



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Petitions Committee

**Thursday 20 June 2019**

**Session 5**



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Pàrlamaid na h-Alba

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**PUBLIC PETITIONS COMMITTEE**  
**12<sup>th</sup> Meeting 2019, Session 5**

**CONVENER**

Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Angus MacDonald (Falkirk East) (SNP)

**COMMITTEE MEMBERS**

\*Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

David Torrance (Kirkcaldy) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jackie Baillie (Dumbarton) (Lab)

Tom Bell (Pest Management Alliance)

Maurice Corry (West Scotland) (Con)

John Hope (Pest Management Alliance)

Dee Ward-Thompson (Pest Management Alliance)

**CLERK TO THE COMMITTEE**

Lynn Russell

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Public Petitions Committee

Thursday 20 June 2019

[The Deputy Convener opened the meeting at 09:30]

### New Petitions

**The Deputy Convener (Angus MacDonald):** Good morning, everyone, and welcome to the 12th meeting in 2019 of the Public Petitions Committee. We have received apologies from the convener, Johann Lamont, so I will convene today's meeting in her absence. We have also received apologies from David Torrance.

We have two items on our agenda this morning: consideration of two new petitions, followed by consideration of seven continued petitions.

#### Natural Flood Alleviation Strategy (PE1720)

**The Deputy Convener:** The first new petition before us today is PE1720, which was lodged by Les Wallace. It calls for the development of a natural flood alleviation strategy for Scotland under the Flood Risk Management (Scotland) Act 2009.

The note that was prepared for the committee by the Scottish Parliament information centre and the clerks provides an overview of the current position in the context of the 2009 act. It provides a definition of "natural flood management" as set out in the Scottish Environment Protection Agency's natural flood management handbook, and it refers to the natural flood management network, which was developed in partnership by the Scottish Government, SEPA and the James Hutton Institute.

The petition refers to the role that beavers might play in flood risk management, which is discussed in paragraphs 10 to 14 of the paper by SPICe and the clerks. Paragraphs 15 to 18 of the note outline Scottish Government action, including its climate change plan, as well as the Government's support for the development of natural flood management approaches, such as the Eddleston Water project and the European Union Interreg building with nature project. The note also refers to the recent assessment by the Committee on Climate Change, which states that there remain

"key data and evidence gaps that make it difficult to assess progress for a number of priorities"

for flooding and flood risk management. The remainder of the note outlines previous

parliamentary questions and answers on the matter.

Do members have any comments or suggestions for action?

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** The petition has received a significant number of signatories. That is encouraging, particularly given our aims and goals on climate change. I was unaware of the natural flood management techniques that are available, which include hydrological and morphological procedures. The issue is important and the petitioner makes a good point that a collaborative approach is required, which must include the use as a defence of the traditional styles of engineering that we use to guard against flood risks.

I was also interested to note that the usual suspects—SEPA, the James Hutton Institute and the Scottish Government—have 100 natural flood management actions. It is really great that they are looking at the issue. We must develop a natural flood alleviation strategy if we are to reach our climate change goals. It is important to note that the CCC has mentioned that flooding mapping is extremely important and that there are gaps, as the deputy convener mentioned. I would like to find out a bit more from the organisations that are involved in the 100 actions.

**The Deputy Convener:** Brian, do you have any comments?

**Brian Whittle (South Scotland) (Con):** It is a really interesting petition. The extra dynamic is the reintroduction of beavers into the ecosystem and the impact that the dam building that they do could have downstream, including on farming. We know that there is a bit of contention around that. In the first instance, it would be interesting to seek the Scottish Government's views on the action that the petitioner is calling for.

**The Deputy Convener:** Perhaps I should declare that the petitioner is one of my constituents.

Do members agree that, in the first instance, we should write to the Scottish Government to seek its views on the action that is called for and to invite it to respond specifically on the gaps in the data and the evidence? As Brian Whittle has suggested, there are challenges with regard to areas of land such as farms. Therefore, do members agree that, in addition to contacting key stakeholders such as SEPA, Scottish Natural Heritage and the James Hutton Institute, it might be an idea to contact NFU Scotland and Scottish Land & Estates to seek their views, too?

**Members indicated agreement.**

**Rachael Hamilton:** Perhaps we could get in touch with Fisheries Management Scotland as well, because fisheries management is part of the conversation. In England, a lot of work is being done on the catchment management approach. Last Sunday's edition of "Countryfile" or "Landward" featured the River Itchen; it was a very interesting programme. The fisheries management approach is one that is going to guide us.

**The Deputy Convener:** Yes, indeed. We will ask the clerks to take that forward.

### **National Tourism Strategy (PE1721)**

**The Deputy Convener:** PE1721 is on the national tourism strategy for Scotland and the role of the National Trust for Scotland in that. The petition was lodged by John Hanks on behalf of Friends of Geilston. It calls on the Scottish Government to meet the NTS to discuss the role that it can play in the context of the national tourism strategy, and it asks that the future of any trust property that is under threat of closure be included in any such discussion.

The note that was prepared by SPICe and the clerks provides a brief summary of the roles and remits of different parties and stakeholders, including the Scottish Government, the tourism industry and the NTS. Paragraph 9 of the note says that an updated tourism strategy is being developed by the Scottish Tourism Alliance. The strategy steering group that has been set up to deliver that updated strategy does not include the trust. The petition is an example of one that is set in the national context but which stems from a local experience.

This morning, we are joined by Jackie Baillie and Maurice Corry, who both have an interest in the petition. Before we go to members of the committee, it would be helpful if Ms Baillie and Mr Corry could provide some context to assist us with our consideration of the petition.

**Jackie Baillie (Dumbarton) (Lab):** I thank the committee for its time. As the deputy convener said, I am joined by my colleague Maurice Corry. I hope that the committee understands the truly cross-party nature of the approach that is being taken to the petition and the support that it has received. Through the deputy convener, I would like to welcome the members of Friends of Geilston who are in the public gallery.

As the deputy convener rightly pointed out, the petition is set in the context of our national tourism strategy, which, as members will know, is all about showcasing Scotland as a visitor destination with first-choice, high-quality, value-for-money and memorable visitor experiences. That is the vision that has been set by the Scottish Government, and it is one that we all support.

Tourism is of course growing, particularly among visitors from mainland Europe. Scotland's unique selling point is our heritage, our monuments, our castles and the stunning landscapes that we enjoy day in and day out. However, we know that if we are to sustain that, we need a range of high-quality visitor experiences. We need to get much better at linking destinations so that we can contribute to the maintenance of that overall experience.

