



The Scottish Parliament  
Pàrlamaid na h-Alba

## PUBLIC PETITIONS COMMITTEE

### AGENDA

5th Meeting, 2017 (Session 5)

Thursday 16 March 2017

The Committee will meet at 9.00 am in the James Clerk Maxwell Room (CR4).

1. **Consideration of continued petitions:** The Committee will consider—

[PE1480](#): Alzheimer's and dementia awareness / [PE1533](#): Abolition of non-residential social care charges for older and disabled people;  
and will take evidence from—

Shona Robison, Cabinet Secretary for Health and Sport; David Fotheringham, Head of Adult Social Care; Mike Liddle, Policy Manager, Scottish Government;

and will then consider—

[PE1577](#): Adult cerebral palsy services;  
and will take evidence from—

Aileen Campbell, Minister for Public Health and Sport; Dr Gregor Smith, Deputy Chief Medical Officer; Elizabeth Porterfield, Head, Strategic Planning and Clinical Priorities; Colin Urquhart, Senior Policy Manager, Scottish Government.

2. **Consideration of new petitions** The Committee will consider—

[PE1637](#): Ship-to-ship oil transfers and trust port accountability;  
and will take evidence from—

Greg Fullarton; Duncan Bowers; Loreine Thomson on behalf of Cromarty Rising.

3. **Consideration of continued petitions** The Committee will consider the following continued petitions—

[PE1408](#): Updating of Pernicious Anaemia/Vitamin B12 Deficiency understanding and treatment; and

[PE1591](#): Major redesign of healthcare services in Skye, Lochalsh and South West Ross.

**PPC/S5/17/5/A**

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The papers for this meeting are as follows—

**Items 1 & 2:**

PRIVATE PAPER

PPC/S5/17/5/1 (P)

**Item 1:**

Note by the Clerk

PPC/S5/17/5/2

Note by the Clerk

PPC/S5/17/5/3

**Item 2:**

Note by the Clerk

PPC/S5/17/5/4

**Item 3:**

Note by the Clerk

PPC/S5/17/5/5

Note by the Clerk

PPC/S5/17/5/6

**Public Petitions Committee**  
**5th Meeting, 2017 (Session 5)**  
**Thursday 16 March 2017**

**Note by the Clerk**

**PE1480: Alzheimer's and dementia awareness**

<b>Petitioner</b>	Amanda Kopel on behalf of The Frank Kopel Alzheimer's Awareness Campaign
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to raise awareness of the daily issues suffered by people with Alzheimer's and dementia and to ensure that free personal care is made available for all sufferers of this illness regardless of age.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/alzheimers">parliament.scot/GettingInvolved/Petitions/alzheimers</a>

**PE1533: Abolition of non-residential social care charges for older and disabled people**

<b>Petitioner</b>	Jeff Adamson on behalf of Scotland Against the Care Tax
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to abolish all local authority charges for non-residential care services as under Part 1, Paragraph 1, Subsection (4) of the Community Care and Health (Scotland) Act 2002.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01533">parliament.scot/GettingInvolved/Petitions/PE01533</a>

**Introduction**

1. The Committee last considered these petitions at its meeting on 22 December 2016. At that meeting, the Committee agreed to invite the Cabinet Secretary for Health and Sport to provide evidence at a future meeting and to explore taking evidence from COSLA. The Cabinet Secretary for Health and Sport has accepted the invitation to provide evidence and the Committee is invited to consider what action it wishes to take.

**Background information**

2. The Scottish Government's submission dated [2 November 2016](#) noted that it has made a commitment in the current programme for government to conduct a feasibility study into expanding free personal care and nursing care to people with dementia who are under 65. The timeframe for completing the study is summer 2017.
3. The Scottish Government also noted that it is implementing a commitment to disregard veterans' war pension income from social care assessments.

4. The Scottish Government also clarified that if a clinician believes an individual is in the last stages of a progressive terminal illness they can complete a form called DS1500. Once completed, the individual will continue to receive the care for as long as required.
5. Mr Adamson's submission dated [9 December 2016](#) expressed the view that the feasibility study should be broadened to include people with disabilities. He considered that the condition-specific focus of the feasibility study is at odds with the evidence the Cabinet Secretary gave to the Session 4 Public Petitions Committee on 6 October 2015. Members may wish to note the following excerpts from the Cabinet Secretary's evidence at that meeting—

“We must ensure that any charging system is for people born with a range of conditions, not just those that I have mentioned, and that any changes that we make to the charging system are fair to all service users. That is the focus of our attention...”<sup>1</sup>

“In principle, the petition [PE1480] calls for something that I agree with—a fairer charging system—but we cannot have such a system for only specific conditions. You will understand that, if we were to say, “We’re going to have a fairer charging system for this list of conditions”, people would say, “Wait a minute—that’s not fair” and highlight another list of conditions. What we have had to do, and what we are doing, is to look at how we can make the system fairer for everyone...”<sup>2</sup>

“We are absolutely trying to avoid lists of conditions, because we will always miss one, and that will be the condition that will form the basis of the next petition to this committee and to me, saying that the system is not fair. We are trying to avoid that scenario... That said, there are various models for and ways of making charging fairer. For example, we can look at free personal and nursing care for the under-65s, and we can also look at the threshold at which people start to pay charges.”<sup>3</sup>

6. Mr Adamson also raised concerns in his submission that a blanket increase in the social care charging threshold does not reflect relative cost of living in different parts of Scotland. In this regard, he considers that some parts of Scotland require a higher threshold than others.
7. Mr Adamson also noted that three local authorities (Highland; Dumfries and Galloway; and Perth and Kinross) appear to have raised their social care charging despite receiving the Scottish Government's additional funding. In his view, this is further evidence that the Scottish Government's reforms are not resulting in fairer social care charging.

