and the related evidence; welcome the work of the MAT implementation group to date; highlight the ongoing concerns about resource and capacity issues in the health sector; ask for an update on the situation in NHS Grampian by the end of February with regard to whether a controlled drug licence for police custody settings has been obtained and the timescale for completing the implementation of MAT standards in police custody settings; and seek reassurance on issues of capacity and monitoring of implementation across Scotland to ensure that MAT standards are being met.

**The Convener:** The confirmation of the position in NHS Grampian was disappointing, I have to say; in progressing the petition, we should give proper emphasis to that.

**Paul Sweeney (Glasgow) (Lab):** I agree with the recommendations that Mr Torrance suggests. Furthermore, I suggest that we consider direct engagement with health and social care partnerships, where there are clear deficiencies in implementation of the related MAT standards that we are discussing. Perhaps we could seek evidence directly from those health and social care partnerships about what the blockages and impediments are, which could offer us a way to be useful in getting delivery expedited.

**The Convener:** Just to be clear, what would that involve us doing?

**Paul Sweeney:** It would involve us identifying health and social care partnerships that are not achieving the MAT standards and inviting the management of those health and social care partnerships to give evidence on why that is a problem.

**The Convener:** Perhaps we could explore that. *[Interruption.]* I wonder how to pursue that in the round. NHS Grampian has said that it has not been able to implement the MAT standards in police custody without explaining to us why that is

the case, so I wonder whether we might pursue that point directly with NHS Grampian in the first instance, as an example of a health board that is struggling.

**Fergus Ewing:** I agree in principle with Mr Sweeney's recommendation, because the health and social care partnerships have a direct role to play. I wonder whether, in the first instance, we could raise the specific point in the letter to the minister and perhaps couple that with a request that she provide us with an update on what progress has been made in using the substantial amount of money—I cannot remember the figure; was it £500 million?—that has been set aside for the pursuit of drugs policy objectives in general. The indication that the minister gave was that that was to be used, in large part, to hire relevant personnel, whether as employees, consultants or contractors.

In the case of the provision of services to detainees in police custody, that might well involve the provision of budget for doctors, or other health professionals, who would be hired by the police. I am sorry—I am being a bit long winded, convener.

**The Convener:** No, it is helpful to tease this out.

10:00

**Fergus Ewing:** A related way of pursuing Mr Sweeney's point might be to ask the minister specifically what progress has been made and how many additional people have been employed in each particular area, if she has that information. If not, we could ask her to get that information, and to give us a progress report on how that money has been spent thus far, because that gets into the nitty-gritty. It is a very substantial amount of money, but what is it being used for? It is not easy to hire the right people quickly—that is a difficult, complex task.

However, I know that the minister is entirely devoted to this work, and I think that all members would be interested in more factual information on these issues.

**The Convener:** I accept that, but I am mindful of the petitioner here, and I wonder whether, in the first instance, we want to focus specifically on the position in NHS Grampian in our inquiry to the minister.

**Fergus Ewing:** That is fine, but I think that the situation in all parts of Scotland would probably be of interest.

**The Convener:** It would be helpful to draft a letter that we could consider before we send it off. I suggest that we ask the clerks to produce a draft letter.

**Paul Sweeney:** To follow up on that point, what was interesting in the correspondence from NHS Grampian was the point that it is seeking to implement a controlled drug licence by the end of February. It is almost offering itself as a pilot of how to rapidly implement a controlled drug licence. When that happens, it would be helpful to get an insight from the health board and the relevant health and social care partnership as to how they achieved that and what the impediments were.

That might offer an insight for the minister and, indeed, the Parliament into how to speed up the process for other health boards and other health and social care partnership areas so that we can try to get this rolled out. It seems that that was the key sticking point that was identified in the correspondence, so if we find out how to break through that bureaucratic issue, we could focus on that.

**The Convener:** Yes, that makes sense. We will accommodate all of that. I would quite like us to see a draft—even by correspondence—of the potential letter to the minister. Is that agreed?

**Members indicated agreement.**

### Community Participation Requests (Appeal Process) (PE1902)

**The Convener:** PE1902, which was lodged by Maria Aitken on behalf of Caithness Health Action Team, calls on the Scottish Parliament to urge the Scottish Government to allow an appeal process for community participation requests under the Community Empowerment (Scotland) Act 2015.

