



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 17 June 2014

Session 4

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.scottish.parliament.uk or by contacting Public Information on 0131 348 5000

Tuesday 17 June 2014

CONTENTS

	Col.
CURRENT PETITION	2361
Polypropylene Mesh Medical Devices (PE1517)	2361
NEW PETITIONS	2379
No More Page 3 (PE1521)	2379
Planning System (Consultation) (PE1518)	2396
Save Our Seals Fund (PE1519)	2403
Building Consent (PE1520)	2409
TACKLING CHILD SEXUAL EXPLOITATION IN SCOTLAND	2410
CURRENT PETITIONS	2412
Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)	2412
Alzheimer's and Dementia Awareness (PE1480)	2412
Co-location of General Medical Practices and Community Pharmacies (PE1492)	2412
Group B Streptococcus in Pregnancy (PE1505)	2416
A9 Average Speed Cameras (PE1503)	2417

PUBLIC PETITIONS COMMITTEE
12th Meeting 2014, Session 4

CONVENER

*David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Chic Brodie (South Scotland) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)

*Angus MacDonald (Falkirk East) (SNP)

*Anne McTaggart (Glasgow) (Lab)

*David Torrance (Kirkcaldy) (SNP)

*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Jackie Baillie (Dumbarton) (Lab)

George Chalmers

George Eckton

Dr Frances Elliot (Scottish Government)

Neil Findlay (Lothian) (Lab)

Alex Neil (Cabinet Secretary for Health and Wellbeing)

Jane O'Donnell

John F Robins (Save Our Seals Fund)

Dr Richard Simpson (Mid Scotland and Fife) (Lab)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Public Petitions Committee

Tuesday 17 June 2014

[The Convener *opened the meeting at 09:35*]

Current Petition

Polypropylene Mesh Medical Devices (PE1517)

The Convener (David Stewart): Good morning, ladies and gentlemen. I welcome you all to today's meeting of the Public Petitions Committee. As always, I ask everyone to turn off their mobile phones and other electronic equipment, because such devices interfere with our sound systems. No apologies have been received to date.

Agenda item 1 is consideration of a current petition. The first item of business is consideration of PE1517, by Elaine Holmes and Olive McIlroy, on behalf of the Scottish mesh survivors' hear our voice campaign, on mesh medical devices. Members have a note by the clerk and a letter that was received on Friday from NHS Dumfries and Galloway. John Scott, who has a big interest in the issue, unfortunately has another committee meeting and gives his apologies. Neil Findlay, who has been at the committee when the issue has been discussed previously, is attending the meeting. I ask members to note that we have an extra paper from NHS Grampian.

Members will recall that we heard from the petitioners two weeks ago and agreed to invite the Cabinet Secretary for Health and Wellbeing to give evidence on this important issue. I am very grateful to him for making himself available so quickly for the committee. I welcome the cabinet secretary, Alex Neil, and Dr Frances Elliot. I also welcome all our visitors to the gallery. This is obviously a very important and quite emotive issue. I particularly welcome all our visitors who are coming to Parliament today for the first time. The only very minor thing to flag up is that parliamentary rules do not allow any applause in the gallery.

I invite the cabinet secretary to make a short opening statement, which will be followed by questions from me and my colleagues.

The Cabinet Secretary for Health and Wellbeing (Alex Neil): Thank you very much, convener; I also thank you for the opportunity to discuss this issue this morning. I thank the ladies behind me in the gallery, too, for bringing the matter to the attention of the committee and Parliament.

The first thing to say is that we should all be very concerned to hear how the implants have affected the lives of some women in Scotland and elsewhere. I have met women who have been adversely affected, including Mrs Holmes and Mrs McIlroy, and was deeply troubled to hear how they have suffered. They have my full sympathy and support, and we will certainly do everything that we can to improve the situation. No one should have to experience the level of suffering that those women have experienced.

I will set out the actions that the Scottish Government is taking to address the issues that have been raised.

I asked the deputy chief medical officer, Dr Elliot, to investigate and to recommend actions to address the matter. We estimate that each year in Scotland about 1,500 women who suffer from stress urinary incontinence and 350 who suffer from pelvic organ prolapse have synthetic mesh implant surgery. Those conditions result in reduced quality of life and I understand that traditional surgery techniques have a high failure rate of between 20 and 30 per cent for primary pelvic organ prolapse surgery. Based on the 2012 York report, which was a study commissioned by the Medicines and Healthcare Products Regulatory Agency—MHRA—it is estimated that about 1 to 3 per cent of women experience complications following stress urinary incontinence surgery. According to the MHRA, the percentage of women who experience complications following POP surgery is slightly higher; it is estimated to be between 2 and 6 per cent. That contrasts with the failure rate of between 20 and 30 per cent for traditional surgery for POP, which I mentioned.

That means that a majority of women—based on that estimate, the figure is about 1,450 annually—would appear to benefit from the surgery without complications. Of course, that is not to diminish the seriousness of the situation for the women who do suffer complications. However, I add that the percentage of complications is probably substantially underestimated because of underreporting and non-reporting of adverse events. I therefore regard the figures as not being entirely reliably accurate.

I asked Dr Elliot to chair a working group that includes clinicians and patient representatives to consider the issues in more detail. That group has now met twice. I thank Mrs Holmes and Mrs McIlroy for their on-going contribution to it. The group has made progress; it has produced a new patient information and consent booklet for SUJ, copies of which I have with me for the committee. The booklet clearly demonstrates the risks that are associated with the procedure and the alternatives that are available before women make a decision on whether they wish to proceed. The information

in it will be the absolute minimum information that is provided to patients by national health service boards.

Two patient guidance booklets that set out the pathway for the management of POP and for women who present with complications are being developed. Dr Elliot will work with NHS colleagues to develop that service as a matter of urgency.

I can confirm that, in the past year, the chief medical officer has written three times to all general practitioners, through medical directors, to alert them to the possibility that women may suffer complications following insertion of the mesh implants, and that all adverse events must be reported to the MHRA, which is the regulatory authority.

I will explain the regulatory framework. As members have already heard, mesh implants are classified as medical devices and are governed through the European Union medical device directives. The MHRA is the competent authority for the whole United Kingdom and has responsibility for removal of any device from the market for the whole UK. Obviously, evidence is required for it to take such a step.

Individual medical devices follow procedures that are set out in the EU directives by manufacturers in order that they can gain a CE mark, which is conformity marking that is awarded by notified bodies. The MHRA oversees the work of those organisations in the UK and performs regular audits. The rules for classifying medical devices are applicable across all EU member states.

I have spoken to the MHRA's chief executive and medical director about mesh implants and agreed that a dossier that details the experiences of women in Scotland should be given to them to help them to reach a decision on use of the implants. In the discussion with the MHRA, I was reassured that it is taking the issue very seriously. The Scottish Government will continue to assist that agency to provide answers on a way forward. I have another discussion arranged with the chairman later this month.

I have also written to the European Commission, which is currently working towards formulating a scientific opinion on the safety of the devices. That work will be available in January 2015.

We are aware of the US Food and Drug Administration's proposal to reclassify mesh for POP from a moderate-risk device to a high-risk device. Currently, of course, Europe has the device classification IIb, which is moderate to high risk.

The Scottish Government will participate in the UK working group, whose remit includes consideration of how data on complications and reporting of adverse events can be improved. The group will meet for the first time next week.

Having said that, I am convinced that more needs to be done by us in Scotland. Therefore, in addition to what I have already outlined, I am announcing today that an independent review will be set up urgently to report on all the issues that have been raised, including complication rates and underreporting of adverse events. That review will report in 2015 and will take account of the European Commission's study on the devices which, as I said, is due to be published in January 2015. I hope to announce the specific remit and the chair of the review before the summer recess.

In addition, I have asked the acting chief medical officer this week to write to all health boards to request them to suspend immediately the POP and transvaginal tape procedures until further evidence becomes available from the two reports next year—the EU report and the report of the independent review that I have set up. I believe that that is the right thing to do and that we should base any future decisions on the evidence as presented by those two reports.

The Convener: Thank you very much, cabinet secretary. I, for one, certainly welcome your independent review of the issues around suspension.

In your normal way, you have probably predicted one of my questions. You will know that NHS Dumfries and Galloway has suspended use of mesh devices. My question was going to be about the wider issues relating to suspension across Scotland. Perhaps you can comment first on the Dumfries and Galloway suspension as far as you are aware of it.

09:45

Alex Neil: It is not technically a suspension. The medical director issued an order last year that meshes were not to be used in any POP operations. As the committee will know, the medical director in Dumfries and Galloway also called for an urgent review of use of tapes.

At least two other health boards, NHS Highland and NHS Forth Valley, have also put a stop on use of meshes. By rolling out the suspension throughout Scotland, we can ensure that every health board takes exactly the same position.

The Convener: I am glad that you have taken the issue so seriously. You obviously followed very closely the committee's deliberations two weeks ago. All members of the committee were, quite frankly, shocked at what we learned from the

excellent petition and the evidence from Elaine Holmes and Olive McIlroy.

In my time as convener of the committee, I have not seen such emotion and tears in the gallery during consideration of any other petition, and we have dealt with many very good petitions in the past three years. I am sure that you accept the strength of feeling among the women, given the fact that one in five mesh implants can go wrong and cause horrific physical injuries.

I place on the record my thanks to the *Sunday Mail* for raising awareness, as it has done with issue after issue. I am sure that you are aware of how shocked all the committee members were, and that you realise that decisive action is extremely necessary.

Alex Neil: I made it clear from day 1 that I am very much on the side of the women on this issue. The regulatory regime is not straightforward. In Scotland the health boards make the decisions, which is why I am writing to request that they suspend use of meshes. I am sure that they will. The MHRA is the statutory regulatory body, and it operates under EU directives. I should also explain that the MHRA's responsibility relates primarily to the products—the devices themselves—and the EU directives deal very much with that element.

From our discussion with the MHRA last week, it seems that the evidence that it has assembled so far indicates that many of the problems that women have had were related to complications with the procedure and not always to the product.

I want to be sure that we include in the remit for the independent review in Scotland the need to get a much better handle on the level of underreporting of adverse events in relation to such procedures. The review also needs to ask why things have gone wrong in certain cases. Is it the product or the procedure, or are there unavoidable complications in some cases? We need to have a far better understanding of those points if we are to ensure patient safety in the procedures.

The review remit will also cover the work in Europe and the US to ensure that we in Scotland adopt the best possible policy—as I am determined we will—once we have conducted that research.

I have constituents who have been victims, and I know that in one case the mesh implant worked for 12 years before complications set in, so I am keen that we look at the issue over a fairly long period. The better our understanding of the problems is, the better will be our handle on what needs to be sorted to ensure that no woman has to go through the hell that many of the women who are sitting behind me have had to go through.

The Convener: Thank you for that. Before I bring in John Wilson, I should just say that if Dr Elliot wishes to speak at any time she should catch my eye.

John Wilson (Central Scotland) (SNP): I, too, welcome the cabinet secretary's announcement today that he will ask for use of the mesh devices to be suspended until the issue is resolved.

It seems from the cabinet secretary's opening remarks that one difficulty is the accuracy of the information that is provided to the MHRA, and the information that is collated by GPs and others who are involved in treating patients who have received such operations.

What can you do to find out about historic gross underreporting of incidents among patients? We have figures of between 1 and 3 per cent, and we can bandy those around, but they cover only the reported incidents, and not the unreported ones.

The Scottish Parliament information centre briefing that we received for today's meeting indicates that people are not obliged to report incidents. As part of the deliberations on the issue, can we get some historic data to ensure that we are dealing with accurate information, rather than information that has been provided only if and when a GP or a consultant has decided to do so?

Alex Neil: First, I should say that there is an obligation to report adverse events under the General Medical Council's code of conduct. As I said in my introductory statement, we have issued clear instructions to remind everybody that they are obligated to report every adverse incident to the MHRA. The problem of underreporting is not just a Scottish one; it goes right across the UK. The MHRA and the Scottish Government need to make sure that every adverse event is reported. Obviously, if we are suspending use of the devices now, there should not, by definition, be any new adverse events.

With regard to measurement of historical adverse events, I am setting up the independent review to address that. I do not want to prejudice how the review group will undertake its work, but a clear part of its remit will be to establish the real percentage of adverse events.

One issue that has been highlighted by the ladies who have spoken to me concerns the number of women who have come forward and spoken to them. That indicates that the percentages that have been officially reported by the MHRA represent significant underreporting of the number of adverse events. However, I do not have the information that would allow me to say whether the real figure is 10, 15 or 20 per cent. I would like the independent review to at least have a stab at getting a percentage that is of the right

order of magnitude for the number of adverse events.

The traditional surgery has a failure rate of between 20 and 30 per cent. There is clear evidence that the failure rate, the complication rate and the adverse-event ratio in the procedures that we are discussing are significantly higher than what is officially reported. Frances Elliot will give some supplementary information.