### **Committee consideration**

8. Jeff Adamson's most recent submission dated [9 March 2017](#) seeks clarification from the Scottish Government on the working group's membership and the

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<sup>1</sup> Official Report, 6 October 2016, col 39.

<sup>2</sup> Official Report, 6 October 2016, col 40.

<sup>3</sup> Official Report, 6 October 2016, col 42.

scope of the feasibility study it will consider. Mr Adamson would like to see the working group include representation from Scotland Against the Care Tax and for its scope to include the definition of personal care. The petitioner also raises concerns about the role of integrated joint boards in setting social care charges and considers this issue should be considered by the working group. In his view, it is important that social care charges should remain within local authorities' control to ensure such decisions are democratically accountable.

### Scottish Parliament Action

9. A members' business debate on a motion from Johann Lamont MSP on "care tax in Scotland" was debated in the Chamber on [6 December 2016](#).
10. In that [debate](#),<sup>4</sup> the Cabinet Secretary for Health and Sport provided some clarification on the terms of the feasibility study—
 

“...members have pointed to the fact that other conditions in people under the age of 65 must also be considered...I think that Miles Briggs called for cross-party discussions: I am happy to use the feasibility study as the focal point for those discussions... The feasibility study, although it will be focused on people under 65 with dementia, will have to take a wider look at the general issue of charging for personal care for people under 65.”<sup>5</sup>
11. The Cabinet Secretary also commented on the variation in local authority social care charging regimes and its impact on the fairness of social care charging—
 

“One of the biggest concerns that has been highlighted repeatedly in tonight's debate is the variation in local authorities' charges for social care, which makes it difficult for people with disabilities to move between local authority areas, and can cause frustration when people see that there is a lower charge for the same service in a neighbouring authority. As a result, the Convention of Scottish Local Authorities has implemented a new standard financial assessment that should bring closer alignment in how local authorities assess charges for care...We have made it clear that, if the situation does not improve, we can use legislative powers to ensure that it happens...”<sup>6</sup>

### Conclusion

12. The Committee is invited to consider what action it wishes to take. Options include —
  - To reflect on the evidence from the Cabinet Secretary for Health and Sport and to consider a note by the clerk at a future meeting;
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**

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<sup>4</sup> Debate on motion [S5M-02130](#), lodged by Johann Lamont

<sup>5</sup> Official Report, 6 December 2016, col 103.

<sup>6</sup> Official Report, 6 December 2016, col 104.

**Public Petitions Committee****5th Meeting, 2017 (Session 5)****Thursday 16 March 2017****PE1577: Adult Cerebral Palsy Services****Note by the Clerk**

<b>Petitioner</b>	Rachael Wallace
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to develop and provide funding for a clinical pathway and services for adults with cerebral palsy.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/adultcerebralpalsyservices">parliament.scot/GettingInvolved/Petitions/adultcerebralpalsyservices</a>

**Introduction**

1. The Committee last considered this petition at its meeting on [22 December 2016](#). At that meeting, the Committee agreed to invite the Minister for Public Health and Sport to provide evidence at a future meeting. The Minister for Public Health and Sport has accepted the invitation to give evidence and the Committee is invited to consider what action it wishes to take on the petition.

**Background information**

2. The petitioner's submission dated [2 December 2016](#) reiterates the reasons behind her call for a national clinical pathway for adults with cerebral palsy—  
“As it stands I have to navigate myself through a piecemeal system to find appropriate support. Furthermore, I pay privately to see a paediatric physio to help me manage the effects of cerebral palsy and secondary aging. There is no specialist services provided on the NHS for adults with cerebral Palsy.”
3. The Session 4 Public Petitions Committee invited Capability Scotland to make a submission on the petition. Capability Scotland's submission dated [8 December 2015](#), explained that it was undertaking research to map the therapy provision landscape for adults with cerebral palsy across Scotland. It commented: “The emerging outcomes of this mapping work support the petitioner's statement that ‘there is not a national clinical pathway or therapy for adults with cerebral palsy’.”
4. Capability Scotland also noted that its research from health boards and local authorities supported the petitioner's aims—  
“NHS health boards and local authorities were asked about current resources to support the needs of adults with cerebral palsy within their area. Current resources varied between health boards and local authorities, with some reporting that resources to support adults are not condition specific.”