At our previous consideration of the petition, we identified that work is on-going to identify the possibility of an appeal process as part of the Scottish Government's review of the 2015 act. The Minister for Public Finance, Planning and Community Wealth has informed us that the Scottish Community Development Centre's working group continued its work through 2022 to explore the potential for an appeal or review process for participation requests and it will bring its findings to the Scottish Government for full consideration.

As I mentioned earlier, we have Rhoda Grant with us this morning. Rhoda, is there anything further that you would like to suggest to the committee, given that information?

**Rhoda Grant:** Yes. I am a wee bit disappointed with that response from the Government, because it means that there will not really be any change in policy until much later this year, or possibly next year, to be more realistic. In the meantime, I think that Caithness Health Action Team should be recognised as a community organisation under the

2015 act, because it spends a lot of time representing its community.

I understand that NHS Highland is now working with CHAT in a much more positive fashion. The committee could consider writing to NHS Highland to ask whether it will now be willing to recognise CHAT and to give it the input and status that it would have had if it had been recognised under the 2015 act.

CHAT is coming to me with issues from its community more and more often. The organisation is well recognised and people turn to it for guidance and representation on health issues. It could only help NHS Highland and indeed the wider community if CHAT was round the table. I ask the committee to consider keeping the petition open until we get some form of resolution, because the work that the Scottish Government is doing will not resolve the issue in the near future.

**The Convener:** A strand of thinking that you have articulated that registers with me is that we have no timetable. We are simply told that work was done in 2022 and that it will lead to findings being brought to the Scottish Government for consideration. That does not give us a timeline. It could take any amount of time for that to happen, then the Government could take any amount of time to consider the findings, and it could be any time after that before any consequence is suggested.

I wonder whether we might ask the Scottish Government, or whatever the appropriate body is, for a slightly more accountable timeframe to which it can be held. I do not know that there is much more that we can do after that. I am not sure whether Rhoda Grant's suggestion is one for the committee or whether it is for more personal intervention. Do colleagues have any thoughts?

**Alexander Stewart:** Convener, you make a valid point about the timescale for the process. Rhoda Grant expressed some views but, as you have identified, I am not sure how the committee could progress the matter. We can ask for a timescale but, other than that, we are limited as to what we can do, considering that there has already been some development from the Scottish Government about what it has indicated that it plans to do. As you said, the problem is the timescale. We do not know how long it will take. It could be towards the end of this year before anything happens.

**The Convener:** Our expressing an interest in pursuing the matter might ensure that something is pursued.

**Fergus Ewing:** Rhoda Grant raised a fair point. If the Government says in response to any request for action, "We might get round to doing something one day," that's no very good. The committee

should not accept that response in principle, although we should probably word it more moderately and with politesse—as you advocated, convener—rather than in the words that I have just deployed. However, we should press the issue and say that we would like a more specific response about when the Government plans to take any action.

At the same time, I agree with you, convener, that Ms Grant will not be backward in coming forward and making her own representations. It might be a matter for individual MSPs to pursue in their constituencies or regions as well.

**The Convener:** We can explore the most appropriate way for the further suggestion that Rhoda Grant made to be accommodated, whether that is through the committee or some other means. Are we otherwise content to proceed on the basis that we have discussed?

**Members indicated agreement.**

### Sex Education in Schools (PE1918)

**The Convener:** PE1918, which was lodged by Kate Freedman, calls on the Scottish Parliament to urge the Scottish Government to reform sex education by updating guidance on implementing clear teaching rules that focus on topics such as menstruation and related illnesses; puberty; LGBT sex, including asexuality; fertility; pornography; and any other things that are deemed useful.

The Scottish Government has outlined the ways in which the views of children and young people are used to influence policy in the area, including collaboration and co-design in classrooms. Its recent submission provides examples of local engagement seeking the views of children and young people on sex education. It also states that the Scottish Government is in the process of revising its relationships, sexual health and parenthood—RSHP—teaching guidance and that it will run a public consultation to gather views. As part of that, it is exploring the best approach to gathering the views of children and young people. The submission concludes by stating that the Government is working to have the revised guidance available as early as possible in the 2023-24 academic year.

Do members have any comments or suggestions for action?

**David Torrance:** I wonder whether we should keep the petition open and write to Education Scotland to follow up on the committee's previous request for information on how it monitors the implementation of teaching guidance. I would also like to see as soon as possible what comes back from the consultation on RSHP.