It might surprise members to learn that gardens make a hugely important contribution to our tourism offer. A United Kingdom select committee is currently looking at the importance of gardens and their contribution to tourism and the natural heritage of the UK. A recent survey that was carried out by the British Tourist Authority said that 32 per cent of foreign visitors spent time in parks and gardens when on holiday. I was quite surprised at how high that figure was, because it was almost as high as the percentage—35 per cent—who visited some of our famous monuments, castles and attractions. The fact that there is not that much difference between those two figures underlines the significance of gardens to our tourism offer.

Scotland is blessed with some stunning gardens. We are all familiar with the botanic gardens at Kelvingrove in Glasgow and the Royal Botanic Garden Edinburgh, which attract hundreds of thousands of visitors, but there are many more. I will not take up the committee's time by naming them all—we would be here all day—but I would like to talk about a very local example: that of Geilston garden in my constituency. The garden and house were gifted to the National Trust for Scotland by Miss Hendry, together with what was at the time quite a substantial endowment.

Geilston garden is listed in the UK's top 100 gardens. I cannot quite remember its position but, for me—I suspect that this is the case for Maurice Corry, too—it is number 1 in that list. Rather disappointingly and surprisingly, in our view, in 2016, the NTS took the decision to close and dispose of the property and the gardens, and it transferred the endowment funds into its general funds. I found that an incredibly short-sighted decision, which was entirely contrary to the clear direction of travel that was set by the Scottish Government in its tourism strategy.

Friends of Geilston is challenging that decision on a number of fronts. First, it is challenging NTS's refusal to use the financial endowment that was part of the bequest to renovate the property and reduce the operating deficit. It is doing so because the NTS's accounting practice is such that no income is credited to the property because of the high percentage of visitors who are NTS members. That results in it appearing to have an

operating deficit, but we know that NTS members use the gardens all the time. Friends of Geilston is also challenging the low rating that is given to the gardens under the NTS's particular measures of value.

I must add that, in the context of the local economy, Geilston is really important. In my view, there is a natural linkage for NTS members between the gardens and the Hill house in Helensburgh, which is also owned by the NTS. When you look at the local businesses that have grown up as a result of the footfall that the gardens have generated, you can see Geilston's significance for the local economy, as well as for the tourism strategy overall. Friends of Geilston is challenging the NTS's decision for a number of reasons.

As part of the discussions that it has had, the organisation has worked with the NTS to commission a study on future options, and I invite the committee to ask the trust for a copy of that study, because I think that that would be instructive in looking at the petition. We are very clear about the fact that it is not just the gardens and the house that are under threat of closure—there are other properties that are run by the NTS that face similar challenges. We need to look at all those in the round because, collectively, they add to Scotland's tourism offer.

Scottish gardens make a contribution to Scottish tourism. I do not think that that contribution is sufficiently recognised in the tourism strategy, but people are waking up to the issue. Some NTS gardens are getting investment; others are being—dare I say it—neglected and might well be on the list for closure. We cannot have a situation in which there is a concentration of investment in flagship properties, with gardens that form such an important part of the natural heritage of Scotland being ignored.

If I might be so bold, I invite the committee to come and visit Geilston. I would love to host a visit by members of the committee to Cardross to see the garden, because I am sure that they would enjoy the experience and fall in love with the garden, and that it would become their number 1 garden, too.

I suggest that the committee might want to write to the NTS—indeed, it might want to consider bringing the organisation before it, along with the Scottish Government—to obtain the study so that it can find out what local people have done to maintain the garden and the property and keep them in the future. The committee could perhaps ask the NTS what plans it has for other properties and gardens in its portfolio and invite it to reflect on the petition and the importance of such gardens to the tourism strategy in Scotland, and to stop any closures until it has had an opportunity to

discuss what it is doing with the Scottish Government and with the committee.

**The Deputy Convener:** Thank you, Ms Baillie. Mr Corry, do you have anything to add?

09:45

**Maurice Corry (West Scotland) (Con):** I entirely endorse what Jackie Baillie has just said and agree that this is a cross-party matter. Indeed, we, along with Friends of Geilston, have worked closely on this from the beginning.

This is a very important issue, because Geilston is quite a unique property. It has a lot of connections with the shipbuilding and shipping industry on the River Clyde—it brings a lot of that together. Furthermore, there is a double whammy here; people come to the area because of the Hill house, which has just had and will continue to have a massive amount invested in it, and Geilston is right on the footpath to it. It would be crazy for the NTS to consider its closure at all.

Perhaps at this point I should declare that I was a member of the NTS when this issue first came up. My membership has, I think, been slightly delayed at the moment—but never mind. I am certainly very supportive of it.

The gardens are very important. As a young lad born and brought up in the area, I knew Miss Hendry and Miss Bell who lived there, and from knowing them quite well, I know that it would have been Miss Hendry's wish not to have seen her money go into a central pot. I think that it is very sad that that has happened, and the decision should really should be reconsidered at NTS headquarters. The money should be purely for investment in the house and garden itself.

I pay tribute to Friends of Geilston, which has done a fantastic job in highlighting the issues at Geilston house. If you go there, you will see the number of people who come to it. It is quite incredible. There is an active and working kitchen garden that sells produce to people in the area; in fact, I buy produce from it for my Sunday lunch. It is great—and I recommend the parsnips. Moreover, as Jackie Baillie has said, Geilston is in the top 100 UK gardens, which is pretty good, and I think that that ought to be borne in mind when you look at this petition.

I understand from conversations with the NTS chairman that various considerations are being undertaken across the whole of Scotland, but I am very concerned that the NTS is taking a heavy-hammer approach to Geilston. I just do not think that it is listening to the details that have been set out in Friends of Geilston's reports, on which I know a tremendous effort has been made.

What are the future options? Friends of Geilston has put options on the table, and I implore the NTS to talk to them and look at what they are suggesting. To be fair to the NTS, I know that it has asked questions, and obviously it is keen for some form of collaborative community group to come forward. I should say, with my armed forces and veterans hat on, that I have looked at the possibility of the house being involved in providing some housing for veterans. There are a lot of options, but the NTS's heavy-hammer approach at the moment is beyond the pale. I think the committee needs to take a real look at the situation and carry out an in-depth study, because there is lots of information available, and work on the various options for the house is being led by John Hanks and other members of Friends of Geilston.

The other thing that you will notice when you drive into the gardens is that there are a lot of children and young people there. It is a great place. As Jackie Baillie knows, there is a young people's play area, and that sort of thing is encouraged. It also has lots of open days and various other events—in fact, I think that "Macbeth" was staged in the gardens the other day. The walled garden would be a beautiful setting for it.