5. The Committee has asked the Scottish Government for its view on establishing a clinical pathway and national services for adults with cerebral palsy. The Scottish Government's submission dated [11 November 2016](#) did not comment on this but noted that it is funding a pilot programme to "test alternative supported pathway for adults with cerebral palsy".
6. The petitioner's submission dated [2 December 2016](#) noted she was "very disappointed" with the Scottish Government's submission. She noted—

"The Bobath Pilot Project is only covering one local authority and health board area. It is not Scotland wide. Bobath Scotland are a private charity and are not part of the NHS. Whilst they have specialist knowledge of cerebral palsy, one small charity alone cannot solve the gap in NHS services for adults with cerebral palsy. This is why it is important to consult a wide range of medical professionals and stakeholders and not just one charity who only specialises in one part of the treatment of cerebral palsy."
7. The Committee also asked whether the Scottish Government is minded to consult with NHS professionals and other stakeholders on this issue. The Scottish Government noted it would consider the findings of the pilot programme when it is complete. A timeframe for the project was not provided.
8. The petitioner noted in her submission: "I would have thought that an obvious step to take would be to consult with the wide range of paediatric NHS experts and adults who have Cerebral Palsy as to the best transition and provision for a person with CP."
9. The petitioner also commented in her submission: "I feel that no progress has been made by the Scottish Government and they are giving the same responses to my petition every time I make a submission". The Scottish Government explained in its submission that it would contact the petitioner to arrange a meeting.
10. The petitioner's submission dated [9 March 2017](#) explains that she met with Minister for Public Health and Sport and her officials to discuss the petition on 7 March 2017. Ms Wallace noted that the discussion was positive but she is concerned that it may take ten years to develop a clinical pathway.

## Conclusion

11. The Committee is invited to consider what action it wishes to take. Options include —
  - To reflect on the evidence by the Minister for Public Health and Sport and consider a note by the clerk at a future meeting;
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**



**Public Petitions Committee**  
**5th Meeting, 2017 (Session 5)**  
**Thursday 16 March 2017**

**PE1637: Ship-to-ship oil transfers and trust port accountability**

**Note by the Clerk**

<b>Petitioner</b>	Greg Fullarton on behalf of Cromarty Rising
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to ensure that environmental legislation in Scotland is sufficient to prevent ship-to-ship transfers of crude oil in environmentally sensitive locations, such as the Inner Moray Firth, and to enhance the accountability of trust port boards to their stakeholders.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/shiptoshiptransfers">parliament.scot/GettingInvolved/Petitions/shiptoshiptransfers</a>

**Purpose**

1. This is a new petition which collected 2,130 signatures and 242 comments. The comments were supportive of the action called for in the petition. Issues raised in the comments included whether the potential environmental and economic risks outweighed any potential economic benefit and the need for full environmental impact assessments to be carried out in connection with any proposal for oil transfers. The petition background information notes that the petition is “calling for the safeguards highlighted in this petition, to be delivered on a national basis in light of our experiences in relation to the Inner Moray Firth proposal.”
2. The petitioner has accepted an invitation to speak to his petition at this meeting. He will be joined in giving evidence by Duncan Bowers and Loreine Thomson. Members have a copy of the petition along with this paper. The Committee is invited to consider what action it wishes to take.

**Background (taken from the SPICe briefing)**

3. In December 2015, the Cromarty Firth Port Authority (CFPA) submitted an application to the Maritime and Coastguard Agency (MCA), to obtain a licence for ship-to-ship (STS) oil transfers at anchor in the inner Moray Firth for a maximum of 8.6 million tonnes per year. However, the MCA decided that the application needed more work, therefore the CFPA withdrew it. A new application is expected to be submitted in the coming weeks.
4. The original application describes how STS would be carried out—  
  
STS transfers entail the transfer of oil from one ship (known as the mother vessel) to another ship (known as the daughter vessel). STS transfer operations are undertaken by anchoring one vessel and berthing the other vessel alongside on completion of the anchoring.

A transfer operation can involve more than one daughter vessel, but only one at a time. The proposed cargo transfer is always conducted with one vessel anchored at one of the designated STS locations.

5. Applications for STS oil transfer licences are reserved, and are the responsibility of the UK Secretary of State for Transport.
6. In Scotland, ship to ship transfer of oil currently takes place at Scapa Flow in Orkney, Nigg in the Cromarty Firth, and Sullom Voe in Shetland. STS transfers at Scapa Flow have taken place since 1980 without major incident. There were 86 STS transfers at the Nigg oil terminal between 2009 and 2014 without incident.
7. In November 2009, there were two minor spills of a small quantity of oil condensate during STS transfer at Sullom Voe Terminal. An investigation was carried out by the terminal's anti-pollution team who confirmed no adverse effects or damage to the environment.
8. The CFPA currently has an OTL to undertake STS transfers alongside the jetty at the Nigg Oil Terminal (NOT) which services the Beatrice oil field. Oil production from the Beatrice oil field ceased in early 2015, making the future operation of the NOT uncertain.
9. There has been a reduction in oil tanker visits to Nigg from 55 in 2010, to one in 2016. This is estimated to have led to a loss of £577,000 per year in revenue. The CFPA consider that these revenues protect employment, reinvestment and economic growth for the local area.

