



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Citizen Participation and Public Petitions Committee

Wednesday 31 May 2023

Session 6



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Pàrlamaid na h-Alba

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**Wednesday 31 May 2023**

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**CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE**

**9<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

\*Jackson Carlaw (Eastwood) (Con)

**DEPUTY CONVENER**

David Torrance (Kirkcaldy) (SNP)

**COMMITTEE MEMBERS**

\*Foysoil Choudhury (Lothian) (Lab)

\*Fergus Ewing (Inverness and Nairn) (SNP)

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

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Paul Sweeney (Glasgow) (Lab)

Brian Whittle (South Scotland) (Con)

**CLERK TO THE COMMITTEE**

Andrew Mylne

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Citizen Participation and Public Petitions Committee

Wednesday 31 May 2023

*[The Convener opened the meeting at 10:00]*

### Decisions on Taking Business in Private

**The Convener (Jackson Carlaw):** Good morning, and welcome to the ninth meeting in 2023 of the Citizen Participation and Public Petitions Committee. We have apologies this morning from the committee's deputy convener, David Torrance.

Our first agenda item is a decision on whether to take items 4 and 5 in private. Do we agree to take those items in private?

**Members indicated agreement.**

## Continued Petitions

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

10:00

**The Convener:** Our second item is the consideration of continued petitions. The first of those, PE1864, which was lodged by Aileen Jackson on behalf of Scotland Against Spin, is on increasing the ability of communities to influence planning decisions for onshore wind farms. The petition calls on the Scottish Parliament to urge the Scottish Government to achieve that 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. When we most recently considered the petition, on 18 January, we agreed to write to the Scottish Government setting out recommendations that are based on evidence that we have received over the past two years.

We are joined by Brian Whittle MSP. I will invite him to comment in a couple of moments. In response to our submission to the Scottish Government, the new Minister for Local Government Empowerment and Planning has accepted two of our recommendations and committed to exploring the benefits and disadvantages of altering the 50MW threshold and the scope for planning authorities to determine more applications for onshore wind farm developments. We have received a submission from the petitioner that welcomes that commitment, which is good to hear.

In relation to our recommendation on ensuring demonstration of local support as a key material consideration in the decision-making process, the minister mentions that local opinion and evidence feature strongly in planning assessments, and he highlights the provisions introduced by the Planning (Scotland) Act 2019 that are intended to strengthen the voice of communities in the planning process. Although the petitioner has welcomed the Government's commitment on thresholds, she remains concerned that there is no definition of what ensuring that communities have "a meaningful say" looks like in practice, drawing parallels with the First Minister's recent comments on highly protected marine areas and engagement with coastal communities. Before I ask committee colleagues to comment, does Brian Whittle have anything to contribute?

**Brian Whittle (South Scotland) (Con):** I am very grateful, convener, for the opportunity to come along to speak on the petition. As a South Scotland MSP, I have many wind farm developments in my region, and I very often receive letters from constituents complaining about onshore wind and that particular element of planning. I am grateful that Mr Ewing is here, because he will be able to clarify this: the public perception is that there is a presumption that planning permission will be given and that, even if an application is initially turned down by the local council, it will go in front of the Government and the likelihood is that it will be passed. That is the public perception of what is happening.

In my dealings with wind farm developers, my recommendation is always that they engage more with the local community, but, as it stands, the public are not giving me the feeling that that is what is happening. Many times, it has taken them a while to find out whether a wind farm development is in the offing, and, when they do, it is often too late. Furthermore, they say that engagement from wind farm developers is very poor, although developers would say otherwise.

Given where we are—we need to generate clean energy—I totally understand the need to consider more wind farms, but we have to be more considerate about where they are to be. Last term, I fought against one—it went through anyway—that completely enclosed a town. Everywhere you look now in that town, you see wind farms, which was definitely not what the community wanted. My feeling, which I want to put to the committee, is that engagement is not what it could be. Because of that, the perception—real or otherwise—is that there is a presumption that planning permission will be given for onshore wind and that the public have little influence on that.

I wanted to speak to the petition and give you my constituents' feelings on the issue. As I said, my postbag is fairly full as a South Scotland MSP. I think that we spoke last week about this, but perhaps one of the things that we should be doing—I am flying a kite here—is giving areas where presumption will be granted that are away from commercial farming and so on. A better-thought-out process at the planning application stage would be advantageous for all. I read through the papers, and it is correct to say that the time between submitting an application and building a wind farm is up to 13 years. That cannot be good for any of the parties who are involved, so we have to find a better way to do it. Public engagement, which the petition asks for, is a positive way forward.

**The Convener:** Thank you very much, Mr Whittle.

Colleagues, I am interested to know what suggestions you have. It is encouraging that the minister has accepted two of our recommendations, but our continued concern might involve deliberation on the potential vagueness in the Government's response in respect of the separate recommendation. Does anybody wish to comment?

**Fergus Ewing (Inverness and Nairn) (SNP):** Mr Whittle has made a number of reasonable points, and there is no doubt that many applications for wind farm developments can be extremely controversial. All of us who have rural constituencies or regions are well aware of that; there are frequent objections.