Dr Frances Elliot (Scottish Government): It is important that, when we set out the terms of reference for the independent review, we ask the group to identify the barriers to reporting. As the cabinet secretary mentioned, the General Medical Council's "Duties of a doctor" guidance indicates clearly that professionals are required to report adverse incidents and events to the appropriate bodies. Something must be getting in the way of that happening on a routine basis, so we need to establish what it is more accurately than we have previously been able to do.

John Wilson: The cabinet secretary said that the problem may be complications with the procedure rather than with the devices. Will your expert group, in breaking down the figures, seek to identify which incidents were caused by devices and which were caused by complications from the operation?

Alex Neil: It will be part of the review's remit to try to gain a far better understanding of why things have gone wrong. Is it because of the products or because of the procedures, or is it because of complications and other problems that some of the women may have? I suspect that the answer is a combination of those factors, but we do not know which are more important.

It is important that we get a much better understanding of what has gone wrong. We cannot sort out the problem until we know what is going wrong. The real purpose of the review is to find out what is causing the problem. I do not want any woman to have to go through the hell that these women have experienced.

David Torrance (Kirkcaldy) (SNP): Good morning. The UK Department of Health has been working to create a register for mesh implants. What discussions has the Scottish Government had with the department on that work?

Alex Neil: We are establishing a database of the women who have gone through these procedures, as it is clear that the lack of a systematic database is one of the reasons why we do not have the full understanding that we need to have of why things have gone wrong. We are doing that in consultation with the women's group as part of the work that Frances Elliot and her working group are progressing, so I will ask

Frances to update you on where we are with the database.

Dr Elliot: We have been involved in the discussions with the Department of Health and the MHRA on the work that they are doing with the two UK professional bodies—one of them is the British Society of Urogynaecology but, off the top of my head, I cannot remember the name of the other—together with the Royal College of Obstetricians and Gynaecologists. We have been involved in the debate about using the societies' databases to create a single database for all the procedures and the complications that arise from them.

The work that the cabinet secretary referred to is the work that we are doing to identify a unique device identifier in Scotland, which is part of the work that we are doing to address the issues that have been raised in relation to cosmetic surgery and to the mesh, breast and hip implant problems that have been identified in the recent past by ensuring that any device or implant can be tracked, irrespective of what type it is and what procedure is used to implant it.

We are involved at high level with our UK counterparts in the discussions. I will be participating in the meeting on 16 July with the UK group that has been set up to progress that work.

Chic Brodie (South Scotland) (SNP): Good morning. I add my support for the proposed action. I have known the cabinet secretary for many years, so the speed at which he is taking action does not surprise me.

I have a question about the MHRA. We have been talking about the database and the process, but this is not the first time that an issue has come up with products or devices. Addressing such issues is a bit like shutting the door after the horse has bolted. In relation to the discussions that you have had and that you will have with the MHRA, what guarantees can we get that such a situation will not occur again? It is all very well producing products for the marketplace, but it seems highly surprising that we do not have the process or the outcome measurements to go with that.

I know that you cannot give such a guarantee, because you do not have control over the MHRA's functions—yet—but what questions have been raised with the MHRA as a consequence of what has happened to ensure that it gets its processes and management into proper perspective?

Alex Neil: First, to be fair to the MHRA, it operates in a European Union dimension—the medical devices directives are the part of European law that is relevant to the MHRA's remit. In effect, it is the EU's agent in the UK when it comes to enforcing EU regulation. I suspect that some of the regulation needs to be strengthened

not just at UK level, but at EU level. We will be able to establish that from the report that is due in January 2015.

By undertaking the work that Dr Elliot outlined, we will be less reliant on after-the-fact regulation. I am very keen to prevent any further harm coming to any patient, no matter what the device or the procedure is. That must be our objective.

From the discussions that I had last week with the medical director and the chief executive, I was certainly reassured that the MHRA intends to take a very robust approach in this area, but it feels as though it is part of the EU regime.

I will ask Frances to give you some specific examples of the work that is being done.

Dr Elliot: The European Commission is conducting a review of the regulation of medical devices. That will not report for some time to come, but it is really important that, when the amendments are consulted on, we have an opportunity to explain some of the challenges that we face with the implants that have caused problems in Scotland and that we make those points robustly.

10:00

Chic Brodie: I appreciate that and recognise the work that you are doing in pushing back up the chain. I understand that the European directive is why the MHRA is not doing the same further up the chain. As far as I can recall, this is not the first time that the MHRA has been in such a situation. You have said that the European Commission is looking at the issue.

I have one other question about the relationship with the MHRA. Our briefing indicates that the MHRA has an overarching role in the process but that, in Scotland, adverse events are handled by Health Facilities Scotland. What is the relationship between the two bodies? How often do they meet?

Alex Neil: The MHRA is the regulatory body, as I have already explained. All adverse incidents that are reported within the national health service in Scotland are fed through Health Facilities Scotland. For example, in the past year, NHS Grampian and now other boards have started to treat every complaint that they receive, irrespective of its nature or seriousness, as an adverse event. They regard a complaint as an adverse event.

The bulk of those adverse events will not involve the MHRA at all, because they have nothing to do with regulation. They might relate to a procedure that has gone wrong or whatever, rather than raising a regulatory issue. We have to be clear that “adverse events” has a wide definition and that it is widening. A percentage of those events

will come under the regulatory remit of the MHRA, but the number of adverse events exceeds anything that the MHRA would be involved in with the NHS in Scotland.

Dr Elliot: Regular liaison takes place between Health Facilities Scotland and the MHRA, as it does between ourselves and the MHRA. We have had regular contact on those issues.

Chic Brodie: Cabinet secretary, you have written to all the health boards to ask that they suspend—

Alex Neil: No; the acting chief medical officer writes to all the health boards.

Chic Brodie: Of course. How do you think that those boards will implement the CMO’s recommendations?

Alex Neil: If the health boards receive a letter from the acting chief medical officer with the backing of the Cabinet Secretary for Health and Wellbeing, it would be highly unlikely—and highly unacceptable—if they did not agree to the request.

Chic Brodie: I am sure that they will.

The Convener: Thank you, Mr Brodie.

I am conscious of time, so I have a very quick question for Dr Elliot. At the evidence session a couple of weeks ago, the women who gave evidence said that it was sometimes difficult to complain about the mesh implants because, when they complained to the MHRA, they were asked for the unique identifier at the time that the problem occurred and, of course, many of the women involved did not know that. Can you confirm that that information will now appear on the GP medical notes for each such patient in Scotland?

Dr Elliot: The unique identifier database will hold that information. It should be in the hospital record and should be notified to the GP. As we introduce the new database for that, we will make sure that processes are in place to inform the clinicians who need to have that information.

The Convener: Do you accept that that was not possible in the past, which meant that patients were in a catch-22 situation? It was impossible for patients to complain about the mesh implants, because they did not have the unique identifier.

Dr Elliot: Yes, and that is very unsatisfactory from the clinical perspective in terms of a record of what was undertaken, and for the women themselves.

Angus MacDonald (Falkirk East) (SNP): I whole-heartedly welcome the independent review in Scotland and the calls for the suspension of the use of such products.

On the European review, according to last weekend's *Sunday Mail*, the European Commission investigation into safety issues has appointed a Dutch urogynaecologist who previously had a consultancy agreement with Ethicon, the Johnson & Johnson company that produces mesh implants. It is clearly advantageous to have experts on any review or independent panel, but do you share the campaigners' concerns that those who have previous vested interests in the industry are involved in the European Commission's investigation, which is completely independent of and separate from the Scottish one?

Alex Neil: At the very least, there is certainly a presentational problem, but I have made it clear to officials that the person who leads the independent review in Scotland must not only have no such connection and be totally independent of any manufacturer or other vested interest but be seen to be independent. It is important that the review carries the confidence of the ladies behind me in the public gallery, the community of women who have been badly affected by the procedures going wrong and the wider public. I have made that absolutely clear.

Before I finalise the remit of the independent review, I will consult the patient representatives from the women's group to ensure that they are happy that the remit is satisfactory and robust enough.

Angus MacDonald: Thank you—I am sure that the campaigners appreciate those comments.

Anne McTaggart (Glasgow) (Lab): I very much welcome the cabinet secretary's statement and course of action. I seek clarity on where we are now and what will happen moving forward. I want to compile some of the information that has been given. Will the new patient information and consent booklet that the working group has produced be available as of today? Will it be online?

Alex Neil: I will let Frances Elliott answer that.

Dr Elliot: We are waiting for the final version. It will be available online and a covering letter will go to all the health boards in Scotland. We hoped that we would have it for today, but it will be available this week.

Anne McTaggart: You mentioned the alternatives that are listed in the information and consent booklet. Do you have any concerns about the women who are presenting today for treatment or about the alternative treatments or waiting lists?

Alex Neil: Frances Elliott will answer that, as it is primarily a clinical question but, before she does so, I point out that, when you see the booklet, you will find that it goes through all the risks in a great

deal of detail. The text has been agreed by the working group, which includes two representatives of the patient group that represents the women. It is critically important that we look at the issue from a patient perspective because, although we might think that we are giving all the right information, if it is not absolutely clear to the patient, it will not have served its purpose. We have involved the representatives of the women who are on the group. We are determined to look at the issue from a patient point of view and not just from a national health service point of view.

Dr Elliot: Until we are clear about the reaction to the new booklet and information, we will not be able to identify whether it will cause major issues for waiting times, although I do not think that it will. Our challenge is with the two pathways that we are developing for women who already have the implants and who have had complications or adverse effects. Providing specialist surgery or other treatment for them will be a challenge, which is why I am involved in discussions with our national planning forum, on which all the health boards are represented through their strategic planners, to consider ways in which we can introduce the pathways as quickly as possible to ensure that waiting lists do not build up for the women.

Anne McTaggart: Will that information be discussed in the independent review and the working group? Will it be reported back?

Dr Elliot: It will all be made available to the independent review. We will share with it the work that we have done to date and will provide the various information booklets and leaflets, as well as the minutes and documents from our various meetings.

Anne McTaggart: Naturally, we do not want women not to come forward because the treatment has changed or because the alternatives are not as readily available as they could be. Thank you.

John Wilson: I have a follow-up question for the cabinet secretary and Dr Elliot. The cabinet secretary is going to ask the acting chief medical officer to write to all health boards, requesting them to suspend future operations. What advice will be issued to GPs and others on advising patients why the suspension has taken place? After all, while the procedures are suspended, women who had been informed that they would be going through the procedure will now be told that they are not going to go through it. How will we manage that situation in relation to the individuals involved? How do we get GPs to get the message over to those women who have been through the procedure and who have had an adverse reaction, and to women who are concerned?

Cabinet secretary, you also mentioned that some had experienced an adverse reaction a number of years after the procedure. Will specific information be provided to GPs and others so that they can advise their patients, first, on the need for the suspension and, secondly, on how women should report and speak to their GPs about any adverse reaction or worries about such a reaction?

Alex Neil: On the second part of your question, we have already written to every GP in Scotland three times on how to handle the situation that you have described. Every GP in Scotland has already had three letters about that.

As for the suspension itself, the acting chief medical officer will, in her letter to health boards, make absolutely clear the advice that clinicians should give on handling the suspension and dealing with women who are in distress because of the condition—either urinary incontinence or prolapse—that the procedure is meant to rectify. The acting chief medical officer will include that in her letter and ensure that appropriate guidance is provided at board level as well as in the acute and primary sectors.

Dr Elliot: We have other mechanisms that we can use, including meetings with clinical leaders in Scotland. Together with the acting chief medical officer, we will take those opportunities to inform them of the advice that has been sent out. You are absolutely correct. We need to follow through the processes to ensure that women who are already on waiting lists in health boards get the opportunity to have further discussions with clinicians if they so wish.

John Wilson: One of the joys of sitting at this end of the table is that I can see the reaction of the people in the public gallery. When you said that GPs had been written to three times and that information was available, their reaction made it clear that that information is not being imparted to the women who have been speaking to their GPs. Would you consider seeking the views of the women concerned? Can you find a mechanism that will allow them to feed into the working group so that you can hear some of these women's real experiences about how they have been dealt with by their GPs when they have tried to report these incidents and so that we have other information that we can reflect on?

I often hear that guidance has been given to GPs and others, but sometimes it does not filter down to the patients. We need to ensure that the views and experience of patients in those circumstances are reflected in any future policies that are developed by the Scottish Government or the medical profession.

Alex Neil: I have made it clear from the outset that the more evidence that we get from the

women about things that are not working in the way that they should be, the better. When we write, through the boards, to every GP, we expect every GP to read that letter from the chief medical officer and then to implement what it recommends. If that is not happening, we need that evidence. We will then work with GPs, through their boards, to ensure that those problems are addressed.

The Convener: A campaigner recently emailed me to say:

"I'm advised that it's not the role of MHRA to carry out initial investigations when adverse incidents occur."

According to the email, the MHRA says that it has "no independent test facility"

and that manufacturers are

"best placed to investigate."

My question to the cabinet secretary is: who is guarding the guards here?

Alex Neil: That highlights why we need a much more robust regime in Europe in relation to all of this. Clearly that is not a satisfactory situation, but I make it clear that we are aware of it. All of us—the committee, the Government and the women themselves—should submit evidence to the European Commission for the review of devices to which Frances Elliot referred. That is a point that we should all make.

Chic Brodie: The cabinet secretary mentioned that the FDA has raised the risk level to high risk. What contact—if any—have we had with the FDA? Have we had access to the information that prompted that change in guidance?

10:15

Dr Elliot: The only information that we have is that which is in the public domain. We have not had specific contact with the FDA, principally because the MHRA's classification is already moderate to high risk. That should be the flag for clinicians to understand and take into account the fact that the devices have a potential risk.

Chic Brodie: I understand that, but the FDA is pretty close to the manufacturer and must have some contact with it in looking at its processes. A great decision has been taken, but I would have thought that having substantive information on why the FDA made its decision would strongly support the decision that the cabinet secretary and you have—rightly—taken.

Dr Elliot: We can easily seek that information.

The Convener: Before we go to the summation, I ask Neil Findlay to comment briefly. I am sorry to press him, but we are overrunning.

Neil Findlay (Lothian) (Lab): I warmly welcome the cabinet secretary's announcement but, given the statement in NHS Dumfries and Galloway's letter that it suspended the use of such devices last year, he had no other option. I pay tribute to the magnificent campaign group that is represented in the seats behind the cabinet secretary. They should be proud today; they forced the issue and made this happen.

When we met some of the affected women last year, why did you advise me and them that you did not have the power to suspend use and that you would not suspend it because you feared litigation? At that meeting, Dr Elliot said that she would not have such a device fitted because of the concerns. According to the figures that have been given today, that delay has meant that 1,850 more women are at risk of being injured. Were you given bad advice last year? Why could you not take the decision then?

Alex Neil: It would be a great tragedy if people tried to turn this into a party-political issue. We should all unite in getting a solution to the problem instead of engaging in party-political point scoring. I have acted with total faith throughout. It has been clear that the issue has required serious consideration. I have outlined the regulatory regime. Regulation of the products is the statutory responsibility of the MHRA, operating within the EU medical devices directives. Health boards have the power to suspend use. The chief medical officer will write to ask all boards to suspend use because of the evidence that we now have, particularly about adverse events and the underreporting of them. I have explained why that is the right decision.

The Convener: I ask Neil Findlay to be brief, as we are very short of time.

Neil Findlay: The MHRA advised me yesterday that NHS Scotland could advise its institutions and clinicians not to use a particular device. They will take great heed of what the cabinet secretary says.

This is not a party-political issue. The question is why, when we knew what was going on last year and when your advisers said that they would not have the device fitted, you waited a year to make the announcement. The announcement is welcome, but it is a year on.

Alex Neil: Someone who is sitting in my chair must weigh up a number of things. As I have pointed out, the evidence that was available to me and the advice that I got at that time suggested that there was a fairly low rate of adverse events.

I am now satisfied from information available from the MHRA and others that the rate of underreporting is much higher than was originally thought. I was convinced that, in taking the

decision, we had to balance the interests of women who are at risk and those who have experienced complications with the interests of women whose operations have been successful. Despite the percentage who have had complications, a fairly high percentage of women have—as far as we know—had what they regard as successful operations. Of course, we have not heard from those who have not had complications, and it might well be that some of the women who wanted this procedure still want it and are not happy that, for the time being, they cannot get it.

There is a balance to be struck. I have now come to the clear view that, because of the scale of the underreporting of adverse incidents, our new approach is the right thing to do, until we get the evidence from the independent review as well as from the European report, which is due in January.

The Convener: I am afraid that we are out of time. We have extended the question-and-answer session by 20 minutes because of the petition's importance. We have now reached the summation; the committee will discuss its next steps and no further questions will be asked.

My view is that we need to continue this important petition. We need to wait for certain information that we requested two weeks ago, and additional points have come up. The minister mentioned the important role of Europe. I suggest that, when the committee visits Brussels in October, we seek a meeting with the European Commissioner for Health and Consumer Policy—Tonio Borg, who is from Malta—to discuss the issues around the CE mark that the cabinet secretary raised. Adam Slater, a lawyer from America who has given us written evidence, also wishes to provide oral evidence, and it might be possible, if the committee agrees, to enable that to happen through a videoconference.

There are three issues. First, I believe that the committee needs to wait until it has further information before it makes a final decision. Secondly, I want to hear the committee's view on whether we meet the European commissioner when we visit Brussels. Thirdly, do members wish to take part in a videoconference with the American lawyer who is an expert in this area?

John Wilson: The cabinet secretary has announced today that an expert group will consider the issue, and it is expected to report in January. As for the question whether we take evidence from a lawyer in the United States in a videoconference, I simply point out that a number of legal firms in Scotland are involved in legal action against NHS boards and others in relation to this matter.

I suggest that we defer future consideration of the petition until we get the written evidence that we called for two weeks ago and the report of the expert group in January. That will enable us to consider the reports in more detail and to consider further how we take the issue forward.

The Convener: That is a sensible approach.

Chic Brodie: Generally, I agree. No one in the room today does not understand or appreciate the decisions that have been taken. However, I suggest that we have the videoconference with Adam Slater, as we can never have too much information on this subject.

David Torrance: I am happy to go along with that course of action.

Anne McTaggart: I agree.

Angus MacDonald: I am happy to defer consideration, but I am keen to hear from the American lawyer, if he has some pertinent information to give us.

Jackson Carlaw (West Scotland) (Con): I apologise for missing the earlier part of the meeting, convener.

The Convener: Not at all.

Jackson Carlaw: I agree with the proposal. Mr Slater's evidence might well be of value publicly and to any group that is considering the matter.

The Convener: To be clear, when would you be happy to take that evidence?

Jackson Carlaw: I would be happy to have the videoconference this year, but I suggest that we defer consideration of our next steps until all the evidence has been gathered.

John Wilson: As the clear majority view is that we take evidence from the lawyer in the United States, I agree with that course of action.

The Convener: We had already planned to go to Brussels in October, subject to the agreement of the Conveners Group. Assuming that we are going, do we agree to seek a meeting with the commissioner, Tonio Borg?

John Wilson: I was lucky enough to visit Brussels and meet commissioners a number of years ago. Even though other places might not want to hear the views of this place, I know that commissioners are keen to hear about the work that is being carried out by committees of this Parliament. The opportunity to speak to the commissioner on this issue and possibly on other issues of concern and to put across our views about what is happening would clearly be of great advantage to this committee and to the people of Scotland.

The Convener: The clerks would like me to stress for the sake of accuracy that we have not yet confirmed the date of the visit, which would be subject to the agreement of the Conveners Group and organisational issues. Perhaps I should rephrase my question and ask whether—if we can get a time that suits the parliamentary committees, the clerks and ourselves—the committee agrees in principle to meet the commissioner. I am enthusiastic about the idea. Does the committee agree?

Members indicated agreement.

The Convener: I thank the cabinet secretary and Dr Elliot for coming along. It has been helpful to see progress on another health issue. I also thank Neil Findlay, who has shown great interest in the matter. Finally, I thank everyone in the gallery who has come along specifically for this discussion. You have shown a lot of courage. You are welcome to stay to hear our discussions of other petitions, but I understand it if you do not wish to do so.

I suspend the meeting for two minutes to allow our witnesses to leave.

10:26

Meeting suspended.

10:31

On resuming—

New Petitions

No More Page 3 (PE1521)

The Convener: We restart the meeting. We had some crowd control issues there—sorry to delay you all.

Agenda item 2 is consideration of four new petitions and, as previously agreed, the committee will take evidence on three of them. The first new petition is PE1521, by George Eckton and Jane O'Donnell, on no more page 3 in *The Scottish Sun* and the Scottish Parliament. Members have a note by the clerk, the SPICe briefing and a submission from the petitioners.

I welcome Jackie Baillie, who I ask to make a brief contribution after we have asked questions. I welcome both petitioners, who I thank very much for coming along. I am sorry to have delayed you. I am sure that you watched the discussion of our earlier petition and that you understand why it had to overrun.

I ask Jane O'Donnell to make a short presentation of around five minutes, after which I will ask a couple of questions before my colleagues take it in turns to ask questions.

Jane O'Donnell: My intention in this introduction is to provide some general information on the no more page 3 campaign before highlighting the work that has been undertaken to date in the Scottish Parliament and then outlining our reasons for bringing both parts of our petition to you.

Although many have felt uneasy about the prominence and presence of page 3 in our society for decades, the official no more page 3 campaign began in earnest in 2012 with Lucy-Anne Holmes, who opened *The Sun* newspaper on the day after Jessica Ennis won gold in the London 2012 Olympics to find that, even on that occasion, the most prominent portrayal of a woman was that of a topless woman—a page 3 girl, as they are called. Lucy-Anne wrote to the editor of *The Sun* newspaper at that time—Dominic Mohan—and asked him politely to drop that outdated and highly sexualised portrayal of women in his newspaper. *The Sun* has so far refused to do that.

Since that time, the campaign has grown in strength, striking a chord with men and women across the country. A petition hosted at the website change.org now has more than 195,000 signatures and, here in Scotland, there are bespoke no more page 3 groups in Edinburgh and Glasgow.

It is important to emphasise that the campaign is not asking for a ban on a newspaper. The petition calls on David Dinsmore and his Scottish counterpart, Gordon Smart, to voluntarily remove page 3 from the newspaper. There have been suggestions that *The Sun* acknowledges that it is time to end page 3. An interesting example of that is the version of *The Sun* that was recently delivered free to many households across the UK, which did not have a page 3 girl. Perhaps that was an acknowledgement that it is time no longer to have soft porn in a newspaper.

In November 2013, Jackie Baillie, who sits with us today, led a members' business debate on the no more page 3 campaign. I sat in the public gallery for the debate and was struck by the sincere support across the political spectrum from representatives of all political parties, who spoke to support the removal of page 3 from *The Sun* newspaper. The debate acknowledged the links between portrayals of women that are demeaning and highly sexualised and the real issues that we face in trying to achieve equality for girls and women in society—issues such as sexual violence; the murder of girls and women by family, partners and strangers; the inability to achieve equal pay across our industries; and the many issues of poor self-esteem that affect the life choices and potential of young women.

In the first part of our petition, we call on the Scottish Parliament to

“urge the editorial team of the Sun and Scottish Sun to voluntarily remove the page 3 feature permanently.”

Why are we asking for that? Page 3 is sexist and misogynist and is yet another relic from the sexist culture of the 1970s. Page 3 shows a young woman just wearing her pants. She is there to be viewed as a sexual object—she is objectified and subservient. She invites men to stare at her for as long as they like, and she will never complain. Surrounded by stories of men achieving their goals in business, politics and sport, page 3 reminds women that they can be viewed as no more than a series of body parts.

It is difficult to imagine how a newspaper can respectfully and responsibly report on violence and harassment against women while still using the page 3 feature. Page 3 normalises that view of women, and people think, “It's just a joke; it's just a bit of fun.” I refer the committee to the everyday sexism campaign, which is a remarkable campaign that evidences what women and girls experience every single day in our society as a result of that view. We have noted in our supporting submissions to the committee evidence from the United Nations that links readily available sexualised views of women with violence and sexual violence.

Page 3 is widely available and accessible to children and young people. *The Sun* and *The Scottish Sun* portray themselves as family newspapers. We are not a prudish campaign—we accept that there is a normal view of nudity and that it has a place in everyday family life. However, in other areas of the media we have different views on portrayals of nudity and we have ways to manage it in films, television and bespoke publications. For films, we have useful age-appropriate certification; for TV, we have a recognised watershed; and pornographic publications are still widely available but they are kept on the top shelf in shops, away from children's eyes. *The Sun* is everywhere. It has a wide circulation and copies can be found in the workplace, in homes, in cafes and bars and on public transport. We need mature and responsible views of sexuality and nudity as our children grow up in society—not this.

Some argue that there would be a commercial detriment to *The Sun* from removing the page 3 feature. As I said, the circulation is wide in Scotland. Are we suggesting that people buy *The Sun* only for page 3? I doubt that very much. Those of us who still buy newspapers buy them because we like the editorial content, the journalistic approach and the approach of the publication. That will be the same for the many readers of *The Sun* in this country. In Ireland, page 3 was removed from *The Sun* last year, with the editor citing “cultural differences”, and there was a negligible effect on circulation figures.

In the second part of our petition, we respectfully request that the Scottish Parliament take note of our evidence and, in recognition of the equalities framework and dignity at work policy that are in place in the Scottish Parliament, that it agree to remove *The Sun* and *The Scottish Sun* from the Parliament building on a temporary basis until the editorial team agrees to permanently remove page 3 as a feature of the newspaper.

Thank you for your time. We are happy to answer any questions.

The Convener: Thank you for making your statement in such a clear and helpful way. Mr Eckton, if you want to come in at any stage, please catch my eye.

I have a couple of questions to ask before I let my colleagues in. Your campaign has had widespread support, including from the Scottish Government, Police Scotland and across the political divide. What positive actions can we take to help your petition to succeed?

Jane O'Donnell: We are looking for MSPs from across the political spectrum to sign the petition and to support the no more page 3 campaign. We think that the Scottish Parliament has an influential

voice in our society—now more than ever as our country considers what Scotland means for the future. The Parliament can have a lot of influence if it adds its voice and supports us in asking for page 3 to be removed voluntarily from *The Sun* and *The Scottish Sun*.

George Eckton: I highlight the Parliament's ability to hold the Executive to account. Recently, there has been what we could view as a clear endorsement of *The Scottish Sun* by Glasgow 2014 in relation to the Sun+ website. We might get on to the issue of online availability, but for the committee's information I note that the Sun+ website, which is the electronic version of *The Sun*, hosts a back catalogue of objectification of women, where women can be spun through 360°, presumably for the viewing pleasure of men, presumably adults.

Two weeks ago, in the newspaper, there was a clear Glasgow 2014 logo endorsing a team Scotland T-shirt that was being given out for joining Sun+. That relates to holding the Executive to account. As the committee will have seen from our evidence, I have written to the cabinet secretary in question to ask for reassurance that that involved no public money and no public decision. We have had support from the Scottish Government, but we would like that to be followed through in its actions.

We are not asking for a ban. Others, including *The Sun* itself, have asked for economic sanctions to be taken against countries in which there are human rights abuses against women and children, through campaigns such as the bring back our girls campaign. I do not believe that our request of the Parliament is inappropriate.

The Convener: I have a final question to ask before my colleagues come in. As both of you will be aware, the Privy Council approved the royal charter on press regulation. Do you think that concerns about the portrayal of women in the press can be dealt with under that new regulation?

George Eckton: A difficulty has been expressed about how we transpose article 10 of the European convention on human rights. My understanding of the UK constitution is that we transpose it unedited, unlike Norway, which says, “You have complete freedom of expression.” However, Norway also has a constitution in which it is freely written—I will not get into the constitutional arguments—in article 100 that there are clear limits on the freedom of expression, and they are X, Y and Z. In the current UK constitutional arrangement, we do not have that. Therefore, I do not believe that self-regulation by the press is appropriate.

I have written about my not believing that page 3 is an appropriate defence of press freedom.

Press freedom is meant to protect journalists who risk their lives to expose serious detriments to human rights; it is not there so that a young lady from a narrow cohort of society can be objectified daily on page 3 of each newspaper. I do not believe that page 3 is an appropriate defence of press freedom.

Chic Brodie: Good morning. Let me be very clear: I totally agree with everything that you have asked for. I am very much in favour of gender equality. Indeed, some years ago I suffered from promoting women as managers, as they are much better managers than men in a commercial environment. Therefore, perhaps I understand some of the issues.

I want you to take my questioning in the manner in which it is intended. It will be fairly robust, but it should be recognised that I certainly reverse—as, I am sure, many of my gender do—the opposite sex for what they do and what they are.

What other organisations have you challenged on the portrayal of women in the way that you claim they are portrayed in *The Sun*?

Jane O'Donnell: We absolutely accept that there is a wider issue with regard to—

Chic Brodie: In that case, why have you picked on *The Sun*?

Jane O'Donnell: Because it is so famous. It is part of the culture. It is a brand, and there is the page 3 girl brand. The campaign has been working since 2012, although the issue has been a concern for a number of years, as I said. There are different views of women in our society, which can be difficult. We want to see a wide range of views of women that takes into account not only the different ways that we all look and their all being acceptable, but all the things that we achieve and do. Page 3 removes that in its entirety. Page 3 women are the perfect example of a brand of women that reduces women to the sum of their body parts.

Chic Brodie: What do you say to the women who take part in that and who want to take part in it?

Jane O'Donnell: There is clearly a job in glamour modelling, which other publications allow. I think that I have said that. However, those publications tend to be kept on the top shelf and are a different form of media.

Chic Brodie: The internet is not on the top shelf.

Jane O'Donnell: No, but we have other ways in which to protect children. Children are trained, but we do not train or look after our children enough to explain the matter. We have had conversations among ourselves—both of us here are parents—

about trying to explain the page 3 phenomenon to a child. I have a 12-year-old daughter who simply does not understand why there is a naked woman in a newspaper. She cannot understand why that would be there.

I was born in the 1970s and am of the generation for which page 3 has always been there. It has always been part of my life. There have been many moments during my life, in different situations, when the brand and feature have played a role in reducing me to feeling less than I could and to realising less of my potential. It is the number 1 objectification of women, and it is readily available to everybody in our society because of *The Sun*'s circulation.

Chic Brodie: You may or may not know that we undertook a thorough inquiry into child sexual exploitation, which covered boys as well as girls. Are you seriously conflating the 300,000 women who are sexually assaulted and 60,000 women who are raped each year with page 3 of *The Sun*?

10:45

George Eckton: That is not necessarily us. We are talking about breaking the cycle. The international trade union movement would recognise that, and the UN Commission on the Status of Women would recognise that there is a very broad spectrum and continuum of issues.

You asked who else we have tackled, so I will go back to that point. I am currently in the end stage of a process of appeal to the BBC Trust on the lack of equality in the use of BBC assets—in my view—to promote sexism via *The Sun* in relation to CBeebies. I have also challenged Tesco. The words that I have used come from the Union of Shop, Distributive and Allied Workers, which sees a relationship in that respect.

I have asked the assistant chief constable of Police Scotland about the issue. He sees a clear relationship and has identified academic studies that he is willing to police by. We are talking about prevention. The equally safe strategy that is forthcoming from the Scottish Government and local government will address the issue of prevention and how we can prevent the next generation from suffering the same issues.

This morning, I tried to explain to my four-year-old son where his daddy was going, because I was not going to work and I had my shorts and my campaign T-shirt on—which, thankfully, I have been able to reverse, otherwise the committee would have been objectifying me, as I did not have any other clothing on me this morning. I found it easier to explain gravity to a four-year-old who went to the Glasgow science centre at the weekend than to explain why there is a naked lady in a newspaper. He said, "Daddy, isn't there meant

to be news and words there?" I simply could not explain that. I can explain gravity and particle physics more easily than I can explain why there is a naked woman in a newspaper.

Chic Brodie: On the basis that you can explain gravity, can you explain civil liberty to me?

George Eckton: Do you mean civil liberty in terms of the Human Rights Act 1998 and freedom of expression?

Chic Brodie: Yes.

George Eckton: I presume that it is the idea that everyone has the individual right to express themselves freely and democratically, yet—

Chic Brodie: Do the models—

George Eckton: Excuse me—you have asked me a question, so can I answer it?

Chic Brodie: Okay.

George Eckton: Thank you. I believe that, if there is detrimental harm to individuals, the Human Rights Act 1998 and the ECHR, which we have enshrined in law, allow the opportunity to make legislation to protect those individuals.

Chic Brodie: Where is your evidence of detrimental harm to people? You have conflated the numbers that you have given with page 3, but the same argument could apply to many organisations. I am not saying that I support page 3 or any of those other organisations, but you have chosen to conflate that harm with page 3.

Where, in terms of civil liberties, which the editor of *The Sun* is entitled to enjoy as much as those who choose not to read that newspaper, is the evidence that page 3 causes the detriment that you say it does?

Jane O'Donnell: *The Sun* is a newspaper: its purpose is to provide news stories and to reflect current affairs. With regard to freedom of expression, the editor of *The Sun* or *The Scottish Sun* would, according to your argument, say, "We've got the right to show a naked woman in the newspaper."

Chic Brodie: Only if she agrees.

Jane O'Donnell: Only if she agrees—of course. We know that many young women choose to go into that profession. However, I refer you to the no more page 3 campaign website, where you can, if you get the chance do so, read some of the survivor testimonies from girls and women who have been part of the profession and have had very negative experiences.

The Sun is a newspaper and it is there to explain news and current affairs. If people want to express a certain view of nudity or pornography, there are other mechanisms for their doing so that

do not affect the people who do not wish to see those things.

As I said, we have age-appropriate certification in cinema and different views of sexuality and nudity, and we have ways to ensure that those things are dealt with responsibly and that material is appropriate for those who see it. The same applies to television. There are many concerns and complaints about television, but broadcasters generally tend to adhere to the 9 pm watershed. Parents know that, after 9 o'clock, if their child picks up something that they did not want them to see, they have a responsibility in that respect. As an individual, I can choose to use those different mechanisms to view what is acceptable to me. I cannot influence or control page 3 at all, and neither can any of the other women or girls who are affected by it.

We are talking about a newspaper, and the no more page 3 campaign has put it very well. Do you expect George Alaghia to introduce Syria on the 6 o'clock news and say, "But let's stop for a moment—here's 22-year-old Casey from Warwick"?

Chic Brodie: That is a nonsensical argument, if you do not mind—

Jane O'Donnell: No—forgive me, but it is the argument. There is no role for a naked woman in a newspaper. As I have said, we accept that there is a role for nudity, and for different sorts of nudity, but that is in different forms of media, not in the pages of a daily newspaper.

Chic Brodie: What other areas of censorship do you approve of?

Jane O'Donnell: On a personal basis?

Chic Brodie: I am asking you the question. What other areas of censorship do you approve of?

Jane O'Donnell: I do not see this campaign as a form of censorship—I am making that very clear. We are not banning anything or making anybody do anything. We are asking David Dinsmore and Gordon Smart to acknowledge voluntarily that page 3 represents a view of women that belongs in the 1970s, along with Jimmy Savile and all the other awful things that have come out recently about our society back then. We are saying, "No more of this", and we want them to say, "You're right". We want them, as media representatives, to portray very positive views of women—

Chic Brodie: So did Michelangelo and Picasso.

Jane O'Donnell: They could use page 3 to support women who are active and sporty, which is a view of women that is difficult to get across to our young people.

The Convener: Moving on from that point, Anne McTaggart has a question.

Anne McTaggart: I thank the witnesses for their answers so far. I fully support and have signed up to the no more page 3 campaign for all the reasons that you have given, Ms O'Donnell.

You are exactly right: the newspaper is there to deliver news. The newspaper is readily available, and I am surprised that our Scottish Parliament has not addressed the issue before now, given that you were here when Jackie Baillie MSP brought a debate on the issue to the chamber and asked the Presiding Officer to look at the Scottish Parliament's equalities framework.

There was a great deal of support in that debate. The issue is a no-brainer, and I am not sure why *The Sun* newspaper does not see it in the same way. I fully back your campaign.

George Eckton: Returning to the issue of censorship, I will outline the specific issue for the Scottish Parliament and the BBC. Rather sadly, and probably to avert my eyes from the England team losing to Italy at football, I, as a member of the public, was reading back over equalities frameworks and the Libel Act 1881, which is the only act currently in force that specifies what a newspaper should be in the UK. There is a common-law interpretation, but the 1881 act contains a very short definition, which states that a newspaper should impart intelligence.

I learned pretty quickly about the biological and anatomical differences between a man and a woman, and I do not believe that boobs are still news. All that we have done in our petition is reflect on the stated equalities framework under the Equality Act 2010, applied it and asked the chief executive why the Parliament stocks the publication. The answer was, "It's popular", so one might expect the Parliament also to stock *Playboy* and other magazines on the basis of popularity. I doubt that that would happen; it simply could not be done under the Parliament's dignity at work policy, which mentions pin-ups. Page 3 is a pin-up, and therefore the question is very straightforward. We have applied the equalities framework to the papers that are sold here and we hope that you, as our democratic representatives, will see that through. I do not believe that that would be inappropriate. I am quite happy to go with the assistant chief constable of Police Scotland, who says that there is a continuum and a spectrum of objectification. When it starts, people are aware of the issues, but it then becomes habitual and other things happen at the end of it. We appear to have accepted that in our drugs policy and other forms of public policy, and I would say that it happens in this respect too.

The Convener: I am sorry, but we are a bit pushed for time. Does any other member wish to come in?

Jackson Carlaw: Good morning. I am sympathetic to your arguments, but I am not quite sure what formal process you want to arise from the petition. A members' business debate was held on the subject, and spokespeople from all parties in the Parliament spoke in favour of the petition's aims. Therefore, in a sense, the Scottish Parliament has expressed in a chamber debate the very point that you want your petition to address.

I will bundle my questions together. First, I am not quite sure how you want us to further represent that view, given that Parliament has already done so. I am not sure whether you are looking for a formal Government motion that would be voted on. I do not think that there is a mechanism for Parliament to express a view beyond that, because Parliament is a collection of the members of the Parliament who would, I suppose, have to contribute to that expression.

Secondly, you were gilding the lily a bit when you said that *The Sun* is there to explain the news and current affairs—hmm. Mr Eckton suggested a slightly less defined interpretation of what a newspaper ultimately is. On that basis, a newspaper would not give us TV listings or tell us about "Big Brother" or a whole lot of other things that I could probably well do without knowing about, too. I suppose that, from time to time, *The Sun*, like all other newspapers, has managed to break an important and exclusive news story that may be of very considerable interest and importance to Scotland and the Scottish Parliament.

At one point in your evidence, I thought that you went further and talked about the banning of the publication from the Scottish Parliament's premises as opposed to its no longer being stocked or sold on the premises. I would have some concerns about that; by extension, one could argue that members would not be allowed to refer to the newspaper because it was a proscribed publication.

I have two concerns. First, have we not already given expression to the view that the petition calls for? What more do you want us to do? Secondly, do you understand my slight concern about the proscription of the publication within parliamentary premises when there might be a legitimate need to refer to it?

Jane O'Donnell: I will pick up your second question first. Perhaps it was semantics on my part, but the petition specifically calls for *The Sun* and *The Scottish Sun* not to be stocked or sold in the Scottish Parliament. The petition makes

specific reference to the Parliament's equalities framework and dignity at work policy.

If you wished to access the material because you needed to refer to it, you would not need to have a copy of *The Sun* in the building because the content is all available online. I also suggest that some of your colleagues and the staff who work here may feel uncomfortable if copies of *The Sun* were being used in a public area.

Last November's debate was great. It was the first time that I had come to the public gallery and watched a debate, and I was absolutely taken with the whole process and with the strength of feeling right across the political parties. I enjoyed it very much. However, moving on from the debate, I do not think that, as a campaign, we have seen all that we would want to see in terms of the Scottish Parliament's endorsement. The debate was positive and everyone signed up to it and agreed that the no more page 3 campaign was absolutely right. MSPs made the link between violence against women and sexualised views of women and others said—this is a quote from a member during the debate—“Surely we need to think about banning this publication.”

We are looking for the Scottish Parliament or the Public Petitions Committee to write to *The Sun* and *The Scottish Sun* to say that you have heard our evidence, that you lend your support to our campaign and that you ask them to remove voluntarily the page 3 feature from the newspapers. We are also looking for you to say that you find in favour of the second part of our petition and that you note, for their interest, that *The Sun* and *The Scottish Sun* will not be stocked or sold on Scottish Parliament premises until page 3 is removed.

The Convener: As committee members have no more questions, I ask Jackie Baillie to make a brief statement.

11:00

Jackie Baillie (Dumbarton) (Lab): Thank you, convener. I find it very interesting that, as a Parliament, we do not allow people to wear a T-shirt bearing the no more page 3 slogan, yet we allow boobs to be in newspapers that are freely available in the Parliament, which hundreds of children visit weekly and in which we pride ourselves on the very strong and positive images that we have of women, particularly as representatives in the Parliament. Perhaps we have got our priorities slightly wrong.

I am very supportive of the petition. As you have heard, it seeks to do two things. One is about not stocking or selling *The Sun* in the Parliament on a temporary basis while we all encourage it to do the right thing, which is to remove page 3.

I genuinely believe that page 3 is out of date. I am sure that my colleagues share my concerns about what happens when they are sitting on the train in the morning, probably not having had breakfast and still half asleep. When somebody opens up a copy of *The Sun*, you see a naked woman in front of you as if that is how women are and how they should be portrayed. Page 3 belongs to a deeply sexist culture that I thought we had left far behind.

Parliament as an institution rightly prides itself on having a robust equalities framework and great dignity at work policies for all our employees. However, those are only as robust as their implementation. If we apply those policies to *The Sun* newspaper in the Parliament, we do not measure up. The Parliament should be concerned about that.

Indeed, it is not only the Parliament but the Government that should be concerned. Successive Governments of various political persuasions have all said that we have to have equality at the heart of everything that we do. We talk about income inequality, health inequality and, of course, gender inequality. This is an opportunity to encourage the gender equality that we aspire to.

To borrow a phrase from the First Minister, I say as gently as I can to Chic Brodie that, when we had the debate in November, the minister, Shona Robison—now the cabinet secretary—rightly noted the link between sexualised images of women and the fact that sexual predators and criminals were more likely to inflict violence on women who, given how *The Sun* portrays them, are seen simply as a collection of body parts. There is a clear link and there is a continuum. I see Chic Brodie shaking his head, but if even Police Scotland now recognises that there is a continuum relating to the objectification of women and violence as a consequence of that, surely he can be persuaded likewise. In the debate, the Scottish Parliament, across the parties, recognised the link, and the Scottish Government—Chic Brodie's Government—agrees. I hope that the committee will do likewise.

Councils across Scotland are now beginning to remove *The Sun* from their public libraries, because they recognise that such objectification of women is out of date and out of touch.

Following the debate, I wrote to the editor of *The Scottish Sun*, one Gordon Smart, who eventually replied—he is clearly a busy man; I do not think that we will meet any time soon. He said something that was quite interesting: he said that this was an editorial decision for David Dinsmore, the editor of *The Sun* down in London. I think that the Scottish Government agreed to write to him, although I am not sure whether it has done so. It

would be very powerful if the Scottish Parliament applied its equalities framework and dignity at work policy, and if it also led the charge to ensure that there is no more page 3 in *The Scottish Sun* by writing—the committee could do so—to the editor of *The Sun*.

John Wilson: Convener, I am not sure whether it is fair on Ms Baillie to ask her to answer this question, but perhaps Ms O'Donnell will take the opportunity to answer it.

You are calling for a temporary ban on *The Sun* newspaper in the Scottish Parliament until it removes page 3. Would you go so far as to say that we should also withdraw the press credentials of journalists from *The Sun* as part of the action against it? I ask for the purposes of clarification. You are talking about banning *The Sun*, but press credentials continue to be issued for journalists from *The Sun* who act on behalf of the publication in the building and report on matters that take place in it. Would the logic of your argument about banning *The Sun* from the building or preventing its availability in the building also extend to withdrawing press credentials from journalists?

The Convener: I direct that question to the petitioners, because Jackie Baillie is obviously not a witness.

Jackie Baillie: But I am happy to answer.

Jane O'Donnell: I think—I hope that I have made this clear—that *The Sun* newspaper has a role to play in our society. It is a publication: it provides news articles and news information about the work of the Scottish Parliament to its readership. That is very important and it is something that we all firmly believe in.

John Wilson: To use your argument, the journalists could also find that information online—it could report the information that is provided online by the Parliament.

Jane O'Donnell: That is true. I am not a journalist and I am not here to speak for them, but my understanding is that they would say that they like to speak to the MSPs and to the clerks and officials who support them so that they get to the truth of the matter and portray it as well as they possibly can.

I would love to see *The Sun* newspaper continue to do well in Scotland without the page 3 feature. No one in the campaign is calling for an end to *The Sun*. We do not want its circulation figures to drop; we want it to continue to do well. We just want it to remove that feature.

George Eckton: We are asking you to apply the Equality Act 2010 as it applies to public bodies. The implication relates to the general duty or the protected characteristics.

Although my mum supports the campaign, she would be a very unhappy aunty if you made my cousin—who is the home affairs editor for *The Scottish Sun*—redundant. I believe that the newspaper performs a public duty as regards reporting news outwith the Parliament, but we are applying the Parliament's equalities framework to the newspapers that it stocks. That is what I asked the chief executive to do when I spoke to him and it is what Jane O'Donnell has intimated in her evidence.

We are trying to keep the petition as focused as possible, as we were asked to do by the clerks when we presented the petition to you. We wanted a wider petition but we were asked to be as focused as possible.

The Convener: Thank you for that. I am conscious of time and, as a result, I do not particularly want to open this up to a larger philosophical debate. However, Mr Brodie has a brief question.

Chic Brodie: First, Ms Baillie—probably not for the first time—clearly did not listen to what I said in my opening peroration.

Jackie Baillie: I listened very carefully.

Chic Brodie: Having said that, we are talking about fairness and equality. I am not saying that I support *The Sun* doing this—I cannot pretend that I read it a lot; when I do, I tend to read the sports pages—but we are talking about fairness, equality and civil liberties.

If there was a compulsion for young ladies to appear on page 3, I would understand the issue. Although *The Sun* clearly promotes page 3, there are others, including glamour models and so on—it is not just restricted to *The Sun*. It is a very popular paper, but some of commentary in women's magazines about big hunks or whatever they call them is ridiculous. I am not saying that I support page 3, but I ask us to be fair, equal and understand our civil liberties obligations—that is my issue.

The Convener: I am very conscious that we could have a much longer debate, and I am not trying to stifle debate. However, I am also conscious that we are running very late. We are now at the summation point, which the petitioners will probably know about from our consideration of the previous petition. This is the point at which we end the questions and the committee comes to conclusions. I ask the petitioners to stay where they are and committee members for their views. Obviously, our options include seeking views on the petition from *The Scottish Sun*, the Presiding Officer, who is responsible for conduct in the Parliament, and the Equality and Human Rights Commission.

John Wilson: I have been a supporter of the no more page 3 campaign since the 1980s, and I am glad that other newspapers that used to carry page 3, such as the *Daily Record* and the *Daily Mail*—sorry, I meant the *Daily Mirror*, not the *Daily Mail*. That is my mistake; I did not intend to offend *Daily Mail* readers—no longer do. I am fully supportive of the campaign. I had to ask my earlier question because once we start looking at a temporary ban, we have to think about the logical extension of what that may mean.

I suggest that we write to *The Sun* and ask it about removing the page 3 feature. The page 3 feature prevents me from reading *The Sun*, particularly the editorial, which is always on page 2—coincidentally just opposite page 3; I do not know what *The Sun* is trying to say about its editorials.

Ms O'Donnell referred to the fact that the edition of *The Sun* that was distributed nationally for free did not contain a page 3 feature. She asked why *The Sun* felt it necessary to distribute the newspaper for free without a page 3 feature.

I suggest that we write to the National Union of Journalists, too, because I am sure that it will have a view on the issue. It would be interesting to get the NUJ's view on a publication that involves NUJ members.

The Convener: Can we just focus on one thing at a time? We will concentrate on the first suggestion. Does the committee agree to write to *The Scottish Sun* in terms of the petitioners' request and the issue that John Wilson raised about the free distribution of the paper?

John Wilson: We would need to write to the national version of *The Sun* on that point.

The Convener: Yes. There are different points for *The Sun* and *The Scottish Sun*.

Jackson Carlaw: Can we also write to the Parliament's chief executive to ask for a schedule showing the number of copies of the newspaper that are stocked, displayed or sold within the parliamentary campus? I would like to know where copies of the paper are kept. I am aware that a couple are for sale at the coffee bar and that there is usually one on display in the members' lounge and possibly in the restaurant.

Chic Brodie: The newspapers are in SPICe.

Jackson Carlaw: A copy of the paper is kept in SPICe, which is not open to the public. It would be helpful to understand from the chief executive how many copies of the paper the Parliament purchases and where they are kept in the parliamentary campus. I hope that they are not all in the offices of any one political party.

I also suggest that we write to the leaders of each of the political groups in the Parliament, asking them to establish the views of their group in relation to the aims of the petition as stated. Clearly, it would be useful to know whether the petition enjoyed cross-party support, perhaps including members who might not want to sign a motion per se.

The Convener: Thank you. First, on the point about where the paper is stocked, we can easily ascertain that by writing to the secretary to the Scottish Parliamentary Corporate Body. Do members agree to our doing that?

Members indicated agreement.

The Convener: I think that John Wilson's second point was about writing to the NUJ.

John Wilson: Yes.

The Convener: Do members agree to that course of action?

Members indicated agreement.

The Convener: Do members agree to our writing to *The Scottish Sun* about the petitioners' request and to *The Sun* nationally about the issue that was distributed for free?

Members indicated agreement.

Angus MacDonald: Following on from that, the briefing from the clerks noted that, in February 2013, in response to a tweet about page 3 being old fashioned, Rupert Murdoch suggested that he was considering whether to remove page 3 and replace it with a

"halfway house with glamorous fashionistas".

I like to think that I am one of those, by the way.

Jackie Baillie: You and Chic Brodie.

Angus MacDonald: Is it within our remit to contact Rupert Murdoch directly to see whether he can advise us if he has moved on from his suggestion that he was considering removing page 3?

The Convener: What are members' views on that request? Do members wish the committee to write to Rupert Murdoch?

Chic Brodie: I have a general concern that is of a totally different dimension. As I said earlier, I would not advocate reading the paper, but I am concerned about having a say no to Tesco campaign, for example, and particularising the issue in that way. There is a larger problem, and we should have a proper inquiry on it and ask questions of the appropriate bodies.

The Convener: Sorry, but can I just nag the committee by asking it to focus on the individual suggestion? If we do not do that, we will be here

for some time. The suggestion is that we write to Rupert Murdoch. What is the committee's view on that?

Chic Brodie: No.

The Convener: Chic Brodie is opposed to doing that.

John Wilson: I would be minded to write to Rupert Murdoch. If we do not write to him as an individual, perhaps we can write to his corporation.

The Convener: Does David Torrance agree?

David Torrance: Yes.

Anne McTaggart: I agree that we should write to the corporation.

Jackson Carlaw: I think that we should wait until we have received responses to our other inquiries. I just wonder whether Angus MacDonald's further suggestion might open us up to a slightly more lurid and sensationalist treatment of the petition than we would wish for.

The Convener: So you do not disagree with the principle; you disagree with the timing. Is Angus MacDonald happy to wait as Jackson Carlaw suggested?

Angus MacDonald: I am content to wait and for the committee to keep my suggestion as an option.

The Convener: Okay—let us put that on the back burner. Do members have other ways forward to suggest?

Anne McTaggart: I am not sure whether we have got to this bit, but has Shona Robison done what she said she was going to do?

11:15

The Convener: Do members agree that we should write to the cabinet secretary about that?

Anne McTaggart: She may well have received a reply. Could we have that information?

The Convener: There are a number of suggestions, and the clerk will keep me right if I have missed any. We will write to *The Scottish Sun*, asking for its views on the petition. We will write to the UK *Sun* regarding the issue that was distributed for free. We will write to the NUJ and the leaders of the political parties. We will also write to the Scottish Parliamentary Corporate Body to determine the number of copies of *The Scottish Sun* that it stocks. We will hold fire on writing to Rupert Murdoch until we get the other replies.

Anne McTaggart: Could we have some research on the impact on the newspaper in Ireland?

The Convener: Sorry—which newspaper?

John Wilson: *The Sun*.

Anne McTaggart: Sorry—we heard in evidence today that *The Irish Sun* stopped page 3.

The Convener: I think that Jane O'Donnell referred to that.

Anne McTaggart: Could we find out—

George Eckton: Convener—

The Convener: Sorry—we are past the question stage. We are now at our summation.

Anne McTaggart: Could we have some evidence about that?

The Convener: If the petitioners have any further information to help us, it will be gratefully received.

John Wilson: For clarification, I suggested that the committee write to News International, not Rupert Murdoch.

The Convener: I think that the committee picked that up.

I thank committee members for those suggestions.

As the petitioners can see, we will pursue the matter on a number of fronts. I thank them both for coming along and for their very articulate input to the committee's deliberations. I also thank Jackie Baillie—as always—for her articulate contributions to the committee.

11:16

Meeting suspended.

11:18

On resuming—

Planning System (Consultation) (PE1518)

The Convener: Our second new petition is PE1518, by George Chalmers, on meaningful public consultation within the Scottish planning system. Members have a note by the clerk, the SPICe briefing and the petition.

I welcome Mr Chalmers to the meeting. Thank you for coming along, and I apologise for keeping you late. I invite you to make a short presentation of no more than five minutes. I will then start off by asking some questions, and committee members will follow.

George Chalmers: Thank you for giving me this opportunity to air my views on the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and to voice my opinion that the major developments criterion is being treated as if it were no more than a

voluntary code of practice and, as such, can be and is being ignored with impunity as and when it suits the developer.

I am not in any way an expert on the planning system or planning regulations. My interest in the planning system was triggered in 2010 by curiosity—in particular, curiosity about why a developer would submit two applications for one development adjacent to my property and about our local authority's initial reluctance to engage in dialogue on the issue.

After much googling of the planning regulations, it became clear that this practice was being used solely to prevent developments from being classed as major under the regulations, thus avoiding—but not being limited to—meaningful pre-application consultation with communities. If that right to meaningful consultation is easily ignored, the regulations are not fit for purpose.

Given the basis of the petition, could not an independent opinion give an unbiased perspective to the issue? Could Planning Aid for Scotland fulfil that role?

As an example to support my voluntary code of practice opinion, the design statement submitted along with the two applications stated:

“Due to the time constraints imposed by the landowner it was not possible to pursue a Major Applications Planning Procedure in this instance. The significant time implications created by the Major Applications process would have pushed the determination of the applications beyond the period afforded to the developer by the landowner and may have extended into the period within which the current local plan is superseded by the weight of material consideration imposed by the emerging local plan. For reasons described above it was necessary to split the development into two applications. Accepting the above situation and the consequential actions, it was never intended that in not pursuing the Major Applications procedure public consultation would not be carried out.”

The same document also states:

“Forming part of the curtilage at Waterton Farm Pitcaple and lying to the north of the village of Whiteford the site is approximately 2.6 hectares in area.”

That is a clear, unambiguous statement being used to justify a major development not being classed as a major development. That is the crux of my petition. That was all accepted by the local planning authority and, disappointingly, by our councillors on the local area committee.

I fail to understand how regulations can ever be deemed fit for purpose when, one day, a planning authority classed the development concerned as major and then, by the simple manipulation of paperwork, the very same planning authority no longer considered it to fit that criterion.

No public or community council consultation was ever subsequently carried out, and the emerging local plan was not adopted until June

2012, some 19 months after the applications were submitted. The general public deserves better.

When the example quoted above went to appeal, the reporter appointed by the Scottish ministers commented in the appeal decision notice:

“The layouts make clear that the project before me and the 3-dwellings project can in many ways be regarded as part of a single scheme.”

Should not the local planning authority or our local area councillors be considered competent to make those decisions? If not, who is?

Do the Scottish ministers have that power under the legislation? It states:

“But the Scottish Ministers may, as respects a particular local development, direct that the development is to be dealt with as if (instead of being a local development) it were a major development.”

When, how and by whom is that power invoked?

The briefing note before the committee gives one interpretation of one aspect of the regulations, based on the second sentence from circular 5 2009, paragraph 10. Given that that paragraph has only two sentences, and no account having been taken of the first sentence in the paragraph—in my opinion, a sentence very pertinent to the second sentence—it could be argued that the interpretation in the briefing note requires scrutiny. To base an opinion on one sentence, which, it could be argued, has been taken out of context from a vast array of documentation, is open to question. It may have been more helpful to the committee to have had an interpretation of the complete paragraph. It would be interesting to know whose interpretation of circular 5 2009 makes it “clear”.

The Convener: Mr Chalmers—

George Chalmers: In conclusion—

The Convener: You have pre-empted my chasing you to wind up.

George Chalmers: In conclusion, it has become increasingly difficult—some would say nigh impossible—for the general public to have their voices or opinions listened to within the current system, particularly when it comes to local planning issues.

The public deserve robust regulations. Unfortunately, as shown in my petition, the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, which are said to be at

“the heart of the modernised planning system”,

are not. They are far too easily bypassed.

The Convener: I have a couple of questions before I bring in my colleagues. You have made

interesting points. What evidence—if any—do you have that, Scotland-wide, developers are bypassing planning regulations in the way that you described as happening locally?

George Chalmers: I gave examples in the petition. Alison McInnes contacted all the local authorities that are in her region. Every local authority seemed to have evidence that such a scheme had been used. In one case in Moray, 10 applications were made for one development.

The Convener: What actions do you want from the Scottish Government?

George Chalmers: I want clarification. If there are get-out clauses, they should be clearly defined in the regulations. If a major development involves a site that is 2 hectares or more, but that depends on several factors, that should be included in the regulations. The public deserve robust regulations, but they certainly are not robust.

The Convener: I throw the session open to colleagues who wish to ask questions.

Chic Brodie: I am intrigued after reading the comments from Dundee City Council. We know about situations when a developer applies to build 50 houses and then asks to build another five or 10 houses. Do you have an indication of how many changed applications are made?

George Chalmers: When I asked the Scottish Government about that, a minister said:

“We are not aware that there are significant numbers of applicants”.

However, the Government has no real idea of the number that try that approach. From what I can see, it tends to be smaller developers that do it; major developers probably go through the proper procedure, but smaller developers and individuals can quite easily bypass the system by making two applications.

Chic Brodie: Are you saying that developers put in the first application, instead of the larger application that they might know that they want, to be sure that they will get that?

George Chalmers: If an application is deemed to be for a major development, a proper public consultation process must be followed. Our local issue involved two applications that were made on the same day. Originally, the developer put in one application, which the council said would be a major development. Some days later, the developer went back with two applications, which the council said was fine. That was just manipulation of paperwork.

The case in Moray is even worse. The biggest problem that I have found is in how councils administer their planning websites. Until now, it has been easy in Aberdeenshire to follow how

each application has developed through the process, but Aberdeenshire Council has changed its system to be in line with that in Moray, which is not user-friendly at all. Under that system, it is impossible for the public to trace every step of an application from its start.

John Wilson: You have brought an interesting issue to us. You gave an example from Aberdeenshire, which started your interest in major developments versus other developments. You said that the developer made two applications—one for 15 houses and one for three houses—after making an original application for 18 homes. Do you know who advised the developer to split the application? Do you know whether advice was given?

George Chalmers: The local council sent the developer a letter that said that a pre-application consultation would be required, because the site was over 2 hectares. A few days later, the council’s planners and the developer’s agent met. At that meeting, the agent basically said, “Sod the system—we’ll just put in two applications.” Those were not his exact words, but he said that putting in two applications would get round the problem.

John Wilson: I hope that the advice was more technical.

George Chalmers: The only reason why we found that out was because we received handwritten notes after we made a freedom of information request. It is very hard to find the paperwork between developers and the planning system, which is why we made the FOI request. The handwritten notes showed how the process had worked.

11:30

John Wilson: The reason I asked that question is that elected members often rely on local authority planning officials to make recommendations about potential developments. We expect the professional integrity of planning officers to be such that they will take on board any regulations that might apply to developments. You have indicated that there is a potential to say that planning officials have colluded with developers to say, “We can avoid making this a major development by splitting the application up.”

Based on the information that has been provided, and after looking at the two applications, the Scottish Government’s official reporter said that, had there been only one application, it would have been deemed to be a major application and would have been subject to the public consultation regime that is required for planning applications. Do you think that there was a deliberate attempt to avoid going through the public consultation process?

George Chalmers: The evidence shows that the planners in Aberdeenshire Council had been in touch with Government officials. We know from the freedom of information request that there had been verbal discussions and then emails had been sent.

I get the impression that, if the Government officials had said, "No, you can't do this," it would not have been done. The letters that I got from Aberdeenshire Council showed that it was depending on Government officials approving what it had done.

John Wilson: The Government's reporter intimated that the application would have been classified as a major development. However, the reporter makes a recommendation to the local authority, which will then make the final deliberation on whether the development goes ahead.

The point that you have raised is that there is a lack of transparency in terms of the consultation process and the information that is available, and that developers and, in some cases, planners could be accused of bypassing the public consultation commitments under the 2009 planning regulations.

George Chalmers: Yes, but what gave Aberdeenshire Council confidence was the communication that it had with Government officials. The letters that we have received from the council indicate that it was comfortable with what it was doing because it was being told by Government officials that it was a-okay.

John Wilson: In your opening remarks, you referred to the community councils not being fully consulted. My understanding is that community councils are statutory consultees on planning applications. Do you think that there was an attempt to bypass the community council as a statutory consultee in terms of the planning process?

George Chalmers: Having been to the community council a few times, I understand that the developer had made arrangements to present the plans to the community council but that, because of weather conditions, it was unable to do that. There was never any further communication between the developer and the community council or the community. In its design statement, the developer said that, although it had not followed the major procedure route, it was still going to do the community council consultation and make a presentation to the local community on the development. None of that ever happened.

The Convener: This is not a question, Mr Chalmers; it is more of an observation. If what you are saying is correct—I have no reason to doubt that it is—then, effectively, planners across

Scotland are flying under the radar by avoiding triggering a much more major procedure.

George Chalmers: I think that the planners cover themselves by contacting the Government officials. That is the card that they are playing. Every time we spoke to them, they said, "Government officials have said this is okay."

The Convener: As colleagues have no other questions I will go to straight to summation. Clearly it is important to get the views of the Scottish Government, Royal Town Planning Institute Scotland and Heads of Planning Scotland. Do members agree to that, or do members have alternate or additional views?

John Wilson: I have additional views, as usual.

The Convener: Good.

John Wilson: I suggest that we also write to Planning Aid Scotland. When we write to the Scottish Government and Heads of Planning Scotland, we should ask them whether they have carried out any investigations or research into the availability of information from local authorities online in relation to planning applications. Mr Chalmers made the important point that many members of the public rely heavily on online information. If it is difficult to access that information or if all the information is not online, how do the public feed into the planning process and make objections to or support planning applications?

Chic Brodie: I agree with John Wilson. I wonder whether we should also write to the heads of planning in not necessarily all the local authorities but selected local authorities. I see Jackson Carlaw despairing at that suggestion, but it would be interesting to see whether there is consistency of approach.

The Convener: Do members agree that we continue the petition?

Jackson Carlaw: I suggest that we write to Alison McInnes and Nanette Milne as well, who appear to have been raising issues of concern regarding this, to hear what conclusions they have reached, or hear about any other conversations that they may have had, arising from that inquiry.

The Convener: That is a very good point.

As you have heard, Mr Chalmers, we are continuing the petition and we will write to a series of organisations. We will keep you informed of developments and we will discuss the petition at a future meeting, once we have all the material before us. Thanks again for coming along; we appreciate your evidence and we will keep you up to date with developments.

11:37

Meeting suspended.

11:38

*On resuming—***Save Our Seals Fund (PE1519)**

The Convener: PE1519 is by John F Robins, on behalf of the Save Our Seals Fund, on saving Scotland's seals. Members have a note by the clerk, the SPICe briefing, the petition and a submission from the petitioner.

I welcome Mr Robins: thank you for coming along and sorry for delaying you.

John F Robins (Save Our Seals Fund): No problem. Thank you for inviting me.

The Convener: I invite Mr Robins to make a brief presentation of a maximum of five minutes, after which I will kick off with a couple of questions before I ask my colleagues to ask further questions.

John F Robins: To understand the situation in Scotland regarding shooting seals we must look back at its history. Under the Conservation of Seals Act 1970, anyone who applied for a variation to a firearms licence could, as long as they used the correct calibre of rifle, shoot any seal at any time—apart from anglers, who could not shoot seals during the close seasons. You will see in our briefing paper, which you have in front of you, that the close seasons are three months in the summer for common seals and three in the winter for grey seals.

The reason why angling bodies could not shoot seals in those periods was that they did not have equipment to protect. Salmon netmen have nets to protect from damage. The old Scottish Office also accepted that fish farms came under the same section, as they had cage nets to protect. They could shoot seals 365 days a year without a licence, but angling bodies had to get a licence if they wanted to shoot in the close seasons.

In the past, the only licence issued was the one for people who wanted to shoot in the close season. I remember having questions asked at Westminster about the number of seals that were shot in a year and the answer came back that it was 60. That was correct in that 60 seals had been shot under licence. The real figure had to be a guesstimate that I produced in the mid-1980s, which was that perhaps 6,000 seals were being shot per year in Scotland. That was an average of 10 per salmon farm and 10 per netting station.

I was at a fish farm conference in Inverness as a representative of a fish food sales company. The chaps from the fish farms were quite happy to talk

to me because they thought that I was with the industry. One was quite happy to tell me, "We shot 60 seals last year." That was at one farm unit.

We did a documentary for Channel 4 about the shooting that went on at the netting stations. A chap from Hopeman quite openly said that he shot 89 seals at one net in one season. That is the scale of it. My figure of 5,000 to 6,000 a year was not challenged, and I feel that it was conservative.

Then the Conservation of Seals Act 1970 was replaced by the Marine Scotland Act 2010. What worried me was that it was said that the 2010 act gave seals added protection in that everyone would have to have a licence to shoot seals. One or two licences have been refused, but once an individual has that licence, they can shoot seals 365 days a year up to the limit that is set on the licence. That means that angling bodies have an extra six months a year in which to shoot seals without going through the palaver of applying for a licence. Previously, they had to get the licence for the close season and many of them did not bother, so seals in estuaries would have protection during close seasons. Anglers would not shoot them while they were breeding but would do so at other times of the year. That protection has been removed.

Marine Scotland has come out with more spin than Malcolm Tucker on this one. It is saying that there is added protection when the opposite is the case. That piece of protection has been removed.

I made a submission when the Animal Health and Welfare (Scotland) Bill was being brought in. One of the things that we pushed was the fact that fish are sentient. Fish feel pain and stress, and they react to adverse stimulus. After the Animal Health and Welfare (Scotland) 2006 was put in place, fish farmers, like any other farmer, inherited a duty to protect their stock from predators. That does not simply mean that you have to stop the fox from getting in and taking a chunk out of your chicken. The fish farmers have to stop the seals from getting to the nets and biting the fish, but they also have to stop them from getting close enough to cause the fish stress.

The Convener: Excuse me, Mr Robins, but your five minutes is up. We have time for questions. I hope that we can pick up the rest of your points then.

You have argued that 1,000 seals are shot under licence each year and that that is cruel and unnecessary. What assessment have you made of the effect of your proposals on salmon farming, for example?

John F Robins: Up to 1,005 can be shot this year. We are talking about an industry that has a history of not having to tell anyone how many seals are shot. The farms are in very remote

areas. No one polices the shooting. We take the farmers' word for it that they are shooting only X number of seals. Strangely enough, they increase the request for how many seals they want to shoot and Marine Scotland has reduced the number that they are allowed to shoot. I do not see how that balances.

The other thing is that, under the new act, a farmer has to protect their fish but they cannot do that by shooting seals. They would have to get someone who could shoot day and night to stop the seals getting near the salmon. The only way to do that is to put up external barrier nets to stop the seals getting in close.

11:45

The Convener: You have predicted my next question. You talked about installing high-tension predator exclusion nets. I know that it is very hard to be explicit about the costs for that, but what would it cost for an average fish farm?

John F Robins: I can be very accurate. We asked the American Government to ban the import of salmon farmed in farms that are allowed to shoot marine mammals, which is not allowed in the United States. The US has a great law whereby if a non-American producer is producing something unfairly compared with domestic producers, the Government can stop any of its imports. The Canadian branch of Marine Harvest brought in exclusion nets that cost 120,000 Canadian dollars for one farm. That is a lot of money but not a great deal given the size of the industry.

Chic Brodie: I declare an interest in that I have worked with a company that is about to introduce an onshore salmon fish farm and a company that has developed a submersible for tidal power that manages to avoid killing seals or any other marine life.

I think that we will see more and more onshore fish farms. However, in terms of the technology, can you explain the acoustic deterrent device and tell us how successful it has been?

John F Robins: There are various options of acoustic devices, some of which are better than others, and some of which are still on trial. I went to a fish farm where the manager said, "We've got two acoustic devices. When we see seals in the area, we turn them on—they scare the seals away. We don't have to do any shooting here." I think that it was two years since the farm had last shot a seal. I went on to the farm and I heard a generator on one of the barges. I said to the farm manager, who lived on a floating house on the farm, "I hear you've got the acoustics on. Any seals about?" He said "Naw, we don't get seals here. I've been running that 24/7 for the last three

years." What that means is that seals are being moved away from their natural habitat. That farm was within a quarter of a mile of a traditional seal rookery and haul-out site, but it got planning permission to be there, just as farms get permission to be put at the mouths of salmon rivers in the estuaries. If the industry started today, that would never be allowed.

The acoustic devices work on some farms—some come back and say, "Yes, they're working"—but, again, the question is how we police that. There is nobody there to see exactly what is going on.

Angus MacDonald: Good morning, Mr Robins. Your petition covers quite a number of issues. My colleague Chic Brodie has already mentioned the high-strength, high-tension predator exclusion nets, which I have seen at first hand. They have been introduced by Marine Harvest and I saw them on some of its farms up in Lochaber. Those nets have already been introduced by major salmon farming companies, although I believe that there have been some initial difficulties with them. The industry certainly seems to be heading in the direction of the onshore tank farms that Mr Brodie mentioned as well as of moving salmon farms further offshore out into the deeper water. There are developments in the industry that are going to address the issues that you are concerned about.

John F Robins: We have to be careful when we talk about anti-predator nets. Some farms are getting bigger cages and putting stronger-tension nets around the cages. That means that seals cannot push the net in far enough to grab a salmon, but they can get close enough to panic and stress the salmon. There should be an anti-predator barrier perhaps 50m away from the inner cage, so that seals cannot get close to it.

The onshore fish farms are probably the best way forward as they do not have lice or predator problems and, instead of the pollution lying on the seabed, it is bagged up and sold as fertiliser. That is the way forward. It was started in Otter Ferry on the Argyll peninsula. A chap who was a director of the Scottish Society for the Prevention of Cruelty to Animals was in charge of that. The problem was that he made a big mistake and started to dabble in genetically modified salmon. He killed his business. His son now farms halibut onshore and is making a damn good business out of it, because that has a higher value. He cannot compete with salmon and bring them onshore, because it is currently still cheaper to do that work in the sea. That is because we do not regulate it properly, although we could. Marine Scotland could say, "If you want a marine fin-fish farm, you must put in predator exclusion nets." However, that simply does not happen.

Angus MacDonald: That is a fair comment.

I think that I caught the Channel 4 documentary that you mentioned. It is clear that there are issues with netting stations, and I believe that the Government is looking at them. It looked at them during consideration of the Aquaculture and Fisheries (Scotland) Bill and is still looking at them. Could you develop your argument about netting stations? For example, should the Government buy out all the netting stations and put an end to netting altogether?

John F Robins: I think that that is the best way forward. If a salmon netsman gets a salmon in his net and bangs it on the head, he will get £70 to £100 for it. If a salmon gets into the estuary and up the river, it will be worth £2,000 to the Scottish economy, as it will be caught perhaps two or three times before it gets to the head of the river. Anglers come in and stimulate the tourism industry, as they spend money. That is the estimated value. There is £70 if the person bangs the salmon on the head at the net and £2,000 once it goes up the river.

The approach that has been mentioned would make a lot of sense. Usan Salmon Fisheries says that it is trialling a new acoustic device, and it is working. It would be nice to follow that through and see whether it does work but, unless an external body properly audits what is going on, I do not have a lot of faith in the industry at all. I am not accusing any specific company; the whole industry is simply too remote and secretive, and it needs to be monitored.

The Convener: For completeness, what happens to the seals that are shot?

John F Robins: Ideally, they should be brought ashore and autopsied but, as far as I am aware, only one has been in the past three years. That might be something to do with a Scottish Government meeting that was held in Inverness four years ago, I think. You have heard of the Scottish seals forum, which is interested in whether seals should or should not be shot. It is weighted 3:1 in favour of organisations that actively shoot or support the shooting of seals. I tried to access that forum four times and was refused four times.

A chap from Australia was brought over, and he spoke for five minutes at the meeting in Inverness. He was the keynote speaker, and he thanked the Scottish Government: he had never before flown on the class of flight from Australia that he had been on, and he had really enjoyed the trip. He was enjoying being back in Scotland and seeing his old colleagues. The best bit of advice that he gave to the people who were sitting around—the meeting was to do with the Moray seal management plan—was, “If you’re going to shoot seals, do it in the morning when there are no tourists about.” He was brought from Australia to

tell people that. The attitude has been, “If you’re going to do it, do it quietly.”

The Convener: Thank you for that.

Unless colleagues have any other questions, we will go to summation and look at the next steps.

It seems to me that there are two main things that we can do. We can either continue the petition and ask the relevant bodies questions, or refer it to the Rural Affairs, Climate Change and Environment Committee, which has recently looked at the bill that became the Aquaculture and Fisheries (Scotland) Act 2013. It is a matter for members. I think that at least one member of this committee is on the Rural Affairs, Climate Change and Environment Committee.

My view is that it is probably worth referring the petition to the Rural Affairs, Climate Change and Environment Committee but, again, I will take advice from committee members. Should we refer the petition to the committee that recently looked at the subject area?

Angus MacDonald: I would be keen to seek the views of the Scottish Government and Marine Scotland first, before we refer it to that committee. As you say, it recently scrutinised the Aquaculture and Fisheries (Scotland) Bill, so the issue is still fresh for it.

The Convener: I think that you are suggesting that we do a bit more homework before we refer the petition.

Angus MacDonald: Yes.

The Convener: I suggest that we ask the Scottish Government, Marine Scotland and the special committee on seals for their views.

John Wilson: We should also write to the Scottish salmon association—I am trying to think what it is called. I know that there is a national body that covers the industry.

John F Robins: I think that it is now called the Scottish Salmon Producers Organisation.

John Wilson: Yes. We should write to that organisation, too, to seek its views on the petition.

The Convener: Do members agree to the suggestions?

Members indicated agreement.

The Convener: I thank Mr Robins for his evidence and for the technical advice that he has given us. Obviously, we are continuing the petition, so we will keep him up to date with developments and discuss the petition again at a future meeting.

John F Robins: I quickly point out that I have read the SPICe briefing paper and found two or three major errors in it.

The Convener: Could you perhaps send us a note, and we will have a look at that?

John F Robins: I will do.

The Convener: Thank you for coming, Mr Robins.

11:55

Meeting suspended.

11:55

On resuming—

Building Consent (PE1520)

The Convener: We will move on quickly, as I am conscious that members have other things to do.

The fourth new petition is PE1520, on unrestricted freedom to build on plots of up to 1 acre. Members have a note by the clerk, the SPICe briefing and the petition. As advised previously, despite efforts over the past couple of months, the clerks have been unable to make any contact with the petitioner. In those circumstances, and as there has been no contact since the end of March, I suggest that the petition be closed. Do members agree?

Members indicated agreement.

Tackling Child Sexual Exploitation in Scotland

11:56

The Convener: Agenda item 3 is on our inquiry into tackling child sexual exploitation in Scotland. Since our last meeting, we have had the Scottish Government's response to our successful inquiry, which was lengthy and in-depth. Members might wish to comment on the response.

I will raise two points, which have come via Barnardo's. One is on looked-after children and relates to our recommendation 13, which is on the powers of residential care workers. It is important that we ask the Scottish Government whether the national action plan could address clarification of the powers of residential care workers. Although the Government has responded to that recommendation, the response was not very explicit. We need to tie down the Government on the issue.

The second issue is post-legislative scrutiny of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005. In recommendation 25, we asked the Scottish Government to carry out specific work on that, particularly around grooming. That request echoed the Lord Advocate's evidence to the committee. We asked the Justice Committee to consider doing that post-legislative scrutiny, but its work plan does not allow it. At the end of the day, the job is for the Scottish Government, so if we put the matter back to the Government, it will have to consider a mechanism for that.

We should progress those two specific points now. On overall action, we might want to wait until the national action plan is prepared by the ministerial working group over the summer before we look at the wider issues.

John Wilson: Can I throw in a third point, convener?

The Convener: Most definitely.

John Wilson: I suggest that we ask the Scottish Government to carry out research into funding of local organisations that provide services to vulnerable children who have been subjected to sexual abuse. My understanding is that some local authorities are cutting funding for such services; for example, a project in Falkirk has had its funding cut by Falkirk Council. It would be useful if the Scottish Government were to map out the local services that used to be available, those that are currently available and those that might face cuts.

Chic Brodie: I have two points. First, having read the response from the minister, I am

concerned that the issue, which is a particular issue and is probably the one that has really affected me personally since coming to Parliament, will be subsumed into the work of child protection committees and associated with the raft of much-needed child protection measures, which I do not want to happen; we need to ensure that it does not happen.

Secondly, it would have been helpful to have had timescales for when all the responses will come in.

12:00

The Convener: Would you like us to raise the points that you have raised at this stage rather than waiting—

Chic Brodie: Let us wait until we see a national action plan.

Angus MacDonald: I will pick up on John Wilson's point. It is only fair to clarify that Falkirk Council is considering cutting funding to a local group, but has postponed the decision until it has more information. I have voiced my concern about the matter in the local press.

The Convener: Thank you. In summary: I have a couple of points that I want to raise immediately, John Wilson has a question, and I think that Chic Brodie is prepared to wait.

Chic Brodie: There should be a rigorous review of the national action plan when it comes out.

The Convener: There was also a point made about timescales, so there are four specific points to raise. Does the committee agree with the substantive point that we should wait until the national action plan has been prepared before we discuss the issues in detail?

Members *indicated agreement.*

The Convener: Thank you.

Current Petitions

Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)

12:01

The Convener: I move on to PE1408 by Andrea MacArthur on the updating of pernicious anaemia and vitamin B12 deficiency understanding and treatment. Member have a note by the clerk and submissions.

There are a number of ways forward. I suggest that we ask the Scottish Government to clarify exactly what action is taking place following the publication of the British Committee for Standards in Haematology's guidelines and what its timescale will be.

John Wilson: Could we ask the Scottish Government as well as clinicians how the information will be disseminated to GPs? For many patients, it is the treatment by a GP or practice nurse that raises questions about B12 deficiency.

The Convener: That is a fair point. Are we agreed?

Members *indicated agreement.*

Alzheimer's and Dementia Awareness (PE1480)

The Convener: The next petition is PE1480, by Amanda Kopel, on Alzheimer's and dementia awareness, on behalf of the Frank Kopel Alzheimer's awareness campaign. Members have a note by the clerk. I am sure that all members will wish to send their condolences to Amanda Kopel following the death of Frank Kopel.

I invite contributions from members, but also suggest that, as the Scottish Government has indicated that it will look into the provision of personal care for under 65-year-olds who have complex needs, the committee might wish to ask for more details on the scope and timescale of the work. Is that agreed?

Members *indicated agreement.*

The Convener: Thank you for that.

Co-location of General Medical Practices and Community Pharmacies (PE1492)

The Convener: The next petition is by Alan Kennedy on co-location of GP practices and community pharmacies. Members have a note by the clerk and submissions. I invite contributions from members.

Chic Brodie: The Government has now indicated its position on this. I have indicated to the cabinet secretary that we will need to be sure that there is no conflict of interests in future co-location of community pharmacies and GP practices. That will be a matter for further review.

The Convener: Dr Simpson has an interest in the petition.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Yes, I have. I welcome the fact that the Government has undertaken a fresh consultation. Members will remember that we thought that we had solved this problem during the previous parliamentary session, but clearly we have not. There is considerable anxiety among remote and rural practices about the development of pharmacy. The committee will appreciate that we are therefore faced with the dichotomy of wanting to provide good and full pharmacy services to communities on the one hand and, on the other, wanting not to disrupt or in any way to reduce the general medical services that are being offered by GPs.

The new regulations have been lodged and will be considered by the Health and Sport Committee at its meeting next week. I do not propose to seek to annul the instrument because the regulations are a considerable advance on what we have had until now. However, there are some questions that I want to raise for the committee's information as much as anything, so I invite the committee to consider keeping the petition open a little longer to see what the minister's response is next week.

First, there is the new concept of protecting rural and remote practices by designating them as practices where there should not be a pharmacy. That is new and it is very welcome. However, there is not a very clear definition of that concept, and the status of the practices concerned is to be reviewed every three years.

I declare an interest as a fellow of the Royal College of General Practitioners and a member of the British Medical Association. Frankly, when you are running a business, which is what GPs are doing, a three-year review is not adequate. You need certainty over a longer period, so I am slightly concerned about the three-year review, as well as about the vagueness of the definition. The regulations say that the practices will be designated as protected, but we do not know what the definition of that status is.

I also have some concerns about the consultation process, which is now to be agreed between the applicant and the board. There does not appear to be any role for either the GP or the community in agreeing the consultation process. Moreover, there is no external agency looking at this, as there is with the rest of the health service

through the Scottish health council. There is something lacking when it comes to ensuring that consultation follows a process. We have no idea what the process is, because it is not defined in the regulations.

There is no requirement on the practice and the health board jointly to agree specifically any changes to services that might occur following loss of dispensing. Members will know that Millport is the worst example—the GPs there have all resigned. It is costing us as taxpayers and it is costing the Government and the health board a huge amount of money to provide locums, because the board cannot get GPs. There has also been a reduced service in Leuchars. In Methven, in my constituency, the GMS was previously a full-day service and is now a half-day service, so patients have to travel from Methven to Perth. None of that came out in the licensing process.

Three other practices in my area also have issues: Aberfoyle, Killin and Drymen. In Drymen, the GPs have both resigned as of 31 July. In Killin, there are particular problems, which I will not go into, but it looks like a diminished number of GPs will be present. In Aberfoyle, an appeal has just been upheld despite the fact that in the initial consideration by the local pharmacy board—the appropriate board—the pharmacy was regarded as being potentially unsustainable, which is one of the criteria under the new regulations.

There is also the question whether there should in the future be redress for practices that are affected by licensing. That has not been the practice in the past, and I would not argue for GPs to be in a position to sell goodwill. They never have been and they never should be. Their dispensing rights are given to them by the board and they are required to dispense by the board—they should not have the right to sell that goodwill. Nevertheless, GPs make an investment. I will give the committee another example. About two years ago, the Drymen practice invested £3,500 or £4,000 in software to improve the safety of its dispensing. However, it gets no recompense for that for losing its licence and the requirement to dispense. There should at least be an assessment of the effect on the practice of the loss of dispensing, in terms of both its software and the premises.

Are there arrangements for redundancy of dispensing staff? Are there Transfer of Undertakings (Protection of Employment) Regulations arrangements? That again does not come up under the regulations.

Finally, nothing in the new regulations promotes co-location of GPs and pharmacists. Indeed, I understand that pharmacists locally can currently object to co-location on the basis that it would give

someone an unfair advantage and therefore it may not occur.

I am sorry to go on at length, convener—I know that the committee has a long agenda—but we are having yet another shot at this, so we need to get it right. I wonder whether the committee would consider keeping the petition open at least until the minister has answered the questions, which the minister now has notice of as a result of your having courteously allowed me to speak to the committee.

The Convener: I thank Dr Simpson for his comments. You will probably know that I have had some regional interest in the matter in Benbecula and Caithness, so I know first hand how difficult it is. I am grateful to Mr Kennedy for lodging the petition.

Chic Brodie: I will repeat a point that I made earlier. Dr Simpson has vast experience in medical practice, but I am not sure whether he is in favour of GPs having a financial interest in a co-located pharmacy. My major concern is that GPs do their core activities and that there is no bias as a consequence to select particular prescriptions and no financial benefit to GPs. How is that going to be overcome?

The Convener: Sorry to cut across you, but I remind members that Dr Simpson is not a witness here; he has just made a statement on the petition. I am reluctant to open up another philosophic discussion.

Dr Simpson: There is a dilemma, as Chic Brodie outlined. It was a serious dilemma 15 or 20 years ago because there was no control over GP prescribing, whereas now at least there are agreements between health boards and GPs on their prescribing budgets. They are now much more tightly supervised, and if practices prescribe in an inappropriate way—for example, by prescribing branded products instead of much cheaper generic products that possibly have less profit margin for the dispenser—the health board should be able to control that.

However, there might need to be something specific in the regulations that, on the one hand, encourages co-location where appropriate in order to introduce full pharmacy services in areas that might not have that benefit; and, on the other hand, ensures that there is a memorandum of understanding with general practitioners to ensure that co-location does not lead to any sort of abuse.

Jackson Carlaw: I move that we support Dr Simpson's suggestion that we keep the petition open, in the expectation and hope that a copy of the *Official Report* will find its way to ministers in order that they can facilitate appropriate, fulsome responses to the questions that the committee

intends to put to them next week. We can look at the petition again in the light of that.

The Convener: Thank you for that. I ask for other members' views. That is an option, but we could also refer the petition to the Health and Sport Committee, which is the lead committee for the regulations.

John Wilson: I am minded to refer the petition to the Health and Sport Committee. As that committee is examining the regulations, it would be more appropriate for us to pass on to it the information that we have on the petition.

Dr Simpson eloquently expressed the questions on the issue that he will no doubt ask the minister and the cabinet secretary next week. The difficulty for me is that I do not want this committee to be a back-up committee for an inquiry or work that is being done by another committee. We should respect the Health and Sport Committee's ability to do its work. If all else fails, the petition can come back to this committee so that we can examine it further. If we refer the petition to the Health and Sport Committee, I am sure that Dr Simpson will make a very good job of raising all the questions and getting the answers that he requires.

The Convener: Thank you. We have two proposals: to continue the petition or to refer it to the Health and Sport Committee. I invite members to say which one they support.

Chic Brodie: I would refer it on to that committee.

David Torrance: I am happy to refer it on.

Anne McTaggart: Dr Simpson has made it clear that there are questions still to be answered. I would rather that we deal with them before moving the petition on.

Angus MacDonald: I think that there is a strong argument for referring the petition to the Health and Sport Committee.

The Convener: I thank colleagues for that. By a majority, we have agreed to refer the petition to the Health and Sport Committee, which is the lead committee for the regulations. I thank Dr Simpson for coming along today and for his expertise.

Dr Simpson: Thank you for allowing me to speak to the committee.

The Convener: We greatly appreciate your comments.

Group B Streptococcus in Pregnancy (PE1505)

The Convener: The next petition is PE1505, by Jackie Watt, on awareness of group B streptococcus in pregnancy and infants. Members

have a note by the clerk and the submissions on the petition.

I point out that Jane Plumb, the chief executive of Group B Strep Support, has provided an additional paper. In case members have not had time to read it, I point out that she is particularly keen that we write again to relevant bodies rather than defer further consideration of the petition. Again, though, it is up to members to decide on the next steps.

Having glanced through all the relevant papers, my view is that we should write to the Scottish Government and NHS Health Scotland to request that the petitioner and other stakeholders are consulted as part of the revision of the "Ready Steady Baby!" leaflet to include information on GBS. Does everyone agree to that?

Members *indicated agreement.*

A9 Average Speed Cameras (PE1503)

12:15

The Convener: The fifth current petition is PE1503, by Mike Burns, on behalf of the average speed cameras on the A9 are not the answer campaign, on a review of the A9 speed camera proposals. Members have a note by the clerk and the submissions.

Members will remember that Mike Burns gave evidence to us on the petition. The Scottish Government's view on the petition is quite clear. As a regular on the A9, I know that the cameras have already been constructed, are under trial and will be operational in October. Part of the trialling will involve increasing the speed limit for heavy goods vehicles from 40mph to 50mph. Members will know that I have a strong view on that. That aspect is not part of the petition, but I want to ensure that we have a balanced view on the issue.

In my view, Mike Burns has done a very good piece of work with his petition, but I do not see what more we can do on it with regard to the Scottish Government, because it has made its view absolutely clear. Before we consider whether to close the petition, though, I point out that Mr Burns has made two or three extra points in a paper that he would like us to consider. The first is that the Scottish Government should undertake an economic impact study of the effect of speed cameras on the Highland economy, but such a study has been commissioned, so that is not news to the Scottish Government. Mr Burns also proposes that the A9 safety group become more of a public forum and that the driver surveys that have been done are published.

Unfortunately, I cannot see that we have any choice other than to close the petition. However, it

is important that we chase up Mr Burns's points with the Scottish Government. As I said, the economic impact study proposal has already been enacted, as far as I am aware, and the driver surveys just need to be made public. The point on the A9 safety group becoming a public forum is a matter for the Scottish Government and Transport Scotland, but out of courtesy to the petitioner I think that we could ask for the minister's views on that.

I am sorry to have gone on at length on the issue, but it is an important one in the Highlands and Islands. Do members agree to our closing the petition but chasing up the outstanding points?

Members *indicated agreement.*

Meeting closed at 12:17.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by APS Group Scotland.

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

For details of documents available to
order in hard copy format, please contact:
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk

e-format first available
ISBN 978-1-78457-673-8

Revised e-format available
ISBN 978-1-78457-688-2