*Environmental protection under current legislation*

10. The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010 ensure that the transfer of oil between tankers can only take place within harbour authority areas which have suitable oil spill contingency plans. The regulations prohibit STS transfer of oil within UK Territorial Sea. Harbours that wish to permit STS transfers within their waters must apply to the MCA for an OTL.
11. The 2010 Regulations state—
  - 5.—(1) Before a harbour authority may obtain an oil transfer licence the harbour authority must— (a) determine, in accordance with the procedure in Schedule 1, whether the cargo transfers to be authorised pursuant to the licence would be likely to have a significant effect on any European site; [...].
12. Schedule 1 states—
  - The harbour authority must— (a) determine, and (b) provide to the Secretary of State a written statement with reasons stating, whether the cargo transfers to be carried out under the requested oil transfer licence are likely to have a significant effect on any European site, either individually or in combination with other plans or projects.

13. Schedule 2 states that the application must include an environmental statement (ES), which is the result of an Environmental Impact Assessment (EIA), paragraph 2 of this Schedule sets out the required contents of the ES in detail. Thereafter, according to the 2010 Regulations, a 42 day consultation period opens with statutory consultees.
14. OTL applications must therefore provide an ES in accordance with the provisions of the EC Habitats Directive (Council Directive 92/43/EEC) which complements and amends the Birds Directive (Council Directive 2009/147/EC). Together they ensure the conservation of a wide range of rare or threatened animal and plant species. These are transposed in the UK by the Conservation of Habitats and Species Regulations 2010.
15. In Scotland, the Habitats Directive is transposed by The Habitats (Scotland) Regulations 1994. However, this does not apply to reserved matters and is therefore not applicable to OTL licence applications.

#### *Nature conservation in the Cromarty Firth*

16. The Cromarty Firth is protected as a nature conservation area under a number of designations including the EU Natura 2000 network (SPA & SAC), SNH provides the following table—

Designation	Regulating body/legislation	What is protected?
<b>Special Protection Area (SPA)</b>	EC Birds Directive	<a href="#">15 bird species.</a>
<b>Special Area Conservation (SAC)</b>	EC Habitats Directive	Subtidal sandbanks, Bottlenose dolphin
<b>Special Site of Scientific Interest (SSSI)</b>	Scottish Natural Heritage/Nature Conservation (Scotland) Act 2004	Mudflats, sandflats, saltmarsh and <a href="#">5 bird species.</a>
<b><a href="#">Ramsar (International treaty for the protection of wetlands)</a></b>		Intertidal mudflats and sandflats and <a href="#">3 bird species.</a>

#### *Trust Ports*

17. Transport Scotland handles all devolved ports policy on behalf of Scottish Ministers, covering commercial, publicly owned and trust ports and states—

Trust ports are independent statutory bodies, governed by their own local legislation and run by independent boards for the benefit of stakeholders. Unlike private company port they have no shareholders so all the surpluses from port operations are put back into the port.

18. Transport Scotland, therefore, makes no ministerial appointments to trust port boards in Scotland.

19. The CFPA was formed in 1973 by Act of Parliament. It is an independent Trust Port governed by its own local legislation, and run by an independent Board of Directors who manage assets of the Trust for the benefit of stakeholders, which include port users, employees, local communities and public authorities.

*Scottish Government and Scottish Parliament Action*

20. In response to a question raised in the Parliament on the 12 January 2017, the First Minister stated—

On the basis of the current information, the Scottish Government is unconvinced that ship-to-ship oil transfers can, or should, take place at anchor in the Cromarty Firth without unacceptable risk to the marine environment—in particular the European Union designated area for bottlenose dolphins.

We will ensure that local communities' concerns are heard by the UK authorities while [...] we continue to press for the relevant powers to be devolved Scotland. We will also continue to support the Cromarty Firth Port Authority, which is a vital and valued part of the north of Scotland's economy.

21. A number of other parliamentary questions have also been lodged by John Finnie MSP, Mark Ruskell MSP and Maree Todd MSP in relation to the issue of ship-to-ship oil transfers. Details of these questions, and the answers received, are provided in the Annexe to this note. In respect of the answer provided to S5W-06774, Scottish Ministers have written to the Department of Transport requesting that the Scottish Government is consulted on the review of the Merchant Shipping (Ship-to-Ship Transfers) Regulations. These findings are due to be published in March 2017.
22. The issue has also been raised in a previous session of the Parliament with a debate on 9 March 2006 on ship-to-ship oil transfer in the Firth of Forth.

**Conclusion**

23. The Committee is invited to consider what action it wishes to take in this petition. Options include—
- Writing to the Scottish Government to seek its views on the action called for in the petition;
  - Writing to other relevant stakeholders including the Maritime and Coastguard Agency, Scottish Natural Heritage and the UK Harbour Masters' Association to seek their views on the action called for in the petition;
  - Any other action the Committee wishes to take.

**Clerk to the Committee**

**Annexe – Parliamentary Questions****Question S5W-06998: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 08/02/2017**

To ask the Scottish Government what recent discussions it has had with (a)

Scottish Natural Heritage, (b) the Maritime and Coastguard Agency, (c) Cromarty Firth Port Authority and (d) the UK Government regarding the application of Regulation 48A of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), which was introduced by the Conservation (Natural Habitats, &c.) Amendment (No. 2) (Scotland) Regulations 2007, regarding ship-to-ship transfers in the Cromarty Firth,

Answered by Paul Wheelhouse (22/02/2017): I refer the member to the answer to question S5W-06053 on 26 January 2017. All answers to written parliamentary questions are available on the Parliament's website, the search facility for which can be found at <http://www.parliament.scot/parliamentarybusiness/28877.aspx>

**Question S5W-06774: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 01/02/2017**

To ask the Scottish Government what representations it has made to the

Secretary of State for Transport regarding a review of the Merchant Shipping (Ship-to-Ship Oil Transfers) Regulations 2010, as required by Regulation 2 of the Merchant Shipping (Ship-to-Ship Transfers) (Amendment) Regulations 2012.