I am not coming at this from any preconceived view, but it is difficult sometimes to detect the extent to which residents who live within a reasonable radius of a proposed development are either for or against; in other words, there is a more basic question of what a community is. If there are, say, 300 people who live in an area within a few kilometres of a proposed development and 30 of them object, how significant is that? If 250 were to object, most people would think that that is very significant. The point that I am making is that it is sometimes difficult to detect who the community is and the extent to which the objectors represent a majority view or a minority view in the community. One or two people can make vocal objections. They are entitled to do so and often do.

My recommendation is that we write to the Minister for Local Government Empowerment and Planning to highlight the submission of 26 April but seek clarification on the Scottish Government's definition of ensuring that communities can have "a meaningful say" on planning applications. We should include two particular requests. One is for a response to the question of what a community is. Is there any guidance for planning authorities on the number of people in an area affected by development who have to object before that is considered "meaningful"? Secondly, what does "a meaningful say" mean? That does not seem to be a particularly clear criterion to include in guidance. Clarity should be the key in guidance so that everybody knows where they stand.

If communities can have a meaningful say, does that mean that others who wish to make representations—individuals, businesses, charities, non-governmental organisations and local authorities—should not have a meaningful say? I would not have thought so, but I do not know, because I do not know what "a meaningful say" is.

**The Convener:** That is an entirely reasonable observation. It is a hostage to fortune in any event, as it is a term that allows everyone to be thoroughly dissatisfied in due course, because

they will take the view that their say turned out not to be meaningful.

**Alexander Stewart (Mid Scotland and Fife) (Con):** I concur with Mr Ewing, because the clarity is not there. Mr Whittle and Mr Ewing have identified that the process can result in confusion and the idea of individuals and organisations not getting the chance to have their say. As we have identified, some pressure groups and organisations can be good at getting their message over, but it might not necessarily be the same message for everybody in a community.

Communities require an input, although some people are of the opinion that a project will happen anyway—local authorities make a decision that is then overturned, and the community does not want it. A lot of effort goes into some of this, and the “meaningful say” is problematic in the extreme with regard to what happens. I certainly concur with all of that.

**Foysoyl Choudhury (Lothian) (Lab):** How will an advocate for the member’s concerned community be appointed or nominated? Will it be Scottish Government officials or a spokesperson from the community? We need clarification of that.

**The Convener:** Okay. Potentially, not only is there no definition of what “a meaningful say” is, it should perhaps be clear whether people are responding in an official way on behalf of their community or more personally.

**Fergus Ewing:** If a community council were to put in a representation, given that they are generally elected—there are not always elections if there are not enough people—should that be given greater weight than representations from a few individuals who are not on the community council? Once one looks at the options, it becomes more and more difficult to determine what “community” is.

**The Convener:** We will work something round that. We will keep the petition open, and we will proceed on that basis. Thank you very much, Mr Whittle.

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

**The Convener:** Our next continued petition is PE1900, which was lodged by Kevin John Lawson. The petition 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.

Empowering local authorities to ensure that local communities are given sufficient professional help—sorry, I am reading about the wrong petition.

We last considered the petition at our meeting on 18 January. It is a petition of some long standing, as colleagues will remember. Since that meeting, we have received two written submissions from the Minister for Drugs and Alcohol Policy. The first submission says that NHS Grampian—members will recall that it is involved in these matters—has £1,052,919 per year allocated from the £10 million available to fund work on medication-assisted treatment standards. It includes a letter from NHS Grampian stating that there has been a delay in obtaining the controlled drug licence application and that, although it is difficult to give a definitive timescale, the board is working towards an application being made by the end of April 2023. Presumably—I hope—that has now occurred.

A recent report has been brought to the attention of the committee in the minister’s second submission. The minister highlights that similar issues exist in NHS Lanarkshire as exist in NHS Grampian. In response, the minister has committed to conducting a rapid review of each health board to ascertain the extent of the issues across Scotland, which is positive. The work will include writing to the chief executive of each territorial health board and Police Scotland, details of which are included in the clerk’s note. The minister has stated that she will monitor the situation closely and provide updates to the committee as they become available.

That is a constructive response, following the engagement that we have had with the Scottish Government. Do members have any comments or suggestions?

**Alexander Stewart:** I agree. The rapid review is a way forward, as it has been identified that there are affected areas in other health boards. It would be of benefit to note the recent commitment by the Minister for Drugs and Alcohol Policy to carry out a rapid review of each health board and to keep the petition open, pending completion of that exercise. That will give us a much better overview of exactly where we are. You have identified Grampian and another local authority that has a specific issue, which the minister is aware of. Let us wait and see what comes back from the whole review and see how things progress following that exercise.

10:15

**Foysoyl Choudhury:** What systems are in place to receive suggestions, complaints and issues from health workers in prisons regarding medication?

**The Convener:** Sorry, I did not—

**Foysoyl Choudhury:** What systems are in place at the moment? Do we have any update? How do

health workers get involved? Basically, what systems are in place just now?

**The Convener:** Have we taken evidence on that? I cannot recall. No, I do not think that we have taken evidence on it.

**Foysoyl Choudhury:** Do you not think that it would be helpful to know what systems are in place just now?

**The Convener:** We established previously that there were not formally recorded actions. At an earlier stage in the consideration of the petition, we got a commitment from the Government that it would introduce formal recording of the prescribing of medicines. At that stage, we identified that, although it was asserted that those things were happening, there was no way to demonstrate subsequently that that was the case. In a previous response, the Government accepted a recommendation from the committee to change the procedures in order that a new process be put in place at that time.

