



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 23 February 2022

Session 6



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CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

3rd Meeting 2022, Session 6

CONVENER

Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Ruth Maguire (Cunninghame South) (SNP)

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

*Paul Sweeney (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Claire Mitchell QC

Zoe Venditozzi

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 23 February 2022

[The Convener opened the meeting at 10:00]

Continued Petitions

Witchcraft Act 1563 (Pardon and Memorial) (PE1855)

The Deputy Convener (David Torrance): Welcome to the third meeting in 2022 of the Citizen Participation and Public Petitions Committee. There are apologies from our convener, Jackson Carlaw, and I will convene today's meeting in his place.

Agenda item 1 is consideration of continued petitions. PE1855, which was lodged by Claire Mitchell QC, calls on the Scottish Parliament to urge the Scottish Government to pardon, apologise to and create a national monument to memorialise the people in Scotland who were accused and convicted of being witches under the Witchcraft Act 1563.

When we last considered the petition, in January, we decided to invite the petitioners here in order to hear from them directly. I am therefore pleased to welcome Claire Mitchell QC, who joins us in the Scottish Parliament, and Zoe Venditozzi, who joins us remotely. Claire, do you have any initial comments?

Claire Mitchell QC: Good morning. Thank you for the opportunity to speak and to answer any questions that you have for us. We are delighted about the progress that has already been made on the bill. We watched with careful interest when it was first announced and we were delighted to note the positive response that it got. We are happy to be here today to answer any questions.

The Deputy Convener: Zoe Venditozzi, do you have any initial comments?

Zoe Venditozzi: I will just say thank you for having us.

The Deputy Convener: I will start the questions. What first led you to explore the experience of witches who were convicted in Scotland, and why did you feel that it was important to bring the petition before us now?

Claire Mitchell: I work as a lawyer, and I have specialised over past years in cases that involve miscarriages of justice. I therefore look through the

lens of history at whether things that have happened are just and have been done correctly. I have always known the story of Scottish witches, but I was not taught about them in school. It is only later in life that I have come to look from an academic perspective at them and at what happened.

At around the same time that I was looking at them from an academic perspective, I was also reading a lot about the lack of representation of women in history—in particular, I was reading a book by a woman called Sara Sheridan: "Where are the Women? A Guide to an Imagined Scotland". She reimagined Scotland as a place in which all the statues and all the street names are of women. It is like a guide book, in which you can read all the stories of the women that the streets have been named after.

A combination of learning more about my own history and the history of women in Scotland and looking at those witchcraft trials led me one day to look around in Princes Street gardens. There are no statues of women there; the statues are of men. There are memorials to men. It is right that we memorialise things such as people who have died in war, as memorialisation is important. However, we do not memorialise Scottish women's history properly. We are not properly recording the history of things that are not wars or battles. I went around Princes Street gardens and stood beside Wojtek the bear. I thought, "We have a full-sized statue of a named bear, but we do not have any women."

At that point, I looked up to the castle esplanade, where at least 300 women were killed as witches, and I thought, "Not only are we not recording the great things that women have done, and celebrating them in statue form and with the names of streets, but we are not recording what is a terrible history of things that happened to women in the past." I say "women", because 85 per cent of the 4,000 people who were accused under the 1563 act were women. I acknowledge immediately that there were men, but the vast majority were women.

At that point, I thought that there was a real issue with what happened with those women. I know that they were wrongly convicted; indeed, we all know that they were wrongly convicted. That is where the phrase "witch hunt" comes from. A witch hunt means that the person is being pursued for something that they did not do.

I looked around at other countries and saw that other countries have addressed their history. The Salem, Norway and German witch trials have been addressed. I thought, "Why hasn't Scotland done so?"

At that point, I wrote down the three things that I thought were important to get, one of which was a pardon for those who have been convicted of witchcraft. The effect of that would be to restore those people and to make it clear that what happened to them ought never to have happened. We cannot pardon those who have not been convicted. Although probably 2,500 of those convicted were executed, 4,000 people were accused. Those people would have gone through a great deal of trauma in being accused. They are likely to have suffered torture. We know, for example, that people died when they were remanded in custody accused of witchcraft. I would like an apology for all those people. I also thought that Scotland should have a national memorial that not only allows us a talking point about our own history but lets people who visit our country know our history and that we have acknowledged it and have vowed to do better.

The Witches of Scotland campaign was born at that point. Very shortly after, I got in contact with my co-campaigner Zoe Venditozzi, and the campaign started on international women's day 2020.

The Deputy Convener: Thank you for that comprehensive answer. I was going to speak about pardons, an apology and a national monument, all of which you have covered. Does Zoe Venditozzi have anything to say?

Zoe Venditozzi: It is important and it has become increasingly obvious to us during the campaign that, sadly, the issue is not relegated to the past. There are countries around the world in which the issue is relevant now. The vulnerable are accused of witchcraft and are often isolated. Sometimes they are killed as a result of mob justice. We know from campaigners whom we have worked with abroad that they would greatly value Scotland's support by saying that we know that there was something wrong in our past and signalling to other nations that we would support them in eradicating accusations of witchcraft.

The Deputy Convener: Thank you. My colleagues will now ask questions.

Ruth Maguire (Cunninghame South) (SNP): Good morning, Zoe and Claire. Thanks for being with us.

What would lead to a woman being accused of witchcraft? There are some misapprehensions about the type of women who were accused of it. Could you speak about that a little?

Zoe Venditozzi: Sadly, that could have been anything. The person might have fallen out with somebody about the price that they had paid for something, they might have been a difficult person in the community, or they might have been what we would now view as vulnerable. In those times,

there would have been people who were seen as being unusual or strange in some way. Somebody might have wanted their land or they might have been secretly practising as a Catholic. There could have been many different reasons.

We have come back again and again to the point that anybody could have a finger pointed at them to say that they were a witch, and it would have been very difficult for them to get out of that situation. The reason could have been literally anything. There is a misapprehension that the people were healers and midwives. From recent research that has been done, we know that healers and midwives were just a small percentage of those who were accused. Literally anybody could have been accused.

Claire Mitchell: There are misconceptions that the people who were accused were healers or midwives—that is a common misconception—that they had red hair, or that there was something that marked them out. Sadly, as a beautiful local memorial in Orkney says, "They wur cheust folk". They were just people who were going about their everyday lives.