When you talk to people just wandering around, as I have done many times, you find that they come from a long way away, not just from local areas. Again, I commend to the committee a visit to the gardens—we would be more than happy to host you there. You can get a very good cup of coffee, and you could, if you like, buy some very nice parsnips and vegetables and contribute to the wellbeing of the gardens.

It would be a great sadness if the house were to be closed. It would also be extremely foolish, because, as I have said, it is so close to the Hill house that people can get a good bang for their buck by being able to visit two places. I would very much recommend that it be kept going, particularly the gardens, which stand out.

Thank you for listening to us.

**The Deputy Convener:** Thank you. I am sure that the petitioners appreciate the various plugs for coffee and parsnips.

I am not sure whether the figure that was transferred from the endowment is public knowledge. Can you give us any indication of how much was involved?

**Jackie Baillie:** I can certainly let the committee know in writing. I know that the endowment was quite substantial, but because it was not attached to the property and the gardens, the NTS was able to put the money into general funds. Obviously, we were very disappointed by that decision, but we

recognise that, legally speaking, it was able to do it, even though, morally speaking, it should not have done.

**Maurice Corry:** The original figure was £800,000. However, that has now climbed into the millions, because it has increased over time. It was not an insubstantial amount, convener.

**The Deputy Convener:** It seems fairly substantial. Do committee members have any views?

**Rachael Hamilton:** I do not know whether I read it wrong, convener, but I am sure that I saw a figure of £2.5 million.

**Jackie Baillie:** That might be right.

**Maurice Corry:** Yes.

**Rachael Hamilton:** Our papers refer to

"a legacy from the previous owner ... which is now worth in the region of £2.5 million."

I, too, thank the members for their plugs—the place sounds amazing. I am not sure whether Maurice Corry is on commission with regard to the parsnips.

From what you have said, the place is clearly valuable to local people and members, but I want to direct a couple of questions to those people. Why is Friends of Geilston not keen for the gardens to be run by a community trust? It seems from what you have said, Ms Baillie, that you have not seen the report in question, and that is why you are encouraging us to get a copy of it from the NTS. It is very difficult to know what the operating costs are and if that is indeed what is putting Friends of Geilston off running the trust itself.

My other, more general comment relates to what I think is an important point by the petitioner about the need to identify the NTS's role within the national tourism strategy. If it is not part of the STA, it is very difficult to work that out. Clearly, as an independent charity, it will feel that what is in its best interests is to increase the number of members and footfall in properties and safeguard its properties. There are two different things to consider here: first, how we involve the NTS in the tourism strategy and secondly, why Friends of Geilston is being put off the idea of having a community trust.

**Jackie Baillie:** I will respond to both questions. First of all, the study was carried out by EKOS; my understanding is that it was commissioned by the NTS, which worked alongside the community to shape its terms. Certainly I was interviewed for it.

I understand that that study is now complete. I have not been provided with a copy by the NTS, but I would invite the committee to request one.



Hopefully, I will receive one in the post after those at the NTS have watched this committee meeting.

I think that there is a strategic issue here. We are naturally concerned about our local garden, but the fact is that it could be your local garden tomorrow. Perhaps I am being unfair, but we are concerned that the NTS is focusing on the big-ticket visitor attractions, while gardens that are smaller but which are nevertheless critically important to our tourism offer do not get taken into account.

The local community adore the gardens—indeed, you have just heard from Maurice Corry and me how much so. However, it is a huge responsibility for a community group to take on a house that requires quite extensive repairs of at least £1 million, if not £2 million—I suspect that it is nearer £2 million.

We also do not have, at a strategic level, the opportunity to make linkages with other NTS properties such as the one that we have described with the Hill house, which is 10 minutes up the road. It makes sense for one body to look at all of these things collectively instead of the whole situation being fragmented and these places being run by disparate community groups.

We have a great bunch of enthusiastic members now, but, to be honest, what is going to happen in 20 years' time? The group is saying, quite properly, that it will help in any way it can—and, believe me, its members are very active—but taking on what should be the responsibility of the NTS is, it thinks, probably an error, given the need to keep this at a very strategic level.

I go back to the figures, which stunned me. I did not realise that 32 per cent of foreign visitors were visiting gardens and parks, which is nearly as many as the 35 per cent visiting famous monuments. That is a huge figure. We have a great garden network, but it is just not being exploited in our tourism strategy. We need to fix that, and we need to keep not just Geilston but other gardens like it, given their substantial contribution to our tourism offer in Scotland.

**Rachael Hamilton:** If the £2.5 million legacy was put back into the NTS's general fund, as you said, is there no rule that safeguards that? Even if there is not, why was that money not used to safeguard the Geilston property?

**Jackie Baillie:** May I invite you to put that question to the NTS? Those are the questions that we are asking.

The building did not get into its current state of repair overnight, so investment in the building has clearly been an issue, as have repairs. I am sure that the funding that is being put into the general fund will be used appropriately, but it can be used on

anything. To our evident disappointment, it is no longer tied to the house and the garden. I did not know the two ladies who lived in the house, but everybody locally tells me that their legacy was about the house and garden—as Maurice Corry pointed out—and not about generally contributing to the NTS's coffers.

**Maurice Corry:** May I clarify a point? When I referred to £800,000, that was the original figure from way back. Obviously, it has grown since then with shrewd investment. When Miss Hendry died, the will was made in such a way that the transfer of funds could be made to the NTS headquarters account, but what was agreed—after much negotiation with the Friends of Geilston—was that the interest on that capital sum would be allocated to Geilston house for the maintenance of the gardens and general repair of the roof, which had been redone. There was an element of income that came towards the Friends of Geilston, but the capital sum did not.

There is a legal issue around why that is still in place; I am not sure of the specific term, but the will is a legacy will, which means that it can be used across the NTS properties generally, so there is a legal argument about that. The Friends of Geilston have managed to win the interest, which is something. Using that as an example, it has moved some way—but not far enough—towards the wishes of the Friends of Geilston. That is the point, so we can say that the NTS board has realised that there is an issue here.

Receiving the interest is certainly a help, but let us go a bit further and have the capital sum allocated purely to Geilston house. I am convinced that that is what Elizabeth Hendry wanted; clearly, she wanted to bequeath the money for Geilston and the people of Cardross.

**Brian Whittle:** The situation sounds similar to something that has happened in my area over a period of time. Belleisle park has been in the news again because the property there burned down. I visited Belleisle as a kid—and I have taken my own children there, too—and, given the way in which it has been allowed to deteriorate, what you are saying rings true. I have a lot of sympathy with what colleagues and the petitioners are saying.

It seems entirely reasonable to assume that the money was bequeathed specifically to maintain the property, and it strikes me that although it might not be illegal it seems slightly immoral that the NTS would take that money for other projects. I am minded to look into the petition a little deeper, convener.