### **Impact of Motorway (Central Glasgow) (PE1906)**

**The Convener:** PE1906, which was lodged by Peter Kelly on behalf of Replace the M8, 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, including, specifically, complete removal and repurposing of the land.

Like the ghost of Christmas past, we are joined by our former colleague Paul Sweeney, who spoke in support of the petition when he was a member of the committee. Welcome back, Paul—it is nice to see you. We have missed your independent analysis in our considerations. I have been following with interest your public campaign in relation to the matters raised in the petition, about which we will, no doubt, hear more in a moment.

We previously considered the petition on 23 November and, since then, we have received a response from the Scottish Government stating that Transport Scotland is “happy to work” with Glasgow City Council to ensure that “all the necessary stakeholders” are included in any assessment. The submission states that no funding has been allocated by the Scottish Government towards an assessment and that, as discussions on the scope of any work have not taken place,

“it would not be appropriate to discuss funding at this time.”

On that note, I am happy to ask Mr Sweeney whether he has any comments or suggestions as

to how the committee might advance the interests of the petition.

**Paul Sweeney (Glasgow) (Lab):** It is a pleasure to be back at the committee. I miss coming along, so it is great to be able to come back.

As you are aware, the committee last looked at the petition in November and, since then, there have been some positive developments, most notably that, at a recent full council meeting, Glasgow City Council agreed a motion to look at the future of the M8 and investigate options for mitigating its impact.

Some colleagues might think that the statement about removing the M8 in its entirety is quite provocative, but it is merely a provocation to a wider discussion. We are talking about a large piece of land in the centre of Glasgow that incorporates the equivalent of the entirety of Inverness city centre, and it can still be used as a road for its primary function. However, the purpose of the petition is to investigate how we reduce the rather obnoxious design of the road to address its spatial and environmental impacts on the city centre.

A substantial amount of work has already been done on that. Most notably, a levelling-up fund bid was submitted to cap the section of motorway in front of the Mitchell library, between Bath Street and Sauchiehall Street. Unfortunately, that bid was unsuccessful, but it may well be revisited in a future round of the fund.

Furthermore, work on district regeneration frameworks was commissioned in 2016. That has produced a series of district regeneration frameworks for the entirety of the city centre. It highlighted interventions, particularly on the west flank of the M8 inner ring road, that could be enabled to reduce the impacts of the road, such as removing certain slip roads; capping and decking over sections of the motorway where it is in cutting; and restoring areas such as Anderston Cross, which is completely engulfed by a kind of spaghetti junction.

There is a large cloverleaf junction at Townhead, which was overengineered—it was designed for the east flank of the outer ring road, which was never actually built. The junction was built by Strathclyde Regional Council in the early 1990s to serve a motorway that was never built. Therefore, it is around one third greater in size than it should be. It incorporates a huge amount of land, which disconnects Royston, Springburn and Sighthill from the city centre.

There are options that, while maintaining the fundamental purpose of the road, could significantly reduce the impact in the short, medium and longer term. Although it is good that

there is an indicative proposal from the Scottish Government to work with Glasgow City Council, we need a bit more. Significant public money has already been spent on studies, feasibility and specific interventions. Hundreds of millions of pounds are being spent on repairing the Woodside viaducts—probably the biggest infrastructure spend in the city—which is a reactionary spend that has been subject to no public consultation. It is a reaction to the road physically crumbling apart.

**The Convener:** I suppose that that would be of some reassurance if you were driving over it.

**Paul Sweeney:** Indeed. The road there has been reduced to four lanes for some time now, and has had a speed restriction placed on it. Nonetheless, that demonstrates that the road, structurally, is reaching the end of its natural lifespan and requires significant further investment. We are reaching a crux point where the Government really ought to be more thoroughly engaged, and the Parliament has a role in overseeing that. Through the petition, the committee has an important position in exercising that role.

I urge the committee to consider inviting key stakeholders from Transport Scotland, the Scottish Government and Glasgow City Council to present their views on existing studies, such as the MVRDV district regeneration frameworks, which were commissioned at significant expense five years ago; the levelling-up fund bid; and how we progress the projects that are shovel ready, to borrow a phrase from John Swinney.

**The Convener:** Thank you. I must say that I find the petition quite intriguing. I should say that I was at school with the son of the man who designed the road at the time. I do not think that that associates me with any personal blame for it, but I remember watching with quiet fascination it all being constructed in the early 1970s, when I was at school. Prior to its construction, it was quite a long journey. It was then quite a short journey, and then it became a very long journey again as traffic volumes increased and people became familiar with the road.

I noted with interest your most recent online campaign on the reconstruction of Charing Cross and the original buildings, which, I think, were demolished, and on the part of the road that runs along the front of the Mitchell library, which is potentially open to being capped. Is that correct?