The difficulty was that the state and the church fervently believed that the devil was working among the community, and that the ills that befell the community were the result of the devil working through witches. I will give an easy example. If a woman came to the door asking for alms or begging for any form of help, and she left without any money, perhaps because the person who answered the door did not have any money to give, then an illness befell the family or something else went wrong, there would be a suspicion and accusation that that woman had used witchcraft to do that because she did not get alms. That is one of the saddest examples, where someone so vulnerable and who has no money asks for help and eventually ends up being accused.

When it came to trial, there were various tests to see whether someone was a witch. One of them was the "quarrelsome dame" test, which reminds me of a James Cagney movie. If a woman was a quarrelsome dame, she might be more likely to be accused, or she might fall out with her neighbours and, if something happened, the suspicion would be that the devil was among us. That was very much the belief at the time and people were, unfortunately, encouraged in the belief that that was what was happening by all sides. It is therefore unsurprising that people had that view.

Sadly, no one was immune from accusations. The majority of people who were involved were relatively poor, but the situation also cut across economic and social divides. Some rich people, including earls, were accused of witchcraft.

The Deputy Convener: Ruth, do you have any further questions?

Ruth Maguire: I do. Will I just keep coming back in, convener?

The Deputy Convener: Yes, please, and indicate when you are finished.

Ruth Maguire: Okay. I will not wait for an invite.

Who would normally conduct the trials, and what sort of evidence would be used to secure a conviction? Claire, you gave an example of someone falling ill or any sort of negative experience befalling a community. Are there any other specific examples that you could give about the evidence that the state would use and who would conduct the trial?

Claire Mitchell: Certainly. Another misconception is that the trials were religious trials, but they were conducted by the state, and that is why it is appropriate for the state to give an apology.

Allegations would be made in the local community. All sorts of allegations were made, but they usually related to an ill befalling someone and, in some way, a narrative being connected with that person, whether they had quarrelled in the market or they had had a fight. Sadly, examples were as simple as seeing someone out late at night, or seeing someone dancing beside a fire. People might have been doing very ordinary things, but they were attributed to being a witch and doing the work of the devil.

When an accusation was made, the accused was usually incarcerated in a local place such as the tollbooth. They were kept there for a period of time, remanded until they were questioned. Questioning took the form of keeping the accused awake, watching and waiting, and asking them questions. In a sense, Scotland was in advance of other countries at the time because they did not physically torture people as much as other places.

Although there were instances of physical torture, in Scotland people used to keep the accused awake and ask them questions, not just for hours on end but for days on end. Of course, we know that that is one of the most insidious forms of torture, because people lose their minds when they are not allowed to sleep. We know about that because people have traced the records of people taking turns to sit and ask questions. We even have records of how many candles were burnt through the night, for example, because all those things had to be accounted for.

When a confession was obtained, it would be used as the basis for the evidence. However, it was not enough to confess alone to the crimes. As people understood it, witches worked in covens, so they would not be acting alone. They would be

asked for further names. People in delirium would, of course, give the names of friends and family, which, sadly, led to those people being brought in and the same thing happening. We can see why the witchcraft accusations would grow exponentially.

10:15

Once a confession was obtained, the state would prosecute the matter and the women would be brought before court. They would not be able to give evidence in their own right because it was not competent for them to do so. In particular, it was not competent for women to be witnesses in a courtroom. At that time, I do not think that it was competent for most, or any, accused people to give evidence, but in any event women were not competent witnesses. However, witnesses would be brought to court, somewhat in the same way as is done now, to say what had happened to them—if there had been a fight, they would say what had been said or what they had seen the accused do—and then evidence of the confession would be led.

Then, as now, confession was a very powerful statement against self-interest. In the modern day, people confess to things that they have not done, even when they are not under torture. Other people may find that very strange, but we know psychologically that people confess to things that they have not done. In those sorts of cases, that would have been exactly what would have happened. Someone akin to a modern-day judge would then decide whether the person was guilty of witchcraft.

The sentence that was imposed on people who were found guilty was execution. We see one or two instances of people being banished as witches, but if the law was being applied properly—which we imagine that it was, in most cases—execution would happen. People would be strangled and then their body was burnt, so there was no ability for loved ones to bury them or anything like that.

Ruth Maguire: In your opening statement, you mentioned 2,500 people being executed and 4,000 being tortured. How confident are you that the figures set out in the survey of Scottish witchcraft present an accurate picture of the number of women affected during the period that it covers?

Claire Mitchell: The experts have obviously done a great deal of research on the matter. In so far as they have been able to, they have gone through the records of what happened. Some citizen investigators are now looking at records and finding additional names. For example, we know that an academic called Judith Gorman or

Langlands-Scott in Forfar has found additional names. Therefore, the number might be slightly underreported, if anything. The survey of Scottish witchcraft mentions in its introduction the limitations that the team faced in looking for the information, which, as with anything else, were time and money. The numbers in the survey are an approximation, but one given by academic experts who have researched the matter thoroughly.

I should also say that when we look at those numbers—the approximately 4,000 accused and approximately 2,500 who were executed—we should remember that are from a time when the population of Scotland was approximately 900,000 people. We are not looking at Scotland as it is in the modern day, but at a much smaller country. From that perspective, we can perhaps see from those numbers that the impact was even bigger.

Ruth Maguire: That does say something to the scale of it.

I want to ask about the change in law in 1735 after the so-called “glorious revolution”. Will you talk a bit more about the impact of that on witchcraft convictions and sentences and give your reflections on why it took more than 200 years for the Witchcraft Act 1735 to be repealed?

Claire Mitchell: I will answer that legal question and then perhaps Zoe Venditozzi can take over.

The state and the church vehemently believed that the devil was among us. It was not until societal views started to change that there was a change to the witchcraft legislation. That took so long because society was steeped in that belief at that time. In 1736, when the 1563 act was ended and the 1735 act came into force, it changed the crime of witchcraft to pretended witchcraft, so, automatically, we were already accepting that the crime of witchcraft did not exist. There was a change from it being a crime of witchcraft to one of pretended witchcraft—I cannot imagine a more striking acceptance of the fact that witchcraft did not exist, even at that time.