Answered by Paul Wheelhouse (23/02/2017): The Scottish Government has only recently been made aware of a review and quite astonishingly has not been invited to make any representations regarding a review of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended. It is understood that the UK Department for Transport has undertaken a minor review to consider the cost, safety and impact on the environment of ship to ship oil transfers, and whether the regulations were meeting their proposed intention. The UK Department for Transport has now informed the Scottish Government they will publish their findings in March. In response Scottish

Ministers have written to the Department of Transport requesting that the Scottish Government is consulted on the review before the findings are published. To do otherwise would be to deny the elected Government of Scotland, and Scotland's Parliament, which is responsible for our marine environment, a say on an issue of importance to our environment and Scotland's people.

**Question S5W-06775: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 01/02/2017**

To ask the Scottish Government what representations it has made to the Secretary of State for Transport regarding licence applications and the impact on wildlife sites of ship-to-ship transfers of (a) oil and (b) other chemicals in (i) harbour authority areas, (ii) other inshore waters and (iii) offshore waters; what assessment it has made of (A) the impact of any proposed licences and (B) whether any proposed

licences meet the requirements of the habitats directive, and what the reasons are for its position on this matter.

Answered by Paul Wheelhouse (22/02/2017): The Scottish Government is not a formal consultation body for Ship to Ship Oil Transfer Licence applications under the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, as amended. Scottish Ministers have written on a number of occasions to the Secretary of State for Transport requesting devolution of this reserved function, including two letters in 2016. In 2007, Scottish Ministers wrote four times to the UK Government's Secretary of State for Transport with regards to concerns over ship to ship oil transfer proposals in the Firth of Forth.

Assessment of potential impact of proposed ship-to-ship oil transfer licence applications, including compliance with the EU Habitats Directive is a matter for the competent authority. For ship-to-ship oil transfer licences that is currently the Secretary of State for Transport, although Scottish Minister's argue such powers should be devolved to the Scottish Government. Ship to ship transfers in offshore waters are not currently regulated. Again, this is an area that is reserved to Westminster. The Scottish Government is not aware of historical ship to ship transfer applications for other chemicals in Scottish territorial waters.

**Question S5W-06180: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 13/01/2017**

To ask the Scottish Government whether it considers that ship-to-ship oil transfer operations, as proposed in the licence application by Cromarty Firth Port Authority in December 2015, are compliant with regulations established under directives 92/43/EEC and 79/409/EEC.

Answered by Roseanna Cunningham (24/01/2017): As stated in Parliament by the First Minister on 12 January 2017, on the basis of the current information, the Scottish Government is unconvinced that ship-to-ship oil transfers can, or should, take place at anchor in the Cromarty Firth without unacceptable risk to the marine environment.

**Question S5W-06181: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 13/01/2017**

To ask the Scottish Government for what reason Marine Scotland did not provide a response to the licence application by Cromarty Firth Ports Authority, in December 2015, to carry out ship-to-ship oil transfers.

Answered by Roseanna Cunningham (24/01/2017): Marine Scotland is a Directorate of Scottish Government. The Scottish Government is not a formal consultation body for Ship to Ship Licence applications under the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010. We expect an invitation from the UK Government to respond on a revised application.

**Question S5W-06146: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 13/01/2017**

To ask the Scottish Government what meetings (a) ministers and (b) officials have had with (i) Scottish Natural Heritage and (ii) Scottish Enterprise at which proposals by Cromarty Firth Port Authority to carry out ship-to-ship oil transfers were discussed, broken down by (A) date and (B) location.

Answered by Roseanna Cunningham (26/01/2017): There have been no meetings between Ministers or officials and these bodies to discuss the application for ship to ship oil transfers by Cromarty Firth Port Authority.

**Question S5W-06148: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 13/01/2017**

To ask the Scottish Government what meetings (a) ministers and (b) officials have had with Cromarty Firth Port Authority at which proposals to carry out ship-to-ship oil transfers were discussed, broken down by (i) date and (ii) location.

Answered by Humza Yousaf (24/01/2017): There have been no specific meetings between Ministers or officials and Cromarty Firth Port Authority at which their proposals for ship to ship oil transfers were discussed. However the matter was an agenda item at the Cromarty Firth Port Authority Annual and Board meetings on 24 and 25 November 2016 in Invergordon, attended by a Transport Scotland official as an observer. Officials occasionally attend various trust port board meetings as part of their role in developing guidance for the port sector.

The decision on any licence for ship to ship oil transfers is a reserved matter and the responsibility rests with the Secretary of State for Transport.

**Question S5W-06053: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 12/01/2017**

To ask the Scottish Government how it uses section 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) to assess the impact on wildlife sites of ship-to-ship transfers of (a) oil and (b) other chemicals in (i) harbour authority areas, (ii) other inshore waters and (iii) offshore waters, and what assessment it has made of (A) the impact of its approach and (B) whether its approach meets the requirements of the habitats directive.