**Paul Sweeney:** Yes. In the case of Charing Cross, the Grand hotel and a number of tenements and retail arcades were demolished to create the cutting for the M8. In that instance, an area was decked over, but it was quite small. The rotating doors that you go through in Cafe Gandolfi

in the Merchant City are actually the original doors from the Grand hotel in Charing Cross, which were salvaged.

The key point is that there is an opportunity to further improve the environment without damaging the fundamental utility of the road. That is the question now, half a century on from its first commissioning. We have international examples such as Boston's big dig project. There are other examples around the world such as in Paris and numerous other cities worldwide. There is a big opportunity to enhance the city centre.

I would also argue that there is potential to realise a positive capital net receipt for the public, because it is Government-owned land. The land was all compulsorily purchased by the Scottish Office at the time to construct the road. Therefore, by utilising the airspace over it, where possible, there is potential for development that could return a positive net receipt to the public funds. That would not only enhance the city centre amenity but be financially sustainable. It is not a quixotic idea about an urban planning utopia; it is about a serious and credible intervention based on international best practice.

**The Convener:** I understand. In fact, just a couple of weeks ago, I was on a visit to the Jewish archive at Garnethill. When you are up at that height and trying to leave, you are aware that the brutal truncation of a lot of the infrastructure around there, which persists, had a detrimental effect on the heart of that area of the city. At one time, it was quite central to Glasgow, and now it is almost peripheral to it, with the centre having shifted much further in the other direction. The road really brutalised what was a significant part of the city at the time.

This is a fascinating conversation, but I will move on.

**Fergus Ewing:** I want to comment on the process, having listened carefully to what Paul Sweeney said and respecting his considerable interest in the matter and the work that he has done on it. He suggests that we should take evidence but, given that he also states that Glasgow City Council is looking at options, the practical option for the committee may be to wait to see the results of that work by the council in order to hear its view as the local authority. After all, alongside other representatives, it is well placed to voice the views of Glasgow. If we first see what it recommends, that will give us a clearer thesis on which to proceed. If that is procedurally an appropriate way to proceed—I am not making any judgments on the merits—we could perhaps keep the petition open pro tem until that work is done.

Mr Sweeney might be able to tell us how long that work will take. It could take three months or three years—who knows? I wonder whether Mr Sweeney feels that, rather than shut the petition now, we should keep it open to see what the local authority has to say about the options. As he said, the council is looking at a variety of options, and this year, I am sure, is absolutely not straightforward by any means.

**Paul Sweeney:** That is a fair comment. It was merely a motion that was passed by councillors, so the detailed timeline or sequence of activities subsequent to that by officers has not yet been fully articulated. Furthermore, as the convener said, although Transport Scotland is interested in working in principle, there is no resource to exercise that activity. I therefore have concerns about how that will be expedited, which is where the committee has a role.

Perhaps it is slightly premature to invite everyone together to present a pathway to carry out the changes. Perhaps the committee ought to consider writing to Transport Scotland and Glasgow City Council to ask for an indication of when they will have produced a firm plan, so that we might have an opportunity to talk about it or scrutinise it to an extent, and so that Parliament has a role in overseeing the stakeholders working together. I detect a bit of animosity between Transport Scotland and Glasgow City Council with respect to the policy and how it evolves. Transport Scotland is very much programmed to the road being a trunk road—it just wants to operate a trunk road. It is not really interested in its aesthetic value, whereas there are wider considerations with respect to Glasgow City Council and our parliamentary representatives.

**Alexander Stewart:** Mr Sweeney makes valid points about where this could go. There is an issue about timescale and the resource that may be required. We acknowledge that, but we need to get clarity as to where and how. It would be useful to know that plan Glasgow City Council and Transport Scotland have in mind so that we can ascertain exactly where we are. There is real merit in some of this for the location that has been identified. That should be examined, and more time should be given for us to get clarity. It might give us more options if there are other proposals on the table as to timescales, resource implications and what might happen in the location.

As Mr Sweeney identified, the life expectancy of the road will have to be managed in some way, shape or form. It is as well to look at all options rather than just put something through systematically. That could achieve a lot more and make something of the location. As a committee,

we certainly have an opportunity to develop that through the petition.

10:30

**The Convener:** I take Mr Sweeney's point that, in some ways, the petition is there to provoke some sort of wider progress. Some of the issues that it raises are quite intriguing. From small seeds, big outcomes can follow, if we show an interest and a commitment.

I suggest that we write to Glasgow City Council saying that we are interested in the aims of the petition and are minded at some stage to facilitate a wider discussion but that it would be useful at this first phase if it fleshed out its ideas as to what might follow. I suggest that we indicate that we do not necessarily require an immediate timescale, because we recognise that the council might have to do a little bit of thinking before it comes back to us. That would allow us to have a better idea of how we might advance the aims of the petition. Does the committee agree?

**Members indicated agreement.**

**The Convener:** That is great. We will keep the petition open on that basis. Thank you very much for joining us, Mr Sweeney.

### **Education Scotland (Staff Roles) (PE1953)**

**The Convener:** PE1953, which was lodged by Roisin Taylor-Young, calls on the Scottish Parliament to urge the Scottish Government to review education support staff roles in order to consider urgently raising wages for education support staff across the primary and secondary sectors to £26,000 per annum; to increase the hours of the working week for education support staff from 27.5 hours to 35 hours; to allow education support staff to work on personal learning plans, with teachers taking part in multi-agency meetings; to require education support staff to register with the Scottish Social Services Council; and to pay education support staff monthly.