The sentence that was imposed could be non-custodial—I think that it went down to a fine—or custodial. Someone could be convicted of pretended witchcraft and receive a fine. To put that into perspective, the last person to be executed as a witch in Scotland is believed to be Janet Horne. That happened in either 1722 or 1727—there is a stone marking it, and people debate what date it was. A very short period later, there was public acceptance that the 1563 act was inappropriate, because the crime of witchcraft did not exist, so the crime had to be changed to pretended witchcraft.

Ruth Maguire: Zoe, do you have anything to add on those questions?

Zoe Venditozzi: No. Claire has definitely covered everything from the legal perspective. I am not a lawyer; I have come into this like any normal person who does not know anything about it. The numbers that are involved are staggering. As Claire rightly pointed out, for such a small population, a lot of people were swept up in it.

Alexander Stewart (Mid Scotland and Fife) (Con): It has been fascinating to hear the history that you have given us and to gain an understanding of the culture in Scotland at the time and the power of the state and the church to make things happen. You have given us some examples of what is being done in other parts of the world and how people there have managed to do those things.

How are you able to support what you are trying to achieve, when it has been so long—centuries—since the events took place? It is very difficult for us because, in many respects, we live in a different world today. You have explained our culture, heritage and myths, as well as the knowledge and understanding that people in Scotland had in those days, which is not anywhere near what we have today. How do you square that circle? What have you considered and discounted, and why, in trying to secure pardons for things that were done so long ago?

Claire Mitchell: We of course acknowledge that these things happened a very long time ago. That is a relevant and necessary question for us to be able to answer. My first answer is that there is no time limit on justice. It was wrong when it happened; those people were not guilty of those offences and they paid a terrible price, in the most brutal way. That they were convicted and killed as witches was wrong then and it is wrong now.

Rather than, “Why would we do this now, hundreds of years later?”, we might ask, “Why didn’t we do this hundreds of years ago—why has it taken until now to address that point in Scottish history?” I very much believe that the answer is that history is written by the victors. It was not written by the people who could not write—the ordinary people who could not record their history in that way. As such, the history of witchcraft in Scotland has fallen to the side. It has been an academic exercise, but not one for the general public.

In respect of the question that you ask about changing times and how we can square what happened then with the modern day, one of the things that really encouraged me to lodge this petition was the recent parliamentary decision to pardon people who were convicted of homosexual offences many years ago. What the Parliament said when it granted the pardon to those people who were convicted of same-sex offences was that those people ought never to have been

criminalised, as the thing that they did is not a crime. That is true for those people—I heartily endorse that—and it is also true for the people who were killed as witches.

One other thing that I reflect on when we talk about these events being a long time ago is that, although 300 or 400 years seems like a long time, it is the blink of an eye in the grand scale of history. We still talk about things that affected Scotland 300 or 400 years ago—those things are important to us. Once again, I hesitate to say it, but the history that we know better is to do with, for example, battles that happened a considerably longer time ago than that, and we still reflect upon and learn from those things. I hope that, in the modern day, we can reflect upon what happened during the period that the petition is concerned with and bring those reflections to the 21st century in a way that is of use.

People say, “What’s the point? It was hundreds of years ago and you can’t help those people now.” To that, I say that we can do something to help them: we can try to restore those people properly to history as people who suffered a miscarriage of justice—that is the first thing—but we can also, as citizens, reflect upon what caused what happened to happen and why people who were in a vulnerable situation were subject to allegations and were used in a power structure that meant that they paid with their lives. We can reflect on that wrong and vow to do better. As Zoe Venditozzi has said, more broadly, it is a symbol for the world. She might want to say a bit more about that.

Zoe Venditozzi: I would just say that, although we have changed a lot over time and have, obviously, grown and now view ourselves as being more civilised, there is still an on-going issue with vulnerable communities. We are not at a stage where people are really wonderful to everybody else, and I think that it would give an important signal that we protect the vulnerable in our society, that everybody has a fair shake of the legal system and that we are thinking about—and are thoughtful about—who we are as a nation. If we want to be seen as a beacon of intelligence and sensitivity, this is a really good way of saying internationally that we are thoughtful and that we are looking at our past and are mindful of it. It is the same as the on-going moves to look at our past involvement, as a nation, with slavery. We need to examine the things that happened in the past that we are not necessarily proud of now and understand them so that they are not repeated again.

Alexander Stewart: You talk about the miscarriage of justice, and I think that many people would identify that as the core issue. However, many would also identify the fact that, in

those days gone by, the state and the church were very male dominated and women were persecuted.

There is no question about that, and you have given evidence today about the torture and interrogation that those women went through. Whether or not it was an inquisition, that type of structure—which involved the persecution of women, primarily by men, in communities—was in place in those times gone by. It is important that we identify that, because that seems to have been one of the main processes at work. Those women were disadvantaged and vulnerable, and the male-dominated state had control over their existence and whether they continued to have a life after they were put into that situation.

Claire Mitchell: Absolutely—I could not agree more. That is exactly how it was. What we want for Scotland in the 21st century and looking forward is a generation that comes after us that is equal. In the 19th and 20th centuries, we made great steps forward towards equality, but we are not there yet. It is still a vitally important part of what we do as a country that we reflect on where we have come from in order that we can go forward and achieve that equality, and I think that the point that you make is extremely valid and well made.

The Deputy Convener: I believe that Ruth Maguire has some more questions.

10:30

Ruth Maguire: I think that they have been covered. I wanted to explore a bit more the discriminatory nature of the issue, but the petitioners have told us in their evidence that it relates predominantly to women and people with other vulnerabilities, so we have covered that aspect. Are colleagues going to ask about Natalie Don’s proposed bill?

The Deputy Convener: Yes, but if you want to do that, you can.

Ruth Maguire: I am flying blind here at home—I am sorry.

My colleague Natalie Don intends to introduce a member’s bill on the issue. Are the petitioners able to give the committee an update on their knowledge of it, their views on its scope and whether it addresses what they want to do?

Claire Mitchell: Yes, we have spoken to Natalie Don. She approached us when she found out about the campaign and indicated that she was interested in introducing a member’s bill on the subject. We were absolutely delighted about the prospect of that.