**The Convener:** As there are no other suggestions from members, are we content to do as Mr Torrance suggests?

**Members** *indicated agreement.*

## New Petitions

### **A890 (Adoption as Trunk Road) (PE1974)**

### **A832 (Adoption as Trunk Road) (PE1980)**

10:10

**The Convener:** Item 2 is consideration of new petitions. As always, I say to anyone who is following our proceedings and has lodged a petition that we are considering that a considerable amount of work is done in advance of the consideration of petitions. The Scottish Government's views are sought on every petition in order to help to inform members as we consider petitions for the first time, together with other briefings that we have received.

We will consider together two new petitions that focus on upgrades to the road network in Highland Scotland. PE1974, which was lodged by Derek Noble, calls on the Scottish Parliament to urge the Scottish Government to adopt the A890 as a trunk road and to resolve the safety problems that are associated with the Stromeferry bypass. PE1980, which was also lodged by Derek Noble, calls on the Scottish Parliament to urge the Scottish Government to adopt the A832 between Achnasheen and Gorstan as a trunk road, connecting the route into the existing trunk road network.

I note again that we are joined by Rhoda Grant this morning. I will set out a little of the background before I invite her to speak to the issues that have been raised. On PE1974, Derek Noble tells us that the A890 is mainly single carriageway but that it frequently reduces to a single track with passing places along the stretch between Attadale and Ardnarff. He highlights a history of rock falls, which have occurred since the road was opened and which continue to pose a risk to the road and its users.

Derek informs us that Highland Council has undertaken feasibility studies into two alternatives to the Stromeferry bypass, with the cost of pursuing those alternatives being estimated at between £23 million and £60 million. He believes that that level of funding should come from central Government, and it is for that reason that he calls for the road to be adopted as a trunk road.

In relation to PE1980, Derek tells us that the A832 links the previously mentioned A890 to the A835, helping to complete the west-to-east road network. He highlights that, if the Scottish Government was to adopt the A890 as a trunk road, the A832 should also be adopted, because that would provide a trunk road connection between existing trunk roads the A87 and the

A835. There is now a complicated map in our heads. Derek believes that that provision could transform connectivity between Scotland's east and west coasts and bring social and economic benefits at local and national levels.

In responding to both petitions, Transport Scotland indicates that

“the Scottish Government has no plans to trunk the A890”

or the A832. Its response also states that there are currently

“no plans to undertake a formal review of the trunk road network”

but that ministers

“keep the trunk road network under continual review with the issue last considered following publication of the Strategic Transport Projects Review”.

That was all quite complicated and technical. Before I ask members whether they would like to say anything, I invite Rhoda Grant to speak to both petitions.

**Rhoda Grant:** I am grateful to be able to speak to the petitions. I have been involved with the campaign to improve the Strome ferry bypass for many years—probably for much of the time since I was elected—and I am really pleased that Mr Noble has brought the petitions to the Parliament.

As you said, convener, parts of those roads, which link the current trunk roads on the route to Skye, are single track. However, the big issue is the Strome ferry bypass, which is subject to landslides. At that part of the road, the road and the rail line run side by side, so the landslides impact on both, and there is a risk to life. Children use that road daily to get to Plockton high school, which is also the National Centre of Excellence in Traditional Music, and ferry traffic for Uist and Harris uses the route that goes up to Uig on Skye.

10:15

When there is a landslide, the road can be closed for months, and it impacts badly on the community and commuters. I am concerned that the road is not recognised as a trunk road because it links the Highland Council mainland to the Western Isles via Skye.

The road is also essential for secondary education and medical cover. The local hospital that serves the whole area is in Broadford in Skye, but it can become cut off from the community, creating stress and disruption to care. You can imagine what it must be like for families who cannot get to a loved one who is in hospital. Closing the road also cuts children off from their high school, which is unacceptable. The only alternative route involves a 130-mile diversion, which is impossible to take on a daily basis.

The cost of improving the road is beyond the financial reach of Highland Council, which already has the greatest mileage of road to cover. Going by the mail from constituents, it would seem that most of it is falling into disrepair. It is pretty grim in places, and finding that amount of money for repairs is impossible.

I am disappointed by Transport Scotland's response. It says that one of the ways in which it gauges whether a route should become a trunk road is that it must

“Provide the users with a coherent and continuous system of routes, which serve destinations of importance to industry, commerce, agriculture and tourism”.