**The Deputy Convener:** Thank you—I tend to agree. I have a lot of sympathy with the petition, which seems to contain a not unreasonable ask. Clearly, the petitioners have had strong support

from Jackie Baillie and Maurice Corry; it is heartening to see that cross-party local support.

Do members have any suggestions on what we should do with the petition?

10:00

**Rachael Hamilton:** We should write to the STA to ask whether there is a reason why the NTS is not included in the board or in the strategic tourism plans for Scotland. There may be a valid reason for that, but it would be good to find out. We should also write to the Scottish Government to understand the outcome—the contribution from the NTS properties and the contribution of the footfall. I think that their contribution to Scotland is very important.

Other than that, of course we need to eke out more details from the NTS on some of the points that have been made today and perhaps get a little bit more information from Geilston on the evidence that we have heard today.

**The Deputy Convener:** Indeed. I agree. We need to seek the Scottish Government's view of the petition, and ask for a response from the NTS; we will ask it to provide a copy of the study that Jackie Baillie referred to and to comment on the points that have been raised by the two local members.

I believe that the United Kingdom Parliament's Digital, Culture, Media and Sport Select Committee is doing an inquiry on the contributions of gardens to the economy; I think that that inquiry is live, so we will alert that committee to the petition that we have discussed this morning.

We also need to seek the views of the STA and Visit Scotland. As Rachael Hamilton said, the Friends of Geilston will have a chance to respond to our discussion this morning and to anything that comes back from the various bodies that have been mentioned. Are we agreed?

**Members indicated agreement.**

**The Deputy Convener:** Thank you.

I thank Jackie Baillie and Maurice Corry for coming along this morning.

**Jackie Baillie:** Thank you very much, convener, and thank you to the committee.

**Maurice Corry:** I, too, thank the convener and the committee.

**The Deputy Convener:** I suspend the meeting to allow the witnesses for the next session to take their places.

10:02

*Meeting suspended.*

10:04

*On resuming—*

## Continued Petitions

### Glue Traps (PE1671)

**The Deputy Convener:** The first continued petition is PE1671, on the sale and use of glue traps, which was lodged by Andrea Goddard and Lisa Harvey on behalf of Let's Get MAD for Wildlife.

At our previous consideration of the petition in December 2018, we agreed to invite the Pest Management Alliance to give evidence at a future meeting, and representatives of the PMA are here to give evidence today. I welcome Dee Ward-Thompson of the British Pest Control Association, John Hope of the National Pest Technicians Association and Tom Bell of the Royal Environmental Health Institute of Scotland. Thank you for attending this morning. You have an opportunity to provide a brief opening statement of no more than five minutes, after which we will move to questions from the committee.

**Tom Bell (Pest Management Alliance):** Good morning. The plan is to give a very brief introduction, if that is okay. The PMA acknowledges the potential for cruelty to be caused to target and non-target species by the use of sticky boards. However, we recognise the need to protect public health if an imminent risk presents itself, and we look forward to informing the process.

**The Deputy Convener:** Thank you. In your submission of November 2018, you acknowledged the proposals that were put forward by the petitioners with regard to the code of practice and indicated that you would consider a potential redraft of the code, with a particular focus on the training aspect. Can you advise the committee whether that has been done? If so, when do you expect it to come into effect?

**Dee Ward-Thompson (Pest Management Alliance):** The revision is still on-going. We have looked at making some revisions, particularly around the reasons why or when glue traps could be used. However, we are still in the process of drafting that document, so we do not have a final document today.

With regard to the training, we are looking at developing a training course—again, that is in progress at the moment—that people would be able to take online or in a classroom. However, I should note that the Royal Society for Public Health level 2 award, which is currently the base qualification that we use for pest control, covers the use of sticky boards, so it is being covered.

**The Deputy Convener:** Do you have a timeline for that and also a timeline for the code of practice?

**Dee Ward-Thompson:** The code of practice should be ready soon. John Hope can perhaps say more about that.

**John Hope (Pest Management Alliance):** We looked at the code of practice in light of the petition, which makes various points that make sense. However, we wanted to see whether any recommendations came out of this committee meeting today with regard to what you think should be done. We did not want to issue a new code of practice and then end up in a situation where we had to send out another revision quite quickly. Work is in progress on the code of practice, and I would say three to four months would be the maximum time we would need to develop that.

**Brian Whittle:** As I understand it, the code applies or will apply only to organisations and pest controllers who are members of the PMA. How binding do you think that the code will be?

**Dee Ward-Thompson:** The code has been around for a long time. The PMA comes together whenever there are any significant issues or subjects that we feel strongly about and in relation to which we think that the industry should come together as a group. We are made up of the various pest control associations, the Chartered Institute of Environmental Health, REHIS and a group called the national pest advisory panel. We wrote the code of best practice a very long time ago. The original version was published around 2010, when we realised the importance of making sure that these products were used safely and only when needed, and decided to give guidance and assurance that that was taking place within professional pest management.

All of our members in the different associations sign up to the pest management codes of best practice. We currently have only three, and it is important that all of our members adhere to them. We issue them when people become members and follow that up through an audit process, which shows that, genuinely, all of our members adhere to any code of best practice that the organisations sign up to. We do not watch all of our members all the time, but we can say that professional pest controllers will follow the codes of best practice that are set down by the organisations and the PMA.

**Brian Whittle:** What training and oversight do you propose putting in place to ensure compliance?

**Dee Ward-Thompson:** With the code of best practice?

**Brian Whittle:** Yes.

**Dee Ward-Thompson:** I can speak only for our organisation, but when all members join they are taken through all of the codes of best practice and there is online training that they can do, which is specifically in the code of best practice. We have continuing professional development within the pest management industry. We have a CPD scheme that is only on pest control—it is not a broad subject CPD; it is all on pest control. There will be CPD courses and webinars on all of the codes of best practice that we have. I think that John Hope's association does something similar.

**John Hope:** Yes. I think that it would be fair to say that the vast majority of members of both associations—in fact, I would say virtually all of them—adhere to that code of best practice when it comes to glue boards. As Dee Ward-Thompson says, the code of practice has been around for a number of years, and it is well entrenched within the pest control industry.

We have a robust system for dealing with complaints on anything that comes to us with regard to our members. I have dealt with one complaint in the last 12 months, which I upheld. We went through a process of dealing with that individual member, which involved retraining and readvicing them, and we followed that up with a subsequent visit. We have a robust process in place, and I am sure the BPCA also does. As I say, the code is well entrenched.