We previously considered the petition at our meeting on 9 November 2022. The submission from the Convention of Scottish Local Authorities states that there are no national rates for non-teaching staff and that pay levels are determined through job evaluation. The submission notes that a separate salary increase for one group would have a wider impact on other roles and raise affordability concerns. Similarly, the submission explains that pupil support assistants work varying hours that are based on pupil needs and that changing that would have financial implications for various roles in councils. It notes that involvement in personal learning plans and multi-agency meetings varies locally and is determined by

school and teacher discretion. Lastly, COSLA notes that the issue of pay periods and its impact on universal credit falls under the responsibility of United Kingdom benefits.

The committee also received a response from the then Cabinet Secretary for Education and Skills that indicates that the Bute house agreement exploration group will share its recommendations on a qualification and registration programme for additional support needs assistants by the autumn of this year.

We have received a late written submission from the petitioner, which has been shared with the committee this morning. Unfortunately, a technical issue caused the submission to be received late; it was through no fault of the petitioner. I thank her for working with the clerks to get the submission to us in time for us to consider it this morning.

The petitioner's submission raises a number of points in response to the submissions that we have received, to which I have just referred. She asks that the Bute house agreement exploration group consider recommending national, rather than local, agreements for the registration and accreditation of education support staff in schools. The petitioner highlights the "School Support Staff—The Way Forward" agreement, which was produced by the National Education Union in England, which considered similar issues to those of the exploration group.

In response to COSLA's submission, the petitioner highlights that the single status agreement is almost two and a half decades old and that pay disparity exists between areas such as Edinburgh and Glasgow. The Harpur Trust v Brazel case from 2022 is highlighted and put into the context of the petition, with cautionary points about the potential implications of backdated unfair pay claims. The petitioner concludes by suggesting a number of options for the committee to pursue.

Do members have any comments or suggestions?

**Alexander Stewart:** We should keep the petition open. In her submission, the petitioner makes some valid points about where we are in the whole process. I suggest that we write to the Scottish Government to seek an update on the Bute house agreement exploration group's recommendations, when they become available in autumn of this year. The petitioner talks about COSLA's involvement, and it would be good to get some clarity on that. That is what I propose at this stage.

**The Convener:** Thanks again to Roisin Taylor-Young for her additional work, which has allowed us to consider matters this morning. We will move

forward on that basis. Are members content with that?

**Members indicated agreement.**

### **Looked-after Young People (Aftercare) (PE1958)**

**The Convener:** PE1958 seeks to extend aftercare for previously looked-after young people and remove the continuing care age gap. The petition was lodged by Jasmin-Kasaya Pilling on behalf of Who Cares? Scotland. My eyesight is sometimes a little bit dodgy, but I thought that I spotted her joining us this morning, so I welcome her to the gallery.

The petition calls on the Scottish Parliament to urge the Scottish Government to extend aftercare provision in Scotland to previously looked-after young people who left care before their 16th birthday, on the basis of individual need; to extend continuing care throughout care-experienced people's lives, on the basis of individual need; and to ensure that care-experienced people are able to enjoy lifelong rights and achieve equality with non-care-experienced people. That includes ensuring that the UN Convention on the Rights of the Child and the findings of the Promise are fully implemented in Scotland.

Colleagues will recall that we last discussed this petition at our meeting on 19 April, when we heard evidence from the petitioner, Jasmin, and from representatives of Who Cares? Scotland, CELCIS, the Children and Young People's Commissioner Scotland and The Promise Scotland.

Members will also recall that, ahead of our previous consideration, there was an informal discussion with care-experienced individuals and their advocates. A note of that discussion has been published on the committee's web page for the petition. During those evidence sessions, we heard about the importance of ensuring that individuals are aware of their rights, which seems to be a major concern, and, in particular, the consequences of individuals being removed from supervision orders before their 16th birthday. We also heard about the inconsistent application of existing support, both within local authorities and across the country, and the need to ensure that provisions of the Children and Young People (Scotland) Act 2014 are fully implemented.

We have all had time to reflect on the evidence that we heard, and I am pretty certain that, having done so, there is considerable additional work for us to consider. Are there any suggestions from the committee as to what we might do? At some stage down the line, I think that we will want to hear from the Minister for Children, Young People and Keeping the Promise, but I wonder whether there

is anything that we might think of doing in advance of that.

**Alexander Stewart:** I agree. The petition has opened up many more options. It is about rights and about the inconsistencies that we have found. I concur that the minister should come to give evidence to the committee. It might be useful to seek information from the Scottish Government on what action it is taking to address workforce capacity issues to ensure that care-experienced people can access support when they need it.

As you said, convener, plans to introduce legislation on the Promise are also vital to the whole process. I suggest that the minister coming to the committee to give us some clarity on both those aspects would be a way to progress the matter. We will learn more about the Scottish Government side of things when the minister is here, giving evidence on the petition.

**The Convener:** There are a number of questions that we could put to the minister in advance or in an evidence session. Does the committee have a preference? Should we ask for more detailed information in advance?