Natalie Don was invited to the meeting, but it coincided with the meeting of another committee

that she had already said that she would attend, so she was unable to attend this meeting. However, she passed on to me the information that a draft consultation is ready for submission tomorrow so that it can be issued and the public can have an opportunity to be consulted on the proposal. I believe that that is the next step forward. She said that there had been a bit of to-ing and fro-ing about the draft consultation, but it appears to be ready. She also said that she hoped to pass a copy of it to us so that we could have an opportunity to read it before it was submitted. I think that that will happen later today or tomorrow.

Paul Sweeney (Glasgow) (Lab): It has been fascinating to listen to the evidence. It has been educational for me to recognise that the petition represents an assertion of the triumph of civilisation over barbarism. We are trying to come to an agreement about how best to express that in our society. I increasingly realise the importance of what you seek to achieve and why it is being advocated for, so the evidence has been powerful.

Do you intend to encourage the member in charge of the proposed bill to cover all three elements of what you are trying to achieve? As I understand it, the proposed bill would legislate primarily for a pardon, but could it also stipulate terms for a national memorial? Could that be incorporated into such a bill?

Claire Mitchell: To be frank, I do not know, because I have not seen the draft. I think that it relates to legislation for a pardon alone. That is all that has been discussed. Therefore, I do not think that it contains anything about a national memorial.

I should indicate to the committee that Zoe Venditozzi and I have written directly to the Scottish Government and the First Minister requesting that the First Minister consider the Government giving the apology on international women's day this year. We have not yet heard back in that regard, so I do not know whether that will happen.

The apology is broader and would encapsulate all the people who were accused. Only people who were convicted can be pardoned and we want something for everyone. We have asked for a period of time to be set aside for the Government—the state—to reflect on what happened, to publicly state that what happened was wrong and to give an apology. Given the gendered nature of the way in which the witchcraft legislation was implemented, there is no better time to do so than international women's day, but we have yet to see whether there is any possibility that that will happen.

Paul Sweeney: That is helpful. What do you hope that the Government formally giving an apology would achieve?

Claire Mitchell: Zoe Venditozzi might want to answer that.

Zoe Venditozzi: I think that it would signify—*[Inaudible.]* It would go out on an important day and would symbolise Scotland's understanding that what happened in the past was a miscarriage of justice and would send a very important message that, as a nation, we are trying to look at what we did and to reach parity for women in modern society.

Claire Mitchell: I do not have it to hand, unfortunately, but the first page of the report of the First Minister's national advisory council on women and girls talks about history being recorded by only one side, why it is important for history—and the history of women—to be properly recorded and how we can do that so that we can move forward. Presenting an apology on such an important day as international women's day might be symbolic, but no less important for that, because it is important that we say in the 21st century that we accept that what happened was wrong.

We talked earlier about things happening 300 or 400 years ago. We are somebody's history; I hope that, in 2,000 or 3,000 years' time, children's history books will talk blithely about the period from the 15th to the 21st century as if it were the blink of an eye. I want the children of the future to be able to read in a book that, in the 21st century, the Scottish Parliament took the time to reflect on what happened to women and men during that terrible period of time and said to them publicly that it was wrong. By reflecting on that, we can try to make ourselves better.

Paul Sweeney: Would an apology highlight themes of victimisation, bullying and ostracism in our current society? Would it have a meaningful effect on any relevant live debates?

Zoe Venditozzi: There are echoes as well as parallel lines that can be drawn. I come back to the idea that we need to protect the vulnerable in society and be thoughtful and sensitive. As a teacher who works in additional support needs, I am very passionate about this subject, and I think that we need to be thoughtful and clever and say, "We need to protect the vulnerable." An apology would definitely provide a parallel that would allow us to say that this terrible thing happened because people who did not have sufficient power were picked on. I think that that could be used in a thoughtful way at this time in Scotland.

Claire Mitchell: Zoe, have we not been asked by a number of teachers for resources to encourage teaching of the subject?

Zoe Venditozzi: Yes, definitely. It is—*[Inaudible.]*—the idea of bullying and how the powerful can use that power for negative reasons and impact on people's lives. There is huge modern relevance.

Paul Sweeney: You have talked about the symbolism of international women's day. Is there a specific figure in the Government whom you would wish to issue the apology, or would it be satisfactory for the Government in general to do so?

Claire Mitchell: We have written to the First Minister, and it would be ideal if she, as a woman, issued the apology on international women's day. It is very important for women—young women, in particular—to see other women in positions of power. I am sad to say that, as yet, we are not generation equal. Although there are many women in positions of power, that is, in general, not the case across the board. It would be a great thing for Scotland if our First Minister gave the apology.

Paul Sweeney: Would you prefer a verbal apology in the parliamentary chamber rather than something written, or would you rather have both?

Claire Mitchell: Both, any or all, I would say. As someone who is involved in oral advocacy, I think that it is powerful to see someone speaking about these things, so that would be great. However, any kind of apology would be very welcome.

Paul Sweeney: With regard to the proposal for a national monument, which I find really interesting, are there any international examples that we can look at? You mentioned a community memorial in the north of Scotland, but are there any well-done international examples of national memorials to the victims of this superstitious practice?

Claire Mitchell: First of all, we should acknowledge that there are fantastic local memorials. People ask me whether I want local memorials. Yes, I do—I want those to be in addition to those that we already have. However, it would also be great to have a national memorial.

There are other examples of memorials, particularly in Finnmark in Norway. Perhaps Zoe could tell us about that.

Zoe Venditozzi: The memorial in Finnmark, which was designed by two internationally recognised artists, is striking and thought provoking. People go along to the site and see a moving monument. It is not just a static memorial, with names. However, even having that would be wonderful—having any national memorial would be great.

We have an incredible body of artists working in Scotland. We have an opportunity to make something that is really striking, which would

signal to the rest of the world that Scotland is a forward-thinking nation. I would like to see something that is imaginative and very striking.

Paul Sweeney: What do you hope to achieve by having a national memorial? Where would that be sited? How might the works be commissioned? Would there be a competition, or are you planning to undertake some other sort of activity?

Claire Mitchell: Zoe and I have got the campaign to this stage. As lawyers say, we would like to have an agreement in principle for a national memorial. We are not equipped to carry out the task of identifying a specific national memorial.