The route is part of the north coast 500, which is an internationally recognised tourist route. Indeed, there has been a lot of concern about how busy that route is. It is the main route between the Highlands and the southern Hebrides and Western Isles. It is the main route to the National Centre of Excellence in Traditional Music and it is critical to industry, farming, crofting and aquaculture, and also to the renewables and decommissioning industry because of the yard at Kishorn, which I hope is set to grow and provide a much-needed economic boost in that area.

I therefore believe that the route fulfils Transport Scotland's criterion. I ask the committee to raise that directly with the Scottish Government to persuade ministers of the merits of the route becoming a trunk road. It would serve well an area of Scotland that has largely been ignored in the past. We really need to create jobs and repopulate the area, which is under a lot of pressure from tourism and holiday homes. We need get people back to the area to make sure that it grows.

**The Convener:** The petitions raise important issues. Colleagues, do you have any suggestions or comments?

**Fergus Ewing:** We should write to Highland Council to seek its views on the issues that are raised in the petitions and to ask for further information on its plans to develop alternative routes to the Strome ferry bypass.

Rhoda Grant has pursued the issue doggedly for a number of years, and rightly so. In doing that, she has raised a conundrum. If my memory serves me correctly, Highland Council has a geographical area of more than 25,000 square miles, which is nearly a third of the landmass of Scotland. Its area is 20 per cent bigger than Wales and is bigger than Belgium, and its budget has to cater for the area's huge network of roads.

Convener, you alluded to the figures and the petitioner's point that the cost of the repairs that are required is in the tens of millions. When writing to Highland Council, therefore, could we specifically ask whether, given that it has such a

disproportionate responsibility for roads maintenance in Scotland as it covers a third of the land mass, its budgetary allocation is fair? As a Highland MSP, albeit one who represents a constituency, I absolutely share the sense of grievance that the petitioner has, which underlies the petition, so I want to add that to our particular request.

I would also be interested to formally ask for the views of local communities via their community councils. I think that that includes Lochcarron as well as Stromeferry and Achmore, Plockton and Applecross. I do not know whether there is anything else that Rhoda Grant thinks we might usefully do, but if there is, I would be most interested in giving that sympathetic consideration as well.

**Alexander Stewart:** I very much concur with Mr Ewing's comments. It is vital that we engage with local communities, and Rhoda Grant made an articulate case. In her representations, she talked about us contacting the minister. That may well be another route that we should consider in order to find out exactly what is happening. It appears that the roads meet the criteria that should be considered, so let us get some more clarity on the process from the minister.

It is important that we deal with Highland Council but, as Mr Ewing said, its resource is limited in relation to the expanse that it has to manage across its large geographical area. I therefore think that we should take forward Rhoda Grant's suggestion about contacting the minister.

**The Convener:** Colleagues, are we agreed? We also want to contact Highland Council in relation to PE1980, as well as contacting IAM Roadsmart, the Road Haulage Association and VisitScotland to seek their views on the Achnasheen and Gorstan petition. Along with acting on the suggestions that have been made, are we collectively content to keep the petitions open and begin our investigation by pursuing our inquiries with those bodies?

**Members** *indicated agreement.*

### **Strategic Lawsuits against Public Participation (PE1975)**

**The Convener:** The second of our new petitions, PE1975, calls on the Scottish Parliament to urge the Scottish Government to review and amend the law to prevent the use of strategic lawsuits against public participation—SLAPPs. The petition has been lodged by Roger Mullin, who joins us in the public gallery and is a former member of an alternative elective legislative body that sits elsewhere in the United Kingdom. I welcome him to the gallery.

The SPICe briefing explains that SLAPPs is a term to describe court action taken by rich and powerful interests with the intention of silencing critical views. Court action can include defamation and data protection claims. The briefing highlights the Justice Committee's stage 1 scrutiny of what is now the Defamation and Malicious Publication (Scotland) Act 2021. That committee noted a proposal to create an unjustified threats court action and recommended that the Scottish Government consider the issue further. Currently, both the UK Government and the European Commission are working to strengthen legislation in order to tackle SLAPPs.

The Scottish Government's response to the petition states that it does not intend to undertake a review of SLAPPs, adding that the 2021 act "goes some way towards" addressing concerns.

The petitioner, Roger Mullin, has provided a written response, stating that there has been a lack of recognition of the scale of the problem. He raises concerns about the potential for "defamation tourism" if Scotland does not keep legislative pace with England, Wales and the EU.