**Alexander Stewart:** As you rightly identify, we could write to the minister to ask what the Scottish Government and local authorities are considering in relation to bringing an end to the practice of removing the compulsory supervision orders, and to seek information on whether the Scottish Government will consider amending the Children (Scotland) Act 1995 to ensure that the duty to provide continuing care applies to care-experienced people who need it, even if they have ceased to be looked-after individuals before their 16th birthday. We had very good discussions on that when we took evidence. We could ascertain the Government's position on those issues prior to the minister attending the committee.

**The Convener:** Alternatively, we could write to say that those are the issues that the committee will be particularly interested in focusing on. We can pull together the information and the committee's concerns and flag up to the minister that we will seek to address those aspects when we take evidence from her directly.

Are we content to proceed on the basis that we will keep the petition open and invite the minister to join us at a future meeting—obviously, that will be after summer recess—at which we will take more detailed evidence on the petition and see what further progress we can make?

**Members** *indicated agreement.*

### **Private Hire Cars and Taxis (PE1960)**

**The Convener:** PE1960 was lodged by Edward Grice, who is also the protagonist of PE1961,

which we will consider in a moment. The petition is lodged on behalf of the Scottish Private Hire Association and calls on the Scottish Government to formally recognise private hire cars and taxis as modes of public transport and to enshrine such recognition in law.

We previously considered the petition at our meeting on 7 December 2022, at which we agreed to write to the Scottish Government, the Society of Chief Officers of Transportation in Scotland, the Confederation of Passenger Transport and Heads of Planning Scotland. We have since received responses from the CPT and the Scottish Government. It is noted in the meeting papers that Heads of Planning Scotland declined to provide a formal response, indicating that it would defer to the views of SCOTS on the matter. Unfortunately, a response from that organisation has not been forthcoming, so we are none the wiser.

The Scottish Government responded with information on the short-life working group, which was tasked with reviewing and updating the "Taxi and Private Hire Car Licensing: Best Practice for Licensing Authorities" document. We understand that the petitioner was a member of that working group, whose work has now concluded.

The CPT's response states that it represents only the bus and coach sector and that there is no formal role for the taxi and private hire sector in its organisational structure, which really goes to the heart of the issue. It goes on to say that, although it is sympathetic to the petitioner's concern that the sector is not being fully consulted on transport issues, it does not agree that classifying taxis and private hire vehicles as modes of public transport would help to achieve the Scottish Government's stated desire to reduce car kilometres. I am inclined to ask: who is the Confederation of Passenger Transport?

The petitioner has responded to dispute the CPT's interpretation of the term "private vehicle" and has drawn our attention to the taxi trade's classification as public hire as well as to licensing provisions that can enable taxis and private hire cars to offer taxibus services. I am genuinely unsure who or what funds the CPT. Is it a Government agency? The CPT's response, which is a politically provocative judgment that the petitioner's aims cannot be accommodated because they contradict something for which the CPT does not have responsibility, is a bit striking. Do members have any suggestions?

**Alexander Stewart:** Yes, convener. There is no doubt that there continues to be a loophole in the whole process in relation to the private hire and taxi sector. I suggest that, once again, we seek more clarity by writing to the Traffic Commissioner for Scotland to seek her views on the action that is called for in the petition and to ask how many

special restricted licences are currently registered in Scotland. The petitioner makes a valid assertion. Yes, the short-life working group may have concluded, but it has not come back with anything specific for the sector, so it has been left in limbo.

10:45

**The Convener:** I am inclined to agree. I wonder whether we could ask the Scottish Parliament information centre or someone to investigate the CPT. I would like to know who funds that body, because there may be a conflict of interest that has not been made obvious to us in the submission. Are members content to proceed on that basis?

*Members indicated agreement.*

### **Private Hire Car and Taxi Drivers (PE1961)**

**The Convener:** PE1961 is, as I mentioned a moment ago, also in the name of Edward Grice on behalf of the Scottish Private Hire Association. The petition calls on the Scottish Parliament to urge the Scottish Government to expand the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 to include private hire and taxi drivers by creating a specific criminal offence of assaulting, threatening or abusing private hire or taxi drivers while they are engaged in private hire or taxi work; and considering such offences as aggravated when the offence is committed while the driver is enforcing a licensing or operational condition.

We considered this petition, along with the previous one, on 7 December 2022, when we agreed to seek further information from Police Scotland, the Scottish Taxi Federation and Unite the union. Since then, we have received a response from Unite in support of legislating to protect private hire and taxi drivers but recommending that the scope of any such legislation be extended to include all transport workers. The petitioner has indicated that he would be agreeable to that suggestion.

Police Scotland has provided data on the number of breach of the peace and threatening or abusive behaviour offences that have been recorded over the past 10 years but was unable to provide a breakdown by occupation.

Do members have any comments or suggestions?

**Alexander Stewart:** We have probably taken this petition as far as we can take it in some respects. I propose that we close the petition, under rule 15.7 of standing orders, on the basis that the behaviour that the petition references may

already be prosecuted under common law and existing statutory offences.

**The Convener:** Are there any other thoughts?

**Foysoil Choudhury:** Is there potential for a new bill, similar to Daniel Johnson's member's bill—which became the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021—that would cover transport workers, including private hire and tax drivers?