As I say, we would like there to be an agreement in principle so that others whose job it is to do such things—to memorialise—are invited to make a bid or to participate, whatever the process might be.

We have a lot of people contacting us suggesting that a national memorial should be in their area, or suggesting who the artist should be. There is a real keenness and buzz around the idea. I am sure that, if such a memorial was agreed to, a lot of people would be interested in getting involved. We are just interested in having the idea agreed in principle.

Do you want to add anything, Zoe?

Zoe Venditozzi: I just do not want to have to build the monument myself—that is the main thing. We are very keen for there to be a memorial, and there are professionals who would deal with that side of things. As Claire said, we would like the idea to be agreed and for someone who really knows what they are doing to make something wonderful and affecting.

Claire Mitchell: One of our tweets has received hundreds if not thousands of responses. We tweeted to ask whether it would be good to have a museum of witch hunts in Scotland. Although the beautiful memorial in Finnmark is incredibly striking, we would like there to be a place for people to go to learn.

Zoe and I started a podcast to get people interested in the issue. The level of interest has been utterly overwhelming. I should state clearly that it is not Zoe and me talking about the issues—we do not know about them. We have experts speak to us, whether they be academics, historians, lawyers, activists, authors—the list goes on. It is clear that there is a huge need for knowledge of the issue. I have spoken about people contacting us to ask whether we would consider doing child-friendly podcasts. Recently, someone who writes comics contacted us. They want to do something about the campaign, to tell

people about such things. People have been trying to interact with the issue in lots of different ways.

However, the idea of having a place where people could go, be that a museum or a heritage centre, to find out about the true history of the women of Scotland would be an amazing thing.

I am not trying to push for a particular thing, but we have an opportunity to think outside the box. As Zoe mentioned, would a memorial need to be a static statue, or could it be something else? Could it be something that assists learning, such as having a physical place where people can learn?

Paul Sweeney: Thank you very much for that. The esplanade of Edinburgh castle has been mentioned. What are your reflections on that? That might be an obvious location, I suppose.

It might be worth considering engaging with Historic Environment Scotland, which manages a lot of historic properties across the country, many of which might, historically, have had some involvement in the practice of witch hunts, and it might be able to find an appropriate location. Therefore, it might be worth engaging in that discussion now to develop the idea.

10:45

I have been involved in a couple of memorial campaigns, including the Remember Mary Barbour campaign in Glasgow to raise a statue to Mary Barbour and the rent strikers in Govan. That was community led—there was a lot of persistent fundraising and a design competition, but they had to be very much driven by the campaign. Similarly, there is the recent an gorta mór memorial in the east end of Glasgow to the Irish famine victims. Again, that involved a persistent, community-led campaign. Often, such initiatives can help to drive projects, so it might be worth looking at those examples in order to help to drive things forward.

Claire Mitchell: Absolutely—thank you very much. Those are two excellent examples of how the community wants to have its history properly reflected. Those examples are absolutely inspirational community projects. However, it is important that we do not have to rely on individual funding. The community interest is already there, let me tell you—if only I could pass on all the witches of Scotland emails that I have to someone else. The community interest and support are there, but it is important that the funding is done centrally for Scotland as a whole. However, you are absolutely right that it is very important to engage the community.

The witches' well at the top of the esplanade still sits there. It is an historical artefact, and it says that 300 witches were burned there. It also says that some used their power for good, and some

used it for evil. All day, people just walk past the well, but I am thinking, “Just take out the word ‘witches’ and put in the word ‘women’”. The well just sits there and we do not really reflect on it. That is because the idea of the word “witch” has permeated our society in such a way that when people say it, they mean a figure of fun, or a cartoon, or something that is in a book. We do not reflect properly on the history, which is why having the campaign with its aims—and having these discussions—is a really great opportunity for Scotland to do that.

Paul Sweeney: Thank you for your impressive testimonies.

The Deputy Convener: Thank you, Paul. To update the committee, Natalie Don's proposed member's bill is only about a pardon; it is not about a national memorial or an apology.

Claire and Zoe, is there anything that you have not been asked about, which you would like to say in evidence?

Claire Mitchell: I do not think so. The questions have been very thorough. Zoe, can you think of anything else?

Zoe Vendittozzi: No, I cannot. I would like to say again that it is a really important issue. It is not something that belongs in the past; we need to address it now. It behoves an intelligent nation such as ours to do so.

The Deputy Convener: Thank you very much for the comprehensive evidence that you have provided today. It is good to see people back in the Parliament giving evidence at committee.

Do committee members agree to consider the evidence and any matters arising from it at a future meeting?

Members indicated agreement.

The Deputy Convener: Once again, I thank the witnesses. I suspend the meeting to allow them to leave.

10:48

Meeting suspended.

10:50

On resuming—

Adult Disability Payment (Eligibility Criteria) (PE1854)

The Deputy Convener: Our second continued petition is PE1854, on a review of the adult disability payment eligibility criteria for people with mobility needs, which has been lodged by Keith Park on behalf of the MS Society. The petition

calls on the Scottish Parliament to urge the Scottish Government to remove the 20m rule from the proposed adult disability payment eligibility criteria or identify an alternative form of support for people with mobility needs.

The committee last considered the petition at its meeting on 17 November 2021 and agreed to write to Citizens Advice Scotland, Parkinson's UK Scotland, the Neurological Alliance of Scotland and MS Society Scotland. The committee was keen to understand whether stakeholders believe that changes to the eligibility criteria for new disability benefits in Scotland would risk other reserved benefits being withdrawn.

Responses to the committee's correspondence largely stated that stakeholders do not believe that changes to the 20m rule would impact on the passporting of reserved benefits. Stakeholders also challenged the Scottish Government's concern about creating a two-tiered system as a result of differing eligibility criteria for the personal independence payment and adult disability payments.

The Scottish Government has previously stated that there will be an independent review of adult disability payments, which will report in 2023. I understand that work on the review will begin later this year.

Do colleagues have any suggestions?

Paul Sweeney: I am impressed by the body of evidence that the committee has gathered already. We hear a consistent refrain from stakeholders that the change would not necessarily impinge on reserved benefits and that there is a mechanism that can achieve the reform that the petitioner is advocating for.

Having corresponded with some of the stakeholders, I think that although they welcome that the review will take place, there is still concern about its pace. There is also a question about what role this committee should take in the review. Should the committee continue to seek evidence? Should the review refer to that evidence? Should the committee itself make a submission to the review, based on the evidence that we have gathered?

I suppose that the question is not whether the review will take place—it will, and that is a welcome development—but whether the committee has a role or locus in it, whether we should make a submission and whether we are required to keep the petition open in order to do so. That is what we need to consider.

Alexander Stewart: I agree. We need to get that clarity, so that we understand the implications. We already had some of that from the Scottish Government, in what it is suggesting. The

petitioner and his organisation also need to think about the way forward and how what they are calling for could be used. I would support trying to see whether that could be achieved.

The Deputy Convener: Ruth, do you have any comments?

Ruth Maguire: I had a bit of trouble with my microphone there. I concur with my colleagues.

The Deputy Convener: Thank you. If the committee agrees, we will ask the Scottish Government to engage with stakeholders on the review. If we can get the Scottish Government's commitment that it will do that, we will then decide what to do with the committee. Do members agree to that?

Members indicated agreement.

Fire and Smoke Alarms (PE1910)

The Deputy Convener: Our final continued petition for consideration is PE1910, which was lodged by Ian Nicol. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce an exemption for smaller houses from the requirement, which came into force at the beginning of February 2022, to have interlinked smoke and fire alarms fitted.

When the committee considered the petition at its meeting on 1 December 2021, we heard that the Scottish Government had put in place a fund to help vulnerable households to install new alarms. The committee subsequently wrote to the Scottish Government to query how it planned to review the effectiveness of the financial support that has been offered and to establish what work was being done to protect vulnerable home owners when they arrange the installation of new alarms in their homes.

The Scottish Government's response states that it receives regular returns from Care and Repair Scotland on the use of its fund and the number of homes that have received free and subsidised alarms. It says that it is reviewing those returns and maintaining engagement with Care and Repair Scotland to identify any gaps in support and ensure effective use of its fund. It also highlights a recent media awareness campaign that includes information on types of alarm and the importance of using reputable tradespeople to fit them.

The petitioner's recent submission raises concerns about a lack of public awareness of precisely what is required to comply with the new standards, a shortage of appropriate equipment and tradespeople, and a lack of clarity on the penalties for non-compliance. The petitioner explains that he bought equipment when he first

read about the legislation and he subsequently found out that it did not meet the requirements.

Do members have any comments or suggestions?

Alexander Stewart: You have identified many of the issues. The requirement has been controversial for some time. There was a delay initially when the Government set out on the process, and there was a lot of anxiety before the requirement came into force. However, I think that we now understand where we are with the process. A fund has been set up and the communication has improved. There is now a route for individuals who may be vulnerable.

The petition calls for an exemption for small houses, but the Government has made it clear that it does not intend to introduce that and that it is not going to happen. Because of that, and given what has happened with the policies and practices that have been put in place, I am not clear that we can take the petition any further. I suggest that we close it under rule 15.7 of standing orders because I do not think that anything else can be achieved, given the timescale.

The Deputy Convener: As there are no other comments from committee members, do we agree to close the petition under rule 15.7?

Members *indicated agreement.*

The Deputy Convener: Thank you.

New Petitions

Impact of Motorway (Central Glasgow) (PE1906)

10:57

The Deputy Convener: Item 2 is consideration of new petitions. The committee seeks advance views from the Scottish Government on all new petitions before they are formally considered, and those views are shared with the committee as part of our meeting papers.

PE1906, which has been lodged by Peter Kelly on behalf of @ReplacetheM8, calls on the Scottish Parliament to urge the Scottish Government to commission an independent feasibility study to investigate scenarios for reducing the impact of the M8 between the M74 and Glasgow cathedral, specifically including complete removal of the road and repurposing of the land.

The Scottish Government states in its submission that Transport Scotland published a report, "Initial Appraisal: Case for Change: Glasgow City Region", in February 2021. That was one step in the wider transport appraisal process, and it helped to identify problems and opportunities related to the transport network in the Glasgow region. The Scottish Government advises that appraisal work on a range of the transport options in that report progressed over the summer, and that a final set of draft recommendations will be published later this winter.

The Scottish Government highlights that the review has already considered a large amount of evidence that is related to the whole transport network across the Glasgow region, including the M8 corridor. It says that that has been supported by a significant engagement exercise that has, to date, not identified or proposed any significant change to the M8. The submission confirms that Transport Scotland is aware of the aspirations for an M8 cap at Charing Cross and that it has been willing to participate in those discussions and will continue to do so. Finally, the Scottish Government states that it believes that there is no need for a separate piece of work in relation to the section of the M8 through Glasgow city centre.

Do members have any comments?

11:00

Paul Sweeney: I am familiar with this interesting campaign, because @ReplacetheM8 hosted an exhibition at the New Glasgow Society during the 26th United Nations climate change conference of the parties—COP26. It seems to

have been motivated by the recent developments concerning the structural condition of the Woodside viaducts in the centre of Glasgow, which could lead to hundreds of millions of pounds being spent on rebuilding that infrastructure, which was completed in 1971. That led to a discussion, during COP26, about what other cities around the world have done and about best practice. There was the big dig in Boston, and there are other examples in cities such as San Francisco, Paris, and Seoul in South Korea. There is also the international campaign for new urbanism, which advocates for the impact of elevated, segregated, high-speed motorways through city centres to be reduced.

That approach does not seem to have been much of a feature in Transport Scotland's considerations so far, as it itself has identified. It has never fundamentally reappraised the merits of having an elevated concrete motorway through the centre of the biggest city in Scotland or considered whether a sanity check, such as the one provided by the campaign, is needed.

Large numbers of the population of Glasgow were displaced to construct the road. The communities of Cowcaddens, Townhead and Anderston were cleared. Glasgow is the only city in the western world, apart from Detroit, that previously had a million people in it but whose population declined below a million—it lost a third of its population in the space of 30 years, from the 1960s to the 1990s.

The urban blight that was caused by the motorway, along with adjacent redevelopment, continues to have a negative effect on the city's urban environment. There are high correlations with poverty, ill health and other issues that are associated with the road. Recently, a study was carried out that identified that the noise pollution at Charing Cross in the centre of Glasgow is equivalent to standing on the runway at Glasgow airport. That has been discovered only recently.