We have also received written submissions from our colleague Michelle Thomson MSP, the anti-SLAPP research hub at the University of Aberdeen, and Ekklesia, all of which support the petition. The written submissions echo Roger Mullin's concerns and raise some additional issues, such as the importance of investigative journalism and the impact of frivolous litigation on the court system. Ekklesia's submission highlights the model anti-SLAPP law drafted by the UK anti-SLAPP coalition and its key features, and it urges the Scottish Government to enact similar measures.

It is an interesting petition and there is an interesting variation in how the matters are being pursued. Do members have any comments or suggestions for action?

**David Torrance:** I welcome Roger Mullin, who is one of my constituents.

I wonder whether the committee could write to key stakeholders, including the Law Society of Scotland, the National Union of Journalists and the Scottish Newspaper Society, seeking their views on the action that is called for in the petition.

**The Convener:** Does anyone have any further thoughts?

**Fergus Ewing:** I am aware of Michelle Thomson's interest in the petition. In fact, she would have liked to have been here, but she is across the corridor in another committee meeting.

It seems a little inconsistent that the Scottish Government is not planning to do more than it has said, in the light of the fact that the UK

Government is doing more, as is the European Union. I would like a more specific response from the Scottish Government on how it feels that the defamation law that was passed fairly recently covers the issue. The petitioner is plainly of the view that the Scottish Government does not recognise the scale of the problem.

The scenario that we are concerned about is that the UK passes legislation, leaving Scotland as the jurisdiction of choice of very rich people who, basically, wish to attack the freedom of the press using the courts as a shield. I do not think that we want that to happen in Scotland. Therefore, I find the lack of any obvious enthusiasm from the Scottish Government disappointing. However, if it argues that the law that was passed last year is a sufficient shield, we need a lot more information and a lot more of a specific response than we have had at the moment.

If we do not get that specific information, as I think might happen—I struggle to be an optimist in life, convener, and I hope that I am wrong—there is a case to have a hearing at which the petitioner and the University of Aberdeen academics who have submitted a written response, particularly Professor Borg-Barthet, who has been a key adviser to the European Union, along with the Law Society of Scotland and a Government minister might give evidence. If we are not satisfied by the initial responses, it might be helpful to indicate in the letters to everybody that we are contemplating holding an inquiry and therefore we hope that, again, the pencil will have a high lead content when we get the response.

**The Convener:** Well, if your glass is usually half empty and mine is usually half full, therein is a full glass that we can hope to achieve.

**Fergus Ewing:** I am working on it.

**The Convener:** I might be less surprised—he said, trying not to be party political—that the Scottish Government is not rushing to follow the UK Government. However, the fact that the European Union is pursuing a similar legislative solution leaves us as a bit of an outlier and potentially open as the source of comfort to those whom we least want to potentially assist.

Moreover, I take Mr Ewing's point that it is one thing for the Scottish Government to assert that the 2021 legislation will have dealt with matters here. We would like to understand how that is to be achieved, rather than it just being asserted that it is the case. I agree with Mr Ewing that this is an important issue and that the committee could pursue it further in the light of the evidence that we receive. It would be useful for the people whom we contact to know that we are minded so to do if we feel that the answers that we receive are in the first instance less than persuasive.

Mr Sweeney, you look like you are seeking to intervene.

**Paul Sweeney:** I am sympathetic to the petition and the public interest in it, and I agree with the recommendations and proposed actions thus far. It might also be prudent to inform the Delegated Powers and Law Reform Committee of the petition, because that committee has a locus in this area of work. We should also perhaps invite the Scottish Law Commission to give its view and ask it whether it has done any projects in this area. Changes in this area would usually come through in a Law Commission bill.

As the petitioner is present, I point out that it might be worth exploring the member's bill route and engaging a sponsoring member of Parliament to pursue the issue. That would also involve engaging the non-Government bills unit, and it might be an opportunity to drive the agenda further. Certainly, the petition could help in that regard. That is just another avenue by which Parliament can give effect to such changes.

**The Convener:** I am happy to pursue those things. I hesitate in relation to the member's bill point, simply because, as a member of the Scottish Parliamentary Corporate Body, I know that we already have a record number of members' bills before us in this session of Parliament, and I struggle to see how we are going to get round to considering them all before 2026. However, we would certainly want to pursue Mr Sweeney's other suggestions in the first instance.