**The Convener:** Were there a route to pursue, I think that it would be to amend the 2021 act to include private hire and taxi drivers, which Unite has suggested that it would support. [*Interruption.*] Sorry?

**Andrew Mylne (Clerk):** A bill would be—

**The Convener:** A bill would be required to amend the legislation. It is not just a case of waving a wand and us all saying, "Aye"; there is a bit more of a process to it.

I am inclined to give the petition one last hurrah because Unite has come in in support of the petitioner, who has said that he would be agreeable to its suggestion. I think that I can anticipate the Scottish Government's response, but, nonetheless, the petition has had that additional level of support, and we can flag up that that is the case and ask whether the Government might be prepared to contemplate that, if even only in the longer term. Are you content with that, Mr Stewart?

**Alexander Stewart:** I am.

**The Convener:** Do members agree to that approach?

*Members indicated agreement.*

## New Petitions

### Hormone Replacement Therapy (Blood Tests) (PE2012)

**The Convener:** Item 3 is consideration of new petitions. For those who might be joining us for the first time this morning to see the progress of a petition, I want to make clear, as I usually do, that, ahead of our consideration, we invite the Scottish Government to comment and the Parliament's independent research body, SPICe, to look at the petition. That helps to inform the committee so that we can discuss matters in a meaningful way.

The first new petition, PE2012, which was lodged by Angela Hamilton, calls on the Scottish Parliament to urge the Scottish Government to remove the need for follicle-stimulating hormone blood tests in women aged 40 to 45 who are experiencing menopause symptoms before hormone replacement therapy can be prescribed to relieve their symptoms and replenish hormone levels. Angela tells us that she is aware of many women aged 40 to 45 who have all the symptoms of perimenopause, but, because their blood tests do not confirm that, they are dismissed by doctors and left to endure debilitating symptoms that affect all aspects of their lives.

In responding to the petition, the Minister for Public Health and Women's Health highlights National Institute for Health and Care Excellence guidance that HRT can be offered without the need for a blood test when other symptoms are present but that a blood test may be required to rule out other illnesses. The minister also mentions that NHS Education for Scotland has been commissioned to create a bespoke training package focused on menopause, including perimenopause and menstrual health, and that there is now a specialist menopause service in every mainland national health service health board, with a buddy system in place for island health boards.

Angela has provided a submission that shares the experiences of women with perimenopause symptoms who have sought help from their general practitioners and been left feeling dismissed and let down. Colleagues will remember that that is a common theme in petitions. She also raises concerns about NICE guidelines not being consistently followed by local health boards and a specific concern about the prescription of antidepressants for women with menopause symptoms.

This is a different area of women's healthcare. Unfortunately, there are similarities in the patient experience. There is an appeal to the committee to see what more we might be able to do about

that. I suggest that we keep the petition open in the first instance and write to the Royal College of Obstetricians and Gynaecologists to seek its view on the action called for. Are there any other suggestions?

**Alexander Stewart:** As you identify, convener, this would appear to be a major problem, and women are being let down. Over the past seven years, and even prior to that, I have had many letters in my mailbag on the issue, and it is fairly moving up the women's health agenda.

In addition to your suggestions, I suggest that we write to NHS Education for Scotland to seek information on the development of the bespoke training that was mentioned, the framework focused on menopause and how the training is being rolled out to GPs and primary healthcare providers. It seems that the biggest problem that we have is that there is no consistency. Seemingly, women are being dismissed and having to endure and suffer for a number of years. Doing both those things will give us an opportunity to see where we are.

**Foysoil Choudhury:** I agree with Mr Stewart. The training programme is not mandatory, but it should be—the issue affects half of our population.

**The Convener:** Are we content to proceed with the suggestions that have been made?

**Members** *indicated agreement.*

### Scottish Qualifications Authority Examinations (Appeals) (PE2014)

**The Convener:** The second of the three new petitions that we are considering this morning is PE2014, on reverting to the appeals system used in 2022 for Scottish Qualifications Authority exams. The petition, which was lodged by Elliott Hepburn on behalf of Moffat academy students, calls on the Scottish Government to implement a revised SQA appeals process that takes into account evidence of pupils' academic performance throughout the year, particularly prelim results.

The SPICe briefing states that the Scottish Government intends to replace the SQA and that it is expected that a bill will be introduced later this year for that purpose. The briefing outlines the appeals system used in 2022 and notes that the SQA described the 2022 appeals process as "an emergency response" to the Covid-19 disruption.

The SQA conducted a review of the certification and appeals processes, which included a consultation with learners, teachers, parents and others. The review found several issues, including increased workload for teachers and perceptions of unfairness in the process. All MSPs have probably received representations in relation to that.

Views on the approach for the 2023 appeals were mixed. The SQA appeals process for 2023 will involve a marking review by a senior marker that will focus on the correctness and consistency of the initial marking, and it will no longer consider alternative assessment evidence. The process is free, and individuals can appeal directly to the SQA.

The Cabinet Secretary for Education and Skills has responded to the petition. She has stated that the SQA is responsible for its operational decisions, including its approach to the appeals process for 2023. Her response highlights the examination exceptional circumstances consideration service, which supports pupils who are unable to attend their exams due to reasons that are outwith their control or whose performance may have been affected by personal circumstances.

I am struck by the fact that the appeals process now is simply that a senior marker focuses on the correctness and consistency of the initial marking and no longer considers alternative assessment evidence. I have to say that I thought that that was very often the principal thing that many schools submitted on behalf of pupils. It was a case of presenting evidence to suggest that the individual had done better than the process had shown. Notwithstanding that, that is what is happening in 2023.

I imagine that colleagues elsewhere who are intimately concerned with these issues will have debated them thoroughly. We are in a situation in which the Scottish Government is, I think, indicating that a forthcoming bill will alter the situation, so I am not sure that there is terribly much more that we can do at this stage.

**Fergus Ewing:** I suppose that it is relatively early in the life of the petition. Given the point that you have made, convener, it seems that, on the ground of equity, in some cases, looking at other evidence, such as continuous assessment and the progress that a pupil has made over the course of the period to which the examinations relate, would be helpful. We are all conscious that, for every pupil, the results of their examinations for qualifications can determine their future. There is a lot at stake, and it is a huge moment for those children and their families.

I noticed that the Cabinet Secretary for Education and Skills stated:

“Alternative evidence will not be needed for the Appeals service this year.”

That is a statement and an assertion. I wonder whether we might invite her to flesh that out and state with a bit more detail why that view should now be the case whereas previously it was not. Are there not circumstances, particularly where

there are elements of difficulty, problems or trouble in the life of a child, such as an interruption to their education through ill health or other issues of that ilk, that may well merit the consideration of alternative evidence?

It may be that the system provides for that separately—I do not know; I am not an expert on it at all. However, I am sure that, over the years, we have all had cases in which the outcome of an examination has been very much out of line with the prediction and that, in turn, has led to lots of soul searching and problems in individual cases.

Given the importance of the issue to children in general, I would not want to close the petition now. I hope that I am putting this clearly, but I would rather seek from the cabinet secretary a much greater explication of why it is that alternative evidence would not appear to be relevant this year when, in principle, *prima facie*, there are surely many circumstances in which the consideration of alternative evidence is not only appropriate but essential.

**The Convener:** Yes, I am content that we should do that. I wonder whether we might also ask the SQA the very same question. We would be interested to know the basis on which it has concluded that simply the academic review of the correctness of the marking is sufficient.

The exams diet is coming to a conclusion, and results will be forthcoming in the next few months, so the issue will become a very live one for a considerable number of people. It would be interesting for us to take the petition forward at least to that extent, in order to have greater clarity on why that will be the case. We might ask the SQA what practical implication it believes the approach will have in relation to the outcome of appeals this year in comparison with previous years.

Are we content to do that?

**Members indicated agreement.**

**Foyso Choudhury:** The other question is whether the final report will be published.

**The Convener:** I am sorry, Mr Choudhury, but what report is that?

**Foyso Choudhury:** On the independent reviews.

**The Convener:** We will ask the Scottish Government about that.

**Foyso Choudhury:** Yes.

**The Convener:** We will discern what that might lead to. We will check.

## Prisoners' Right to Vote (PE2015)

11:00

**The Convener:** The final new petition that we will consider today is PE2015. The petition, which was lodged by Irene Krsmanovic, calls on the Scottish Parliament to urge the Scottish Government to extend the right to vote in Scottish local government and Scottish Parliament elections to all prisoners held in Scottish prisons.

On 4 May 2023, ministers laid a copy of the report on the review of the operation of section 5 of the Scottish Elections (Franchise and Representation) Act 2020. The report concludes by stating:

"The Scottish Government's position remains that it is neither appropriate, nor necessary to ensure compliance with the European Convention on Human Rights, to enfranchise all prisoners, but that the correct balance is found in extending voting rights to those prisoners serving shorter sentences."

It states clearly:

"The Scottish Government does not plan to revisit the 12-month threshold for prisoner voting."

That is a fairly express direction.

Do colleagues have any suggestions on how we might proceed with the petition?

**Fergus Ewing:** The Scottish Government has replied very clearly and at considerable length, and the issue has been looked at considerably before. It seems to me that there is very little, if any, prospect of any change.

From work that I have done over the years, some people take the view that those who are subject to long-term imprisonment by virtue of having committed crimes for which they are required to be incarcerated and have their liberty withdrawn should not enjoy the benefits of freedom, which include the right to vote. I make that comment for the record because many people have expressed that view to me very strongly over the years.

**The Convener:** That has also been very much at the heart of the debate in Parliament.

Given the express direction that we have received that the Scottish Government has no plans to revisit the 12-month threshold, I propose that, under rule 15.7 of the standing orders, we close the petition on the basis that the Scottish Government's position remains that

"it is neither appropriate, nor necessary to ensure compliance with the European Convention on Human Rights, to enfranchise all prisoners, but that the correct balance is found in extending voting rights to those prisoners serving shorter sentences."

Are we content to do that?

**Members indicated agreement.**

**The Convener:** I thank all of you very much.

The next meeting of the committee will be on Wednesday 14 June 2023, when we will take evidence from the Lord Advocate among others.

That concludes the public part of this morning's meeting. We will now move into private session.

11:03

*Meeting continued in private until 11:47.*

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.

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