The negative environmental effects of the road need to be investigated thoroughly. The petitioner has identified that as a major public policy need. The issue is one that seems to fall between the cracks. Glasgow City Council is responsible for the general urban condition of Glasgow and the normal road network, whereas Transport Scotland and its contractor, Amey, are responsible for the maintenance of the trunk road network. There is a bit of a disconnect between the national responsibility for trunk roads and local considerations to do with the urban environment. There is a need for the two to be married and for a co-ordinated study to be undertaken.

I fully support the petition's intent, and I think that it would be worth while gathering further submissions from relevant stakeholders and

attempting to understand whether there is scope to carry out a more thorough investigation of the merits of doing something. The petition is not necessarily about removing the motorway; it is not hard and fast about that. Some people might advocate for that, while others might be alarmed by the prospect, which is quite reasonable, given the potential implications. There are certainly practical measures that can be taken to reduce the environmental effect of the road, such as the capping project at Charing Cross. It would be good to investigate a spectrum of options that could be pursued to solve some of the problems that the petitioner has identified.

The Deputy Convener: What stakeholders do you have in mind? Glasgow City Council and Transport Scotland are two obvious stakeholders, but are there any others that you can suggest?

Paul Sweeney: There is the New Glasgow Society, which is an amenity body in the city. We could also write to the Royal Incorporation of Architects in Scotland and civil engineering bodies such as the Institution of Civil Engineers. There is the Congress for the New Urbanism in the United States. There is also Glasgow's city urbanist. There are a number of figures who may well be able to offer expert advice. Urban planner Brent Toderian undertook a similar project in America. There might be other projects around the world that we might want to write to to ask how they did it.

There are a number of ways in which we could proceed; however, we might require to reflect further on them, and we should therefore invite the petitioner to suggest stakeholders to engage with. In that respect, it might be worth communicating with the community councils adjacent to the road as well as the Glasgow Institute of Architects. There is a range of bodies and interest groups that we could go to. I have not compiled an exhaustive list, and I could probably come up with more, but there is definitely merit in thinking about who we should speak to.

I am not necessarily saying that all those people are relevant or that it is necessary to contact everyone, but there are a number of groups out there that it might be worth engaging with. Those are just some initial ideas.

The Deputy Convener: Thank you very much for that comprehensive list of stakeholders, Paul. I hope that the clerks got them all.

Paul Sweeney: I am happy to follow this up in writing once I have reflected on it, and I am sure that the petitioner, too, will have some ideas.

The Deputy Convener: That would be great. Does everyone agree with that course of action?

Members indicated agreement.

Caithness County Council and Caithness NHS Board (Reinstatement) (PE1915)

The Deputy Convener: PE1915, which has been lodged by William Sinclair, is on the reinstatement of Caithness county council and Caithness national health service board. The petitioner has highlighted particular concerns about the loss of consultant-led maternity services and the closure of two palliative care hospitals in Caithness.

In its submission, the Scottish Government states its commitment to ensuring that

“decisions are taken at the right level, and as close as possible to those most affected.”

It highlights the joint local governance review with the Convention of Scottish Local Authorities, which it states

“aims to strengthen local democracy by considering how power should be shared between national and local government, and with ... communities”

and highlights on-going work to create a national care service and the recent consultation on this topic, stating:

“there are currently no plans to bring about any changes to the structure of NHS Boards.”

The Government also states its intention to introduce a local democracy bill within the lifetime of this Parliament.

The submission explains that the decision to change from a consultant-led obstetric unit in the Caithness general hospital to a midwife-led community maternity unit was

“taken on the grounds of safety”.

Moreover, in relation to palliative care, the submission advises that although Caithness has no

“specific hospice facilities, the teams locally work very closely with the Highland Hospice located in Inverness.”

Do colleagues have any comments?

Ruth Maguire: Notwithstanding the fact that the Scottish Government has no intention to restructure the health boards, I think that at the crux of the petition is healthcare for individuals in Caithness. I wonder whether colleagues would agree to writing to NHS Highland for an update on the community midwifery unit, including a timescale for its completion.

I also wonder whether we should consider this petition alongside a couple of others mentioned in our papers—PE1845, on an agency to advocate for the healthcare needs of rural Scotland, and PE1890, on finding solutions to recruitment and training challenges for rural healthcare in Scotland—and invite the petitioner to give evidence.

The Deputy Convener: Thank you for that. Does the committee agree with those recommendations?

Members indicated agreement.

Parental Access to Children (Legal Aid) (PE1917)

The Deputy Convener: PE1917, which has been lodged by Amy Stevenson, is on providing full legal aid to all parents fighting for access to their children.

The petitioner highlights that, when couples separate and are unable to agree on contact arrangements, parents are often faced with High Court costs and contact centre access fees that they might struggle to afford. She states that that often results in many parents experiencing mental health issues.

The Scottish Government’s submission on this petition highlights a 2019 consultation on legal aid reform in which 75 per cent of respondents agreed that those who could afford to contribute towards costs should do so. It also explains that

“The number of cases relating to child contact and residence means that providing legal aid without a means test for those seeking these court orders would have a considerable impact on the legal aid budget”,

and it advises that the Scottish Government provides financial support to Relationships Scotland for the operation of contact centres.

Do colleagues have any comments?

Ruth Maguire: I appreciate the Scottish Government’s response regarding the details of legal aid and the consultation that has taken place. I also appreciate the point about means testing and affordability in a budget context. Nonetheless, the matter is really important. It comes up in my constituency casework—as, I am sure, it does for other members of the committee.

The petitioner talks about the mental health impact on parents. We need to remember that the issue is not simply access to justice but the wellbeing of children. We need to ensure that what we have in place is as helpful as possible to families that are going through break-ups and looking after children.

I suggest that, in the first instance, we write to some stakeholders to seek their views on the issues that are raised, perhaps including One Parent Families Scotland, Relationships Scotland, the Scottish Civil Justice Council and the Scottish Legal Aid Board.

Alexander Stewart: I concur with Ruth Maguire’s comments; there is no doubt that there is an impact on mental health. In situations in

which there is domestic abuse, it is important that that is recognised.

Only yesterday, the Equalities, Human Rights and Civil Justice Committee held a round-table event on a very similar topic involving access to support for families and young people. It would be useful for us to take on board and think about what came out of that evidence session. I would be very keen to continue the petition in order to see what more information we can glean on the issue, and we can analyse that at a later stage.

Paul Sweeney: I concur. I recognise that some of the issues are being raised in casework, and the petitioner has identified a valid public need to investigate the issue further, so I am content with the suggestion that we continue the petition.

The Deputy Convener: We will keep the petition open and write to all the relevant stakeholders. Are members agreed?

Members *indicated agreement.*

High-caffeine Products (PE1919)

The Deputy Convener: The next new petition is PE1919, lodged by Ted Gourley, on prohibiting the advertising and promotion of high-caffeine products to children for performance enhancement.

The petition calls on the Scottish Parliament to urge the Scottish Government to ban the sale of fast-release caffeine gum to under-18s for performance enhancement. The petitioner believes that the continued sale of such products puts children and young people at risk of serious harm. He cites examples of where such gum has been distributed widely at races, with the caffeine content exceeding the daily recommended dose for a young person. The petitioner points out that both scottishathletics and sportscotland have previously warned of health risks from consuming high doses of caffeine, particularly for those under 18 who have undiagnosed medical issues.

In its submission, the Scottish Government advised that, from December 2018 to February 2019, a consultation had been held on ending the sale of energy drinks to children and young people, which had provided

“an opportunity for respondents to raise concerns in relation to other food and drink products, such as caffeine gum”,

as

“Chewing gum falls under the definition of food in food law.”

The Scottish Government stated that it is

“currently considering responses to the consultation”,

that it has undertaken to publish a report, and that it will update the committee in due course.

It went on to note:

“In May 2015, the European Food Safety Authority (EFSA) published its Scientific Opinion on the safety of caffeine. It advised that single doses of caffeine up to 200mg from all sources do not raise safety concerns for the ... healthy adult population. For children and adolescents, EFSA’s opinion explains that there is insufficient information available to set a safe caffeine intake. However, EFSA considered that due to children and adolescents processing caffeine at least at the same rate as adults, the single doses of no concern for adults may also be applied to children as a daily limit.”

Do members have any comments?

Alexander Stewart: The petition has some merit. There is no doubt that caffeine has had and continues to have an effect on young people. The petitioner has identified some of the concerns. It would be useful for us to keep the petition open and seek some more advice and information from stakeholders, who could include the Children and Young People’s Commissioner Scotland, scottishathletics, sportscotland, Cardiac Risk in the Young and Food Standards Scotland. All of those organisations would be more than willing to support us and give us some information on the difficulties that caffeine intake causes. That would give us a much more balanced approach to where we can take the petition in the future. If we keep the petition open and ask for that information to be submitted, we can make a judgment and a response on the basis of that.

The Deputy Convener: Do we agree to keep the petition open and write to the relevant stakeholders?

Members *indicated agreement.*

Diabetes (Care for Women) (PE1920)

The Deputy Convener: Our next new petition is PE1920, from Laura Hastings, calling on the Scottish Parliament to urge the Scottish Government to provide more thorough follow-up care for women with diabetes.

In its submission, the Scottish Government outlines a range of initiatives that are available to educate and support people who live with diabetes. They include its women’s health plan, which was published in August 2021, and its diabetes improvement plan, which was published in February 2021. The improvement plan has eight priority areas, which include mental health, and a focused set of actions that is overseen by the Scottish diabetes group.

Do members have any comments?

Paul Sweeney: I note the submission from the petitioner and the personal experience that she has had. I also note that she has engaged with ministers and parliamentarians on the issue. If she has not been satisfied with that, there is a valid

basis for inviting further submissions. Perhaps we could write to the relevant charities that deal with diabetes and the Scottish diabetes group, which is the national advisory group, to ask whether they are satisfied with the measures that the Scottish Government has taken and establish whether there is a wider impetus for improvement.

The Scottish Government has indicated that it has relevant strategies in place for women's health and diabetic health. We can ask whether those have been peer reviewed and whether there are further concerns. It is worth establishing whether that is the case.

The Deputy Convener: On Paul Sweeney's recommendation, are we happy to keep the petition open and write to the relevant stakeholders?

Members indicated agreement.

Voter Identification (PE1921)

The Deputy Convener: Our final petition is PE1921, from Maddy Dhesi, on behalf of Hands Off Our Vote, calling on the Scottish Government to confirm that it will not introduce voter identification in devolved Holyrood or local elections in Scotland and that it will communicate that to voters.

In its submission, the Scottish Government confirms that it has no plans to introduce voter ID in devolved elections. It notes that that contrasts with the UK Government's Elections Bill, which is at its second reading in the House of Lords. The submission explains that the UK bill would require voters to show an approved form of photographic identification before collecting their ballot paper to vote at UK Parliament general elections in Great Britain, local elections in England and police and crime commissioner elections in England and Wales.

The Scottish Government is also aware of concerns regarding confusion in the event of a UK poll occurring on the same day as a Scottish poll with different identification requirements for each contest. It also notes the additional responsibility that that would place on presiding officers at each polling station to police the ID requirement.

Do members have any comments?

Alexander Stewart: The Parliament has already made a decision on the matter. It was not a unanimous decision but a majority decision that there would be no voter ID. We should close the petition, because the Scottish Government has made it abundantly clear that it will not introduce voter ID. However, in closing the petition under rule 15.7 of the standing orders, it would be important for us to write to the Government about the possibility of confusion occurring if UK and

Scottish elections took place on the same day. That is unlikely but, in the event that it happened, it would be useful to get a view on it. However, the decision has been made and voter ID will not be introduced, so we can close the petition.

The Deputy Convener: If the committee agrees, we will close the petition under rule 15.7 of the standing orders.

Members indicated agreement.

The Deputy Convener: On PE1906, on the M8, does the committee agree to delegate to the convener responsibility for signing off the number of stakeholders?

Members indicated agreement.

The Deputy Convener: That concludes the public part of our meeting. The committee's next meeting will take place on Wednesday 9 March. We will now move into private session to discuss our final agenda item.

11:20

Meeting continued in private until 11:29.

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