**Paul Sweeney:** Although I note the point about parliamentary time, the ideal solution would be to do the groundwork through the member's bill route. The Government might adopt the legislation and take time to progress it if we cajole it a bit.

**The Convener:** As Mr Ewing's glass is half empty and mine is half full, maybe that will mean a successful outcome. I think that we agree that we want to pursue the issues raised in the petition, and we have detailed the ways in which we will do so. The petitioner will have heard all that.

### **People with Dementia (Council Tax Discounts) (PE1976)**

10:00

**The Convener:** PE1976, which was lodged by Derek Brown, calls on the Scottish Parliament to urge the Scottish Government to require council tax discounts to be backdated to the date on which a person was certified as being severely mentally impaired, if they then go on to qualify for a relevant benefit.

Derek Brown submitted a freedom of information request and found that 22 of the 32 Scottish local authorities backdate council tax discounts to the date when a person received their first qualifying state benefit payment rather than the date from which they were certified as being severely mentally impaired. The SPICe briefing highlights the requirement for someone applying for attendance allowance to have needed support for at least six months before being eligible for the benefit, potentially creating a gap of six months between diagnosis and receipt of a qualifying benefit. The briefing also notes challenges in navigating benefit application processes and accessing post-diagnostic support.

The Scottish Government states that local authorities have the ability to backdate applications to the later date of either the medical certification or the date of application to a qualifying benefit. Because of that, the Scottish Government has no plans to amend the law in relation to council tax discounts.

Derek Brown's submission details his personal experience and that of his wife, Margaret, who suffers from Alzheimer's disease, in England. He explains that they only became aware of his wife's entitlement to attendance allowance months after her diagnosis and then her entitlement to a council tax discount the following year. The council applied the council tax discount from the date on which Margaret received attendance allowance, ten months later.

Do members have any comments or suggestions for action? It is an interesting petition.

**David Torrance:** Yes, it is, convener, particularly because of those discrepancies across local authorities. The committee could write to the relevant stakeholders, including Citizens Advice Scotland, Dementia Scotland and Alzheimer Scotland to seek their views on the actions that the petition calls for; the impact of the legislative requirement in relation to eligibility for a qualifying state benefit; the variation in the approaches taken to assessment by local authorities across Scotland; and the level and variation across Scotland of referrals for post-diagnostic support for people who have been newly diagnosed with dementia.

**The Convener:** I am also interested to know whether the Scottish Government is aware of the variation that is being applied to assessments by different local authorities. It would be useful for us to draw the situation to the Government's attention along with the consequential issues that arise for individuals as a result.

**Fergus Ewing:** The petitioner has raised a point of principle. If it is right that those benefits, whatever they are, should be paid from the date

when the individual is certified as having dementia, surely that should apply to all benefits. It is a general principle. We could not and should not tolerate a system whereby some authorities, whether they be local authorities, quangos or whatever, decide to give help to those individuals and others do not. It is a postcode lottery—that would be the rather pejorative way of putting it. However, a lot of people around Scotland who should be getting the benefit of a 25 per cent reduction in council tax are not getting it. That is prima facie unfair.

All I am saying, convener, is that, in addition to the actions that have been suggested and if members agree, the point might be made that, as a general principle, there must be a universal application of the system. Whatever that system is, it should be universal and some people should not be left out.

We are really indebted to the petitioner for highlighting the issue. I was not aware of it and the petitioner has done us a good service for bringing it to the Parliament.

**The Convener:** I agree with that.

**Alexander Stewart:** I very much concur with that. The petition has identified that there is a risk of financial loss to individuals. Mr Ewing has articulated that it should not be the case that individuals who have been diagnosed and have certification are not given the proper benefits to which they are entitled. That financial loss should be unacceptable at any level.

**The Convener:** People should neither be denied the benefits to which they are entitled, nor should their entitlement to receive them be from a variable date depending on where they happen to live. I have a great deal of sympathy with the argument that the petitioner articulates.

Are we agreed on how to progress the petition?

**Members indicated agreement.**

**The Convener:** The petition is important, and we will take forward the issues that it raises.

### **Biological Fathers (Right to be Informed of Welfare Concerns) (PE1977)**

**The Convener:** PE1977, which was lodged by Helen Duncan, calls on the Scottish Parliament to urge the Scottish Government to amend the law and update the national guidance for child protection to require social services to inform biological fathers of concerns about their children.