Where the code is not so well entrenched, though, is in relation to the availability of the boards to amateur users. Boards that are provided by pest control suppliers will have the code of best practice printed on the back of them. The staff of the various pest control companies that buy those products will have gone through training to use those products. As Dee Ward-Thompson said, the base qualification that we use is RSPH level 2, although we are looking at a new training programme specifically for glue boards. However, no such controls exist when it comes to the amateur use of boards. You would only have to go on Amazon or eBay or any of those various platforms to be able to buy boards and use them however you like. That has always been a big concern for us. However, for professional users, the code is well entrenched and we use the boards properly.

**Brian Whittle:** I was going to ask about the pest controllers who are not members and those amateur people who are trying to carry out pest control. You cannot ensure adherence in relation to them. Would you advocate that glue boards should be used only by those who are professional pest controllers and members of your organisation?

**Dee Ward-Thompson:** I agree 100 per cent.

**John Hope:** Yes, I totally agree.

**Dee Ward-Thompson:** I totally agree.

**Brian Whittle:** That is interesting. Okay, thank you.

**Rachael Hamilton:** I would like to pick up on that point. The cabinet secretary had intended to introduce restrictions on the sale and use of glue traps. You mentioned Amazon, which brings up the issue of online sales. Is it only somebody who is aware of the code of practice and is a specially trained practitioner who can purchase glue traps, or can anybody purchase glue traps? Is there anything in place to prevent those who are not trained from purchasing glue traps?

**John Hope:** The professional pest control provider market will have certain customers who have accounts with them that are from pest control companies. There are no restrictions in place at all on a member of the general public purchasing glue traps online or even from a market stall.

10:15

**Rachael Hamilton:** Do you believe that there should be something in place?

**John Hope:** With regard to the amateur market, certainly.

**Rachael Hamilton:** Has the PMA looked at controlling that?

**John Hope:** To be fair, that is quite difficult for us to control. We deal with the pest control suppliers on a regular basis and there are discussions around providing glue boards only to professional users. It is fair to say that all the suppliers have come on board, which is why, as I say, the code of practice is printed on the back of their boards. However, the boards that you buy from a market stall will not have that code of practice printed on them, and people do not know how to use them. The petition is right in saying that those boards do have the potential to cause suffering. I have been in this industry for nearly 30 years and I would argue that the people who work in the industry do not have any agenda to cause suffering—in fact, the absolute opposite is true. We are in a world now where there are restrictions on many products.

There are difficulties in relation to controlling rodents these days. I know that I am going off your question, but the point that I am trying to make is that there is a need to keep these products for public health use. There are difficulties now around rodent control with regard to tolerance to cereal baits and behavioural resistance to bait boxes and the like. We need to keep the armoury that we have, providing we use it properly, which

is why the PMA recognises that we need to have controls over these measures. That is why we brought in the code of practice in the first place.

**Rachael Hamilton:** To respond to that, I think that irresponsible use is devaluing what the PMA is setting out to do with in the code of practice. I find it quite horrific that people who do not know how to use the traps are able to use them.

With regard to a revision of the code of practice, you said that you wanted to wait and see what happened here today and to find out how the committee would guide you. I am not an expert, so I do not think that I will be able to guide you, but I wondered who you will consult to shape the code of practice. Who will you bring on board to allow you to make the approach more robust, if that is what you are after?

**Dee Ward-Thompson:** We have already consulted. We have been in consultation with various organisations, including the Department for Environment, Food and Rural Affairs and Natural England, and we are also speaking to representatives from Wales and Scotland and Northern Ireland, because we cover all of those within our membership base. It is always difficult when you are trying to rewrite something that has been in place for many years and has worked effectively. Sometimes, you can get to the point where you make it too big and it is no longer a code of best practice and has become a guidance document. It is quite a lengthy process, and we are trying to ensure that we do not make it too wordy, which might mean that people do not follow it.

We will probably end up having two documents, because a code of best practice sets out what you must do—"You shall do this and you shall not do that"—whereas guidance is more about the how. As I say, the PMA has only three codes of best practice, because there are only three subjects that we feel strongly enough about that we think that we need to have a code of best practice on them, and we want to keep them nice and short. As I say, I think that we will end up having additional guidance that will explain the approach to people.

**Rachael Hamilton:** Is the code of best practice given with the product at the point of sale? I know that you cannot track that online. Obviously, there are instructions, but is a code of best practice available to those people who are not trained and using it irresponsibly?

**Dee Ward-Thompson:** Responsible sellers—that is, manufacturers of the products—will supply a printed copy of the code of best practice, but lots of sellers will not and there will be no controls at all. That is one of the biggest issues with the amateur market—anybody in this room could buy

the products and have them delivered by tomorrow from China, America or anywhere, because there are no controls at all.

The pest management industry has always been self-regulating. The campaign for responsible rodenticide use—CCRU UK—has voluntary codes on the sale and use of rodenticides used to keep antivitamin K-actives. That is self-stewardship. The use of aluminium phosphide is through stewardship by voluntary means and by working with an organisation called BASIS RAMPS—RAMPS stands for the register of accredited metallic phosphide schemes. The PMA's stewardship is through a very stringent code of best practice, but it is all voluntary. If amateurs can gain products, you will always have the issue of controlling point of sale, which I think will be very difficult.

**Rachael Hamilton:** Mr Hope spoke about having one complaint in the past year. Have any practitioners ever been struck off because of the irresponsible use of glue traps?

**John Hope:** I have been in post for about 12 months, so I cannot answer for what has gone before, but, to the best of my knowledge, no one has been struck off, and certainly not in the past 12 months. I think that striking people off and removing them from an association can be counterproductive—it is far better to work with people and retrain and educate them rather than send them down a road to oblivion, where they will continue to practise but without any potential repercussions. As Dee Ward-Thompson said, we are not a regulated industry, but we are good at self-regulation.

**Rachael Hamilton:** I have one last point, which rounds off what I have been talking about: under what circumstances should glue traps be used? Do you think that that is specific enough in the code of conduct? Is there a clear message?

**John Hope:** I understand where you are going with that question, and I understand what the petition is saying. The code of best practice demonstrates—dictates—that glue boards should be used only as a last resort when all other control measures have failed, or if there is an imminent risk to public health. I can give you various examples of that—the obvious one would be a mouse or a rat getting into to somewhere such as a hospital operating theatre and you, the customer or the pest controller do not want to wait two weeks for anticoagulant baits to start working. In that situation, I would advocate their use.

As I said, I have been in this industry for about 30 years and have probably used glue boards about 10 times, so they are not commonplace. I would not like to be in a position where they were

removed from our armoury as a last resort. That is all they are ever used for.

**The Deputy Convener:** I will stick with the code of practice for a bit longer. We understand that it was revised in 2017. How many times has it been revised since 2010 and what motivated the 2017 revision?

**Dee Ward-Thompson:** I think that there have been three revisions in total. As with most codes of best practice that are done through the PMA, we have a revision process. We look at all our codes of best practice annually, so revisions are just a natural progression. I do not think there was any particular reason that prompted the revision—it was just part of the normal process.

**The Deputy Convener:** The petitioners' submission of September 2018 provided a range of suggested improvements to the code. You have acknowledged those comments, but which or any of the suggestions might feature in the revised code? Have you contacted the petitioners directly to seek their views?

**John Hope:** No, we have not contacted the petitioners directly. We will take on board the various aspects of that submission, but, as Dee Ward-Thompson said, we do not want to make it overly cumbersome. On the inclusion of various potentially emotional statements about suffering, I think that that issue is, again, something about which our members are fully aware. In that context, I reiterate that there are no controls in place at all in the amateur use market.

**The Deputy Convener:** Would it be possible for you to provide a copy of the redraft of the code of practice so that the petitioners and the committee can look at it? I think that it would be helpful if we could have sight of it at an early stage.

**John Hope:** Yes, absolutely. We will continue to work on redrafting it. My view is that it is comprehensive, but we will take on board the petitioners' points of view. As soon as we have carried out a redraft, we will more than happily send you a copy before it goes to submission to the general pest control population.

**The Deputy Convener:** Okay. What is the timeline for that?

**John Hope:** If we say three to four months, would that be reasonable, Dee?

**Dee Ward-Thompson:** Yes.

**The Deputy Convener:** Are there any other points?

**Brian Whittle:** I think that we would all agree that, in general, pest control should be left to professional pest control management.

**Rachael Hamilton:** Yes.

**Brian Whittle:** It is not obligatory to be a member of the PMA in order to practise pest control. Therefore, someone who has no intention of following that code of practice, would not become a member of the PMA. That is a big hole. If we are really going to close a loophole, we would have to ask the Scottish Government if it is prepared to legislate, otherwise those who are non-compliant with the code of practice can continue doing what they are doing with no recourse. I totally understand where the petitioners are coming from and would support their approach, but how do we enforce that? The only way that I can see of doing that is through legislation that would require users of glue traps to have membership of a body. I do not know where we would go with that, convener.

**The Deputy Convener:** That can be considered, but I think that we need to reflect on the evidence that we have taken this morning and discuss further actions at a future meeting. However, clearly, we are keen to see the finalised code. Ideally, if that is done within three months, that would be all well and good, but I suggest that we reserve the option to invite back the PMA to present the finalised version to the committee, possibly in November or December, if the draft were provided by October. Clearly, we would need a copy of the code and the redrafted version in advance of that. Do members agree to discuss the petition further at a future meeting?

**Members indicated agreement.**

**The Deputy Convener:** Thank you very much for giving evidence this morning—it is much appreciated. We may or may not see you back here at some point in the not-too-distant future. Thank you.

10:28

*Meeting suspended.*

10:31

*On resuming—*

### **A83 (Rest and Be Thankful) (PE1540)**

**The Deputy Convener:** I welcome again Jackie Baillie and Maurice Corry, who have stayed for consideration of PE1540, on a permanent solution for the A83. The petition was lodged by Douglas Philand and calls on the committee to urge the Scottish Government to ensure that there is a permanent solution for the A83 at the Rest and Be Thankful, so that that lifeline route is not closed because of landslides.

Following our previous consideration of the petition, on 6 December 2018, we received a written submission from the Scottish Government.

The submission confirms that the Government has conducted a programme of engagement and consultation, including work on the A83, as part of its review of the national transport strategy, which is expected to be published by the end of 2019. The submission also confirms that the Cabinet Secretary for Transport, Infrastructure and Connectivity intended to meet Argyll and Bute Council in early 2019 to discuss the emerging vision, outcome and policies of the strategy and what they mean for Argyll. The submission explains that work on tree planting to reduce the risk of landslips at the Rest and Be Thankful was due to begin in early 2019.

Do members have any comments or would you like to hear from the local members first?

**Rachael Hamilton:** I would like to hear from our local representatives.

**The Deputy Convener:** Who would like to go first?

**Maurice Corry:** I will go first, as I know quite a lot about this. I was elected in 2012 as a councillor on Argyll and Bute Council, and I was the vice-convener of the roads committee. The situation has been going on for a very long time.

As late as yesterday, I had some photographs taken of the Rest and Be Thankful, and, as of last night, no tree planting had taken place at all. In fact, in the area of forestry that the submission referred to as going to private sale, the “for sale” board is still up at the bottom of the glen, so there is no movement on that. There are some issues with the Forestry Commission in relation to harvesting the trees at the bottom of the glen, which is at the beginning of the Rest and Be Thankful, because there are real concerns about hydrology if people start taking those off the hill, which we identified in 2012.

I will give you a bit of background. Way back in farming times—those people among us who are farmers will probably know this better than me—there was an allocation of hillside for the local farmers. Their cattle and sheep would go on to the sides of the Rest and Be Thankful, and, by going around and contouring, they stamped in the soil, forming a barrier on all slides. There are no sheep or cattle on the hill any more—that is not encouraged—so there is a fundamental natural problem. Furthermore, once the forestry people harvest their trees, they completely change the hydrology, so the water situation gets worse. That is why there is a dilemma. There is no use in the Government hiding behind various studies and reviews or in yet another review digging holes. I will come to that in a minute. That is not the solution. Unless you pile up the hill with cattle and make up for those lost years, you are not going to

solve the problem. There has to be a dramatically different situation.

The council considered a couple of major options. One was to cover the road with the Swiss type of avalanche guards, like an open tunnel, so that the debris would slide over and down. However, the worry was that the rock might give way, and there is a sheer drop on the left of the road as you go up, so that option was ruled out. The other option was the blue option, which was to take the road on the south side of Glen Croe, through the forestry ground. Permission has been granted to take it from Ardgartan up to the top of the connection where you turn left and go down to Lochgoilhead, and on up to Inverary. The cost of that option was £40 million. I gather that the spend on what the council is currently doing is not far off £60 million. Jacobs is there, and we still have single-file traffic, with delays of up to 15 minutes. That is non-summertime traffic, so you can understand why people are getting frustrated.

There are continual landslip issues, which is down to a geological problem. It is a fact of life. When I went up there, only three days ago, I could not believe the holes. It is like a massive tooth filling on the side of the hill, and on the other side there is a sheer drop. What is holding it together is the road—I leave that to your imagination. It is quite a serious issue, and I do not think the Government and Transport Scotland have solved it. As a councillor originally, and then as a member of the Scottish Parliament—like my colleague Jackie Baillie—I have been pushing, along with the council, for a solution. Jackie Baillie sits on the task force. I am not blaming her; I am just saying that nothing seems to be happening.

**Jackie Baillie:** I am glad that you clarified that.

**Maurice Corry:** That is absolutely right—it is not that. I know, from other people who are on the task force, that it is frustrating. I think that Jackie Baillie would agree with me on that.

What is the Government doing, and what is the effect of all of this? The effect is being seen—at point blank—in confidence in economic development in Argyll and the isles. We have a population reduction of 10 per cent, which will be about 9,000 over the next 10 years, and people are making active decisions not to invest in Argyll and the isles. Also, tourists are finding other routes to use, and, once they find another route, they go somewhere else.

The road is a vital link to the isles and to the west coast. It has fish traffic on it, and people from the quarries use it. All the logs from forestry come down that route. Yet, we still cannot get the message through to the Government that it has to do something absolutely dramatic. As I say, there has been no planting of trees, and there are

delays to traffic, which is leading to frustration and the possibility of accidents. Once new routes are discovered, people go elsewhere, business is lost, economic development is less attractive and the population will reduce.

The Government clearly has options available to it. It could take the road up the south side of Glen Croe, which, as I said, is the blue option. Another option would be to take the road straight up the middle of Glen Croe and tunnel through the shoulder to the top of the glen, coming out at what is called the devil's bridge, at the other side, under the lochan. The old hill climb road is not usable any more—it has now been ruled out on health and safety grounds. I have talked to the Royal Scottish Automobile Club about it, and it agrees that that is not an issue for the Parliament any more, so there is no suggestion that we can have nice thoughts about using that road. I know that it is a relief road at the moment, but it is not adequate—it goes back to the time of the ark; it is ridiculous.

My plea to the committee is that the situation needs a radical rethink. We need a radical solution and, if necessary, UK Government help on this. The option of a tunnel would not be cheap, but it has been done in the Faroes. In the Faroes, all the islands have been joined up—the Danish Government has done that beautifully. We want something like that: a very simple tunnel at the top and a road up the middle. I am sure that the Government and the landowner could come to some agreement on the sale of the land. I ask the committee to look at that option, as well as calling for other options and another review by the cabinet secretary.

**Jackie Baillie:** The double act continues, for this petition at least. The Rest and Be Thankful is at the edge of my constituency, and the impact on my constituency is significant. The impact on Mike Russell's constituency—because his constituents need to travel that route—is even greater, and I am sure that he would echo many of the comments that have been made.

I attended the most recent A83 task force meeting, which was held in the last few weeks in Arrochar, where we received an update on progress on stabilising the hillside at the Rest and Be Thankful. The situation is frustrating, particularly for local people. I am not going to rehearse the options that Maurice Corry cited, because I think that that detail is not for the committee. However, he has illustrated that there is a wide range of options that would provide a permanent solution, which is what local people want. They want a permanent solution so that the hillside is not collapsing and blocking up the road every two minutes.

The diversion takes drivers through some beautiful parts of Scotland, but it can take up to 40 minutes. The length of time that it takes is fundamentally damaging to the economy of the local area, and local people are very anxious. We know that it has a severe impact on people both socially and economically. It impacts on people getting to hospital and on ambulances getting through. The road is an important part of the infrastructure and life in Argyll and Bute.

I do know that work is going on. The Scottish transport projects review is now under way, and Government officials held a consultation event just prior to the task force meeting, which was very helpful. They were left in no doubt about the priority that the A83 has—and the A82 as well. The Scottish Government has been working with Argyll and Bute Council to make sure that the road is a priority in the STPR. We need that investment to find a permanent solution, and we are at a critical stage. While the work appears to be moving ahead, I ask the committee not to close the petition but to seek an update from the Scottish Government not only on what is happening with the task force and the interim measures it is taking but on the STPR, because that will be the critical vehicle that provides the investment for the permanent solution.

**The Deputy Convener:** Thank you. Do members have any views?

**Brian Whittle:** Can I ask a daft-laddie question?

**The Deputy Convener:** Of course.

**Brian Whittle:** It seems to me that, in a lot of these situations, we are responsible for destabilising the land by clearing it—and for all sorts of other reasons. Do we know what the natural vegetation would be if we had left it alone in the first place? Nature is very good at looking after itself.

**Maurice Corry:** It has always been a forestry area. In other words, there have always been trees on it, and they have been taken off. The south side of the hill, which is where the problem is, is where a lot of cattle and sheep were kept when the farmers used it originally. Now, the farmers are harvesting it but there are no animals—that is the problem. Had it been left alone, or had farming policy been static, I think we would not have had a problem. However, things move on and there were obviously not the incentives to keep the cattle on the hill.

**Brian Whittle:** Would you say that the solution is proper planting to stabilise the hillside, and then to leave it alone?

**Maurice Corry:** I do not know. I have seen some of the rocks that are poised to come down and those that have already come down. It would

just take a deluge of rain to bring the whole lot down. That is one of the problems that you have, and you cannot control that. We have been told that it will take 15 to 20 years before the measures have any effect, in which time 20,000 of the population will have gone.

**Rachael Hamilton:** It is a really frustrating situation. It is really shabby: so many stakeholders are involved, but there has been so little progress. I am not sure—I will need to ask the clerks—but was the petition first lodged in 2014?

**Lynn Russell (Clerk):** Yes.

**Rachael Hamilton:** How ridiculous. You are losing investment, tourism and economic growth—and it is a rural area. It is absolutely disgraceful.

There are so many unknowns. You mentioned the situation with the hillside. Transport Scotland continues to work with landowners to conclude the private sale, but you say that the sign is still up.

**Maurice Corry:** The sign is still there.

**Rachael Hamilton:** Jackie Baillie is on the task force. There does not seem to be much movement there. What urgent action can we call for to bump this up the priority list of strategic transport projects?

10:45

**Jackie Baillie:** In fairness to the Scottish Government, I think that it has recognised the need to find a permanent solution. There have been early discussions with Argyll and Bute Council, and consultants have been brought in. We recognise that, when Transport Scotland's project review concludes, we want to be able to start work straight away.

I am not technical, so I will not comment on what the most appropriate solution would be. I will confine myself to simply expressing the frustration of local constituents, who require a solution. I will leave it to the experts to find out what that solution should be. However, work is under way to ensure that it is treated as a priority the minute the transport review is concluded.

**Rachael Hamilton:** Is there a mechanism in place to ensure that that happens? Everybody wants infrastructure projects, and everybody wants the issues on their roads to be prioritised. How will you make this a priority? What are the criteria?

**Jackie Baillie:** You would need to invite that information from the Scottish Government. My understanding is that it has consultants working alongside Argyll and Bute Council so that the road can be practically one of the first projects out of the stocks, but you would need to confirm that with the Scottish Government.



**Maurice Corry:** It may be possible to write to the council with that question.

**Jackie Baillie:** That is a good idea.

**Maurice Corry:** I suggest that you do that, because you might get a different story.

**Brian Whittle:** I am interested in understanding where this project sits within the development of STPR 2, which will not report for another couple of years. It would be interesting to ask the Scottish Government whether it sits within STPR 2 or whether it can sit outside it so that something can be done sooner. As I say, it will be another two years before that report is written.

**The Deputy Convener:** It would have to sit outside the STPR, but, as Jackie Baillie has rightly highlighted, the STPR is under way.

The Environment, Climate Change and Land Reform Committee took evidence on the STPR a few weeks ago, and the Government is thinking outside the box. It is looking at building tunnels instead of using ferries in some parts of Scotland, and it is looking at having a 40-year plan. I would hope that the issue is a priority and is dealt with first and foremost, as I share the frustration of the petitioners. It has been going on for some time.

Before the election, in the previous session of Parliament, the committee undertook a site visit to the Rest and Be Thankful. Unfortunately, I could not make it, as I was taking evidence in Skye on land reform on the same day. I was a bit disappointed that I could not get to the Rest and Be Thankful. The situation there has been an issue for some time, and it needs to be drawn to a conclusion. Given everybody's frustration, are members minded to invite the cabinet secretary to give oral evidence here, to increase the pressure?

**Brian Whittle:** It is lovely to welcome the cabinet secretary, as you know, and it would very good to get a feel from the Scottish Government of where it is with this particular situation.

**Rachael Hamilton:** Maurice Corry also suggested that we invite evidence from Argyll and Bute Council. Who is on the task force?

**Jackie Baillie:** The council is represented on the task force. Local stakeholders and community councils also attend. It is made up of everybody who is affected by the situation, including the Scottish Government and the operator on behalf of the Scottish Government, Transport Scotland.

**The Deputy Convener:** It is on everybody's radar. We have the option of contacting the Scottish Government now and asking for an update on the STPR in relation to the A83, as well as for its opinion of how the A83 task force is working and what progress is being made on that and on the hillside planting that was expected to

commence in early 2019. Maurice Corry has advised us that there is no sign of anything happening there yet.

**Maurice Corry:** I can give you photographic evidence.

**The Deputy Convener:** It would be good to get the photos.

It would be helpful if we could get an update and then have the evidence session with the cabinet secretary. We will get the update over the recess and try to diary the cabinet secretary for an early meeting, perhaps in September. Are we agreed on that course of action?

**Members indicated agreement.**

**The Deputy Convener:** I thank Jackie Baillie and Maurice Corry, and I thank Maurice Corry for sending his scout out yesterday to check.

### **Council Tax (Payment Options) (PE1634)**

**The Deputy Convener:** PE1634, which was lodged by Jessica Mason, is on equality in council tax payment options. It calls on the Scottish Government to clarify and improve Scottish council tax legislation in order to make council tax payments over 12 months a mandatory option for council tax payers, as it is in England and Wales.

We last considered the petition in April 2018, when we invited the local authorities that the petitioner identified as not offering a 12-month payment option to explain whether they would consider reviewing their approach. The clerk's note summarises the responses received from the local authorities, who all confirmed that, although it is not mandatory, they offer a 12-month payment option on request from the council tax payer.

Do members have any comments or suggestions for action on the petition?

**Rachael Hamilton:** I have huge sympathy with the petition, which I have not been involved in before. I completely get that the local authorities are able to permit an individual to pay over 12 months and the default tends to be 10 months, as it is with my council. My sympathy lies with the petitioner, however, because the 12-month payment option is great for cash flow and it is great to be able to take payment off your mind. A one-off payment is a big amount. If you forget to pay, which I have in the past—I know, it is terrible—it is much easier to manage if you have monthly instalments.

In my opinion, the council should give a communication that says that if somebody wants to pay over 12 months, they should be able to. I do not think that we can go any further on a mandatory option, but each local authority has a responsibility to help people with cash flow and

ensure that if they want to pay over 12 months, they should be able to.

**Brian Whittle:** I am absolutely in agreement with that. I also have fallen foul of forgetting to pay and I know that you can find yourself in quite a harsh environment when that happens. Surely, it is a council's responsibility to try to help all its constituents. I would agree with Rachael Hamilton that the option should be readily available and readily communicated.

I am not sure how much further we can go on a mandatory option, as we already know that the Scottish Government has no plans to amend the regulations. The petitioner has done a very good job in delivering the petition and bringing the issue to our attention, but I am not sure what else we can currently do.

**The Deputy Convener:** I agree with both members that local authorities could up their game on informing tenants and residents that there is a 12-month option if they want it, as that is maybe not happening in every local authority. I am talking about making people aware of the option, not the fact that it is available.

I think that we have reached the end of the line with the petition and we have no option but to close it under rule 15.7 of the standing orders, on the basis that the Government has no plans to amend the relevant regulations and that local authorities have confirmed that they offer a 12-month payment option on request.

I thank the petitioner, Jessica Mason, for bringing the issue to the Parliament's attention. She may well be disappointed that we are closing the petition, but I hope that she is taking some comfort from the responses from local authorities that a 12-month payment option is available on request. Of course, the option is always open to the petitioner to come back at a later date, after 12 months, should she feel that the issue has not been addressed to her satisfaction, but hopefully her own local authority will now allow her to pay on a 12-month basis.

Do we agree to close the petition?

**Members** *indicated agreement.*

### **Active Travel Infrastructure Strategy (PE1653)**

**The Deputy Convener:** PE1653, which was lodged by Michaela Jackson, on behalf of Gorebridge Community Development Trust, is on active travel infrastructure. When we last considered the petition on 22 November 2018, we agreed to write to the Scottish Government to seek an update on the trunk road walking and cycling initiative, following the publication of the active travel task force report in June 2018. The

Scottish Government's response states that the report contains 18 recommendations and that a delivery plan is due to be published by the end of June 2019.

We sought an update on the review of the national transport strategy with regards to active travel matters. The Scottish Government highlighted that one of the draft strategy's themes is "Improves our Health and Wellbeing" and that the theme

"recognises a need for Scotland's transport system to enable a healthy, fit and safe nation and to allow people to make active travel choices to improve their wellbeing."

The Scottish Government will consult on the draft NTS in July 2019, with the final strategy expected to be published by the end of 2019. Members will be aware that the Cabinet