Answered by Paul Wheelhouse (26/01/2017): All matters relating to ship-to-ship transfers are reserved to the UK Government. The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) do not apply to reserved matters.

**Question S5W-06060: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 11/01/2017**

To ask the Scottish Government whether the Cromarty Firth Port Authority has consulted Scottish Natural Heritage for the purpose of carrying out an appropriate assessment of a plan or project under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for ship-to-ship transfers of oil in the Moray Firth.

Answered by Paul Wheelhouse (26/01/2017): The Secretary of State for Transport is the Competent Authority, under the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, and is responsible for undertaking appropriate assessments when

required. Scottish Natural Heritage has provided advice to the environmental advisors of the Cromarty Firth Port Authority. The Scottish Government has repeatedly requested devolution of this function to allow decisions to be taken by those with responsibility for protecting Scotland's environment.

**Question S5W-06061: Mark Ruskell, Mid Scotland and Fife, Scottish Green Party, Date Lodged: 11/01/2017**

To ask the Scottish Government whether a harbour authority can consent to a programme of ship-to-ship oil transfers without amending its by-laws to take account of such transfer operations.

Answered by Humza Yousaf (24/01/2017): The licensing of port authorities for the purposes of ship to ship transfers is a matter for the Maritime and Coastguard Agency (MCA), on behalf of the Secretary of State for Transport. Once a licence is issued by the MCA, it would be for individual port authorities to ensure that such activity was not inconsistent with its byelaws before any such activity commences.

On the basis of the current information, the Scottish Government is unconvinced that ship-to-ship oil transfers can, or should, take place at anchor in the Cromarty Firth without unacceptable risk to the marine environment. The Scottish Government expects to be fully consulted by the MCA on any revised application put forward by the Port of the Cromarty Firth.

**Question S5W-05637: Maree Todd, Highlands and Islands, Scottish National Party, Date Lodged: 15/12/2016**

To ask the Scottish Government, further to the answer to the fifth supplementary to question SF5-00643 by the First Minister on 15 December 2016 (Official Report, c. 15), whether it will provide an update on discussions that it has had with the UK Government regarding plans to conduct ship-to-ship oil transfers in the Cromarty Firth.

Answered by Keith Brown (22/12/2016): In October Scottish Ministers wrote to the Chief Executive of the Maritime and Coastguard Agency (MCA) to reiterate that the Scottish Government should be formally consulted on all applications for Oil Transfer Licences in Scottish Waters. In addition Scottish Ministers have written to the Secretary of State for Transport requesting devolution of the responsibility for ship to ship oil transfer licensing. As a result of this correspondence, an initial meeting between officials of Marine Scotland and MCA took place on 13 December 2016 to discuss how the Scottish Government should be consulted on a revised Cromarty Firth application.

**Question S5W-00285: John Finnie, Highlands and Islands, Scottish Green Party, Date Lodged: 26/05/2016**

To ask the Scottish Government what assessment of risk to the marine wildlife, including orcas, it has made of the proposed ship-to-ship transfer in the Moray Firth.

Answered by Roseanna Cunningham (03/06/2016): The Scottish Government has no functions in relation to ship to ship oil transfer licenses. This is a matter reserved



to the UK Government, and we continue to press for devolution of these powers to Scotland.

**Public Petitions Committee**  
**5th Meeting, 2017 (Session 5)**  
**Thursday 16 March 2017**

**PE1408: Updating of Pernicious Anaemia-VitaminB12 Deficiency  
understanding & treatment**

**Note by the Clerk**

<b>Petitioner</b>	Andrea MacArthur
<b>Petition summary</b>	Calling on the Scottish Parliament to urge the Scottish Government to review and overhaul the current out-dated and ineffective method of diagnosing and treating Pernicious Anaemia/VitaminB12 Deficiency.
<b>Webpage</b>	<a href="http://parliament.scot/GettingInvolved/Petitions/PE01408">parliament.scot/GettingInvolved/Petitions/PE01408</a>

### Introduction

1. At its last consideration of this petition on [8 December 2016](#), the Committee agreed to write to the Minister for Public Health and Sport. The Scottish Government has responded and the petitioner has provided a written submission. The Committee is invited to consider what action it wishes to take.

### Background

2. This petition calls for the Scottish Government to review and overhaul the current method of diagnosing and treating pernicious anaemia/vitamin B12 deficiency. The petitioner is concerned that many cases of this condition are undiagnosed in patients and the lack of diagnosis or late diagnosis can cause serious health problems. She would like to see an overhaul of testing by adopting the Active B-12 test, as well as routine testing of presenting patients for Homocysteine, Methylmalonic Acid levels, folate and ferritin. She also supports the use of trial injections as a treatment option.
3. Since this petition was lodged, the British Committee for Standards in Haematology (BCSH) published [guidelines](#) on the diagnosis of B12 and folate deficiency in June 2014. These guidelines note that “the clinical picture is the most important factor in assessing the significance of test results assessing cobalamin [substances including vitamin B12] status because there is no ‘gold standard’ test to define deficiency”. It recommends which tests in its view should be used as a first-line test and second-line test to help diagnose the patient.
4. In its submission dated [4 August 2014](#), the Scottish Government initially took the view that the BCSH’s guidelines were not suitable for the Scottish practice setting. It raised concerns that the second-line testing recommended by the

BCSH guidelines is not standard in Scottish laboratories and the format of the guidance is not appropriate to be circulated for use in the practice setting. As such, it referred the guidelines to the Diagnostic Steering Group (the national group responsible for providing advice on laboratory and imaging diagnostics) to consider further.

5. The Scottish Government advised in its submission of [8 December 2014](#) that the Diagnostic Steering Group had considered the BCSH's guidelines and determined they were not suitable for use in the Scottish practice setting. It therefore agreed that the Scottish Haematology Society (SHS) should prepare a summary document based on the guidelines to provide to GPs in Scotland. The SHS is the principal organisation representing the specialties of laboratory haematology, clinical haematology and blood transfusion in Scotland.
6. At its meetings on [1 December 2015](#) and [1 March 2016](#), the Session 4 Public Petitions Committee considered the draft summary document prepared by the SHS. It decided to write to the Scottish Government and the SHS with a number of questions posed by the petitioner.
7. Subsequently, on [22 March 2016](#), the SHS wrote to the Committee to advise that the draft summary document was produced "...as an aid for primary care, as the BCSH's guidelines were produced for a specialist (haematology) audience." The SHS also explained that it was withdrawing from further involvement in the project because it did not have the resources to respond to the petitioner's queries or to produce Scottish guidelines.
8. The Scottish Government explained in a submission dated [12 October 2016](#) that no further work will be done on the document and it has no plans to publish it. In this regard, Scottish general practitioners will be expected to refer to the BCSH guidelines.

### **Committee consideration**

9. Following its meeting on [8 December 2016](#), the Committee agreed to write to the Minister for Public Health and Sport seeking clarification on why the Scottish Government now considers the BCSH's guidelines are suitable for use in the Scottish practice setting.
10. Elizabeth Porterfield, Head of Strategic planning and Clinical Priorities, responded to the Committee in a submission dated [15 February 2017](#). Ms Porterfield explained that the Scottish Government's previous position was that the form, rather than the contents, of the BCSH's guidelines are inappropriate for the Scottish practice setting. Ms Porterfield noted that the BCSH's guidelines "...remain extant and readily accessible/available for use in the clinical setting".
11. Ms Porterfield did not comment on the concerns raised by the Scottish Government in its submission dated [4 August 2014](#):

"As far as the BCSH guideline is concerned, and in particular the suggestion that the usual test for B12 deficiency should continue, with

second line testing where this is indicated, we understand that the second line test is not standard in the vast majority of laboratories in Scotland, therefore the impact of introducing it could be significant and will need to be considered.”

12. The petitioner’s submission dated [28 February 2017](#) seeks clarification on why on the Scottish Haematology Society’s work is not being published. In her view, the BCSH’s guidelines are not user friendly for general practitioners who will not have time to read through the lengthy document.
13. The petitioner also highlights two concerns regarding the contents of the BCSH’s guidelines. In her view, they do not adequately address how general practitioners recognise and respond to patients presenting symptoms of the condition. Relevant excerpts from the BCSH’s guidelines on this issue are quoted in paragraph 3 of this note.
14. The petitioner also considers that practitioners should use gastric parietal cell antibody testing in diagnosis and treatment. The Scottish Government stated its position on gastric parietal cell antibodies in its submission dated [16 February 2016](#):

“The SHS considers that gastric parietal cell antibody testing is often used during investigation of B12 deficiency although not technically used per se to diagnose B12 deficiency. As such, the statement is not controversial as there is a general acceptance that these antibodies are indeed not specific for the diagnosis of Pernicious Anaemia. This is also reflected in the BCSH guideline which is based on a full systematic review of available data and which has gone through a significant and documented process of scrutiny and review. Regarding the finding of eosinophilia there are many potential causes for this and it is not possible to advocate empiric therapy without a diagnosis having been established.”

## Conclusion

15. The Committee is invited to consider what action it wishes to take. Options include —
  - To invite the Minister for Public Health and Sport to provide evidence at a future meeting;
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**

**Annexe**

The following submissions are circulated in connection with consideration of the petition at this meeting—

- PE1408/KK: Scottish Government Letter of 15 February 2017 (111KB pdf)
- PE1408/LL: Petitioner Submission of 28 February 2017 (409KB pdf)

All written submissions received on the petition can be viewed on the [petition webpage](#).

**Public Petitions Committee**  
**5th Meeting, 2017 (Session 5)**  
**Thursday 16 March 2017**

**PE1591: Major redesign of healthcare services in Skye, Lochalsh and South West Ross**

**Note by the Clerk**

- Petitioner** Catriona MacDonald on behalf of SOS-NHS
- Petition summary** The petition calls on the Scottish Parliament to urge the Scottish Government to reverse its approval of the major service change to healthcare services in Skye, Lochalsh and South West Ross.
- Webpage** [parliament.scot/GettingInvolved/Petitions/skyelochalshsouthwestross](http://parliament.scot/GettingInvolved/Petitions/skyelochalshsouthwestross)

**Introduction**

1. This is a continued petition, which was last considered by the Committee at its meeting on [22 December 2016](#). At that meeting, the Committee agreed to write to the Cabinet Secretary for Health and Sport, seeking a response to the critique set out in the petitioners' submission of 8 December 2016, and to address questions on patient transport provision.
2. The Cabinet Secretary's response has been provided to members, together with the petitioner's subsequent submission. The Committee is invited to consider what action to take on the petition.

**Committee consideration**

3. In her letter, the Cabinet Secretary states that there is "very little [she] can add to [her] previous responses to the Committee."<sup>1</sup> The Cabinet Secretary's letter again identifies the information, representations and views she took into consideration – including that of the Scottish Health Council – before approving the Board's proposals.
4. The Cabinet Secretary reaffirms that she has received assurances from NHS Highland that the work to address concerns raised during the consultation is being undertaken with the full engagement of local stakeholders and that this "will underpin the development of the Board's formal business case for taking the proposals forward".
5. The Cabinet Secretary maintains her position that approval has been granted and that it is "now important to move forward and ensure the plans put forward

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<sup>1</sup> Scottish Government submissions: [14 January 2016](#); [18 March 2016](#); [31 October 2016](#).

by NHS Highland provide the best possible services for all the people of Skye, Lochalsh and South West Ross”, and that she has received regular reassurances from NHS Highland that it will take this forward “with the full involvement of local stakeholders”.

6. On the issue of Scottish Ambulance Service patient transport provision, the Cabinet Secretary confirms that there are two vehicles – supported by three full time staff posts and both with stretcher capabilities - based in Portree to cover the region in question.
7. The Cabinet Secretary notes that while NHS Highland has not as yet submitted any transport requirements relating to the proposed redesign of services, the Scottish Ambulance Service will “continue to work with NHS Highland and other partners to deliver services which support the public and local communities”.
8. The Cabinet Secretary acknowledges the concerns that have been raised around transport issues and notes that the Board’s intention to consider a range of potential solutions to ensure that there is no adverse impact on local communities. She adds that the new arrangements will be “fully tested and up and running before any changes to the current service provision are made”.

#### **Petitioner correspondence**

9. The petitioners are “very concerned about the nature of the response given to the Committee by the Cabinet Secretary”. They consider that the Cabinet Secretary’s submission does not address key questions and has “completely ignored” the issues raised in the critique set out in their previous submission.
10. The petitioners focus their submission on five specific grounds—
  - response to the critique in their 8 December 2016
  - national guidance for infrastructure investment
  - relative costs and risks of possible locations for the new hospital
  - the role of the Scottish Health Council
  - concerns highlighted by elected representatives

#### *Response to the critique*

11. The petitioners consider that the Cabinet Secretary “is in breach of standard protocol for an investment decision of this nature since no investment decision should be regarded as irrevocable if significant new information is brought to bear which evidences the absence of required protocols”. They contend that their submission of 8 December provides “a raft of significant new information”.

#### *National guidance for infrastructure investment*

12. The petitioners previously questioned the “assumed mandatory nature” of the Scottish Capital Investment Manual (SCIM). They refer to parliamentary question [S5W-05907](#), lodged by Donald Cameron MSP and answered by the

Cabinet Secretary on 17 January, “to clarify the status of the SCIM and the Treasury Green Book” as set out in the critique.

*Relative costs and risks of possible locations for the new hospital*

13. Referring to quotes in the critique from the SCIM and the Green Book, the petitioners reassert their contention that “the failure of [NHS Highland] to follow this mandatory guidance” will lead to increased risks to the health and wellbeing of people in the area; very large economic costs; increased mortality rate, and wider economic and social costs. They express their view that—

“If NHSH had followed mandatory guidance we could be assured that the redesigned service will represent the maximum benefit from and the best use of public funds.”

*The role of the Scottish Health Council*

14. The petitioners consider that the Cabinet Secretary’s response to questions on the role of the Scottish Health Council contrast with the reference to the Scottish Government Practice Note CEL 4 (2010) set out in the critique.

*Concerns highlighted by elected representatives*

15. The petitioners refer to representations made by Kate Forbes MSP and Rhoda Grant MSP at the Committee meeting on 22 December. Factors raised at that meeting included population density; income deprivation in the north of Skye, and concerns about patient transport services and travel related risks.
16. The petitioners reiterate their view that the redesign proposals have not been costed at full economic cost and that mandatory guidelines for options appraisals have not been followed. They express dissatisfaction with “the lack of detail in the responses” which leads them to feel that their “legitimate concerns” are not being listened to, and ask what signals this might send to Health Boards who are struggling with budgets.

**Action**

17. The Committee is invited to consider what action to take. Options include—
- To write to the Cabinet Secretary in light of her most recent letter to ask what steps the Scottish Government can take to ensure that NHS Highland and local stakeholders, are able to move forward together;
  - To take any other action the Committee considers appropriate.

**Clerk to the Committee**



## **Annexe**

The following submissions are circulated in connection with consideration of the petition at this meeting—

- [PE1591/P: Scottish Government submission of 31 January 2017 \(69KB pdf\)](#)
- [PE1591/Q: Petitioner submission of 2 March 2017 \(98KB pdf\)](#)

All previous written submissions received on the petition can be viewed on the petition [webpage](#).