Helen Duncan tells us in her submission that social services are not required to inform a child's biological father when concerns have been raised about the welfare of their child. She highlights her family's experience of finding out about child



welfare concerns months after social work had become involved in the case. In researching the issue more broadly, Helen has become aware of situations in which fathers have not been informed of child welfare concerns and they have had to fight to have their child released from foster care.

Responding to the petition, the Minister for Children and Young People refers to the “National Child Protection Guidance in Scotland 2021” and its emphasis on listening to children and the participation of and support for families. She also refers to multi-agency partnership being one of the core elements of child protection processes, and indicates that, when child protection measures are required, social work should include fathers when appropriate and when they have active involvement in the child’s life.

Recognising that each set of circumstances is different and would require professional assessment before information is shared, the minister notes that introducing an automatic notification for biological fathers could place significant risks on children and adults—for example, in cases of domestic abuse, or where the child has requested that their father is not made aware.

The petition is interesting, and raises conflicting emotions and potential consequences. Do members have any comments or suggestions as to how we should proceed?

**Alexander Stewart:** As you identify, this is an interesting petition. We should seek more information from stakeholders on where they are on the issue. It would be useful to write to CELCIS, Shared Parenting Scotland, The Promise Scotland, the Scottish Children’s Reporter Administration and the Scottish Child Law Centre to seek their views on the issues that are raised. As the convener rightly identifies, the current situation seems to require a complex on-going process.

**The Convener:** As there any no other suggestions, are colleagues content to proceed on that basis?

**Members** *indicated agreement.*

**The Convener:** We will keep the petition open and progress it as suggested.

### **Sale of Raw Milk (PE1978)**

**The Convener:** Our final new petition, PE1978, which was lodged by Cristina Rosique-Esplugas—I apologise if that was not the correct pronunciation—calls on the Scottish Parliament to urge the Scottish Government to allow raw drinking milk to be sold in Scotland, which would bring it in line with England, Wales and Northern

Ireland, and allow farmers the opportunity to sell unpasteurised drinking milk.

Cristina Rosique-Esplugas highlights in her submission that the sale of raw drinking milk is permitted in the rest of the UK, as well as in most European countries. She believes that it is time for raw milk to stop being considered a public health hazard, and notes that measures can be put in place to control food safety, as is the case with many other food products.

Responding on behalf of the Scottish Government, Food Standards Scotland states that raw drinking milk has historically been recognised as high risk to public health due to its association with a number of food poisoning outbreaks in Scotland. It notes that mandatory pasteurisation of cows’ drinking milk was introduced in 1983 and was extended to drinking milk from all farmed animals in 2006. It suggests that, since then, illnesses linked to the consumption of raw milk in Scotland have virtually disappeared.

Food Standards Scotland also highlights the report of the UK Advisory Committee on the Microbiological Safety of Food in 2018, which concluded that there had been an increase in the microbiological risk associated with the consumption of raw drinking milk in the UK. As a result, there are no plans to lift the ban on direct sales of raw drinking milk in Scotland.

Do members have any comments or suggestions as to how we might proceed? There seems to be very clear guidance from the Scottish Government in this instance.

**David Torrance:** On the basis of the guidance from Food Standards Scotland, historic evidence and the weight of opinion from the scientific community, can we close the petition under rule 15.7 of the standing orders? I do not think that Food Standards Scotland or the Scottish Government will shift on this issue.

**The Convener:** How do colleagues feel about that? Obviously, we could explore the matter further with Food Standards Scotland, but the direction in relation to Scotland seems to be pretty clear, so I am not sure that that would lead to a productive route forward.

**Paul Sweeney:** I can understand the point about whether we will be able to get anywhere with the petition. However, I am curious as to why there is a difference between the jurisdictions and why it is not seen as such an issue in other parts of the UK as it is here. Also, does the farming industry have a view on whether a change in policy would improve its commercial opportunities?

**The Convener:** Clearly, the 1983 ban would have been introduced pre-devolution. The ban in

2006 was post-devolution, so I do not know whether we were following any national advice at the time. The issue is whether, by extending our investigation into all that, we become better informed of the circumstances but no further forward with regard to taking the petition anywhere, because the direction from the Scottish Government and Food Standards Scotland is clear. I just wonder what the mood of colleagues is. Mr Torrance has proposed that we close the petition on that basis, but how are other colleagues minded?

**Alexander Stewart:** I am content to close the petition, because we know what the answer will be and extending our investigation would only prolong the situation. Where we are with the matter is clear cut.

**The Convener:** Are we minded to close the petition but nonetheless think that it is worth while to ask the question, so that we have the answer to hand? What do you think, Mr Ewing? I think that Mr Sweeney is erring on the side of exploring things a bit further before we close the petition.

**Fergus Ewing:** I suppose that our primary function is to give voice to petitioners. I agree with Mr Torrance that there is zero chance that Food Standards Scotland will move on that, for the very good reason that, as I understand it, raw milk can carry salmonella, E coli, listeria and campylobacter—I think that I have pronounced that correctly—and can cause food poisoning. We have seen very serious illnesses and death with other foodstuffs as a result of food poisoning. Therefore, it is a very serious matter, indeed, and I agree that it is most unlikely that that view will change, irrespective of what further information we get.

On the other hand, we have a duty to the petitioner. The petition is new—it has just been lodged—so, as Mr Sweeney said, it would be interesting to know why the sale of raw drinking milk has been made legal in England and what the experience has been there. I do not know that we are in a position to conduct a detailed inquiry, but, in the interest of fairness to the petitioner, that question should be asked, because it is not clear to me why it has been legalised in England, given that the health experts in Scotland say that the risks are so serious that the ban must remain in place.

As a relative newbie to the committee, perhaps I am being a bit softer than Mr Torrance, but we owe some kind of duty to the petitioner. We could write to Food Standards Scotland, and perhaps to the Food Standards Agency in England as well, to ask why, in England, the sale of raw drinking milk is legal. It would be interesting and illuminating to know why they have legalised that in England and

whether, having done so, they have had any cases of food poisoning, for example.

**The Convener:** It is clearly reassuring to those of us on the committee that the Scottish National Party is such a broad church in terms of the views and personalities that it incorporates. The committee is largely agreed on what we think the final outcome might be, but I take the point that we have reached a conclusion without actually understanding why there is a variation. In the first instance, it might be useful for us to have some further understanding of why that variation occurs. Are you content with our pursuing it on that basis, Mr Torrance?

**David Torrance:** I am quite happy to withdraw my recommendations and to write to—

**The Convener:** It is not so much that you are withdrawing your recommendations as it is that we are deferring them subject to that further advice being received.

**David Torrance:** Yes—until we get that information back.

**The Convener:** That makes perfect sense.

**Paul Sweeney:** Is there a successor to the Milk Marketing Board? Does that exist any more, or was that function disbanded long ago? I remember that there was a national authority that dealt with milk production.

**The Convener:** You are looking at me as if I ought to be an authority on these matters. Although Mr Ewing and I might be at the older end of the lifespans that are represented on the committee, I must say that I am not an expert on that subject. No doubt others might be able to tell us more.

**Paul Sweeney:** Dairy UK is the national trade association, so it might be worth asking it the question, too. I was just looking online to see whether I could find out more while we were talking.

**The Convener:** I suppose that we might also usefully ask the industry for information. I am not quite sure whether the petition is arising out of an industry concern or whether it sits outside of an industry concern—for all I know, the concern might not exist in the industry in Scotland at all.

**Fergus Ewing:** We could ask NFU Scotland as well, but I suspect that its members will be concerned about the reputation of dairy farmers, because it is a highly specialised area—

**The Convener:** That is my thought, too. We could write to the NFUS.

**Fergus Ewing:** The dairy farmers do a brilliant job. Anyone who watched “This Farming Life” on television yesterday evening will have seen dairy

farmers in the south of Scotland who provide a great service for the country, and I assume that they would be concerned about the reputational risk arising from any food poisoning incident involving milk.

**The Convener:** Do members agree to take the action as discussed?

**Members** *indicated agreement.*

**The Convener:** From our liberal consumption of the milk of human life, we come to the end of our consideration of new petitions.

## **Decision on Taking Business in Private**

10:46

**The Convener:** I should have begun the meeting by asking members whether they are content to take item 3 in private. Are we content to do so?

**Members** *indicated agreement.*

**The Convener:** In that case, that brings us to the end of the public part of our meeting. We will next meet on 1 February.

10:46

*Meeting continued in private until 11:04.*



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

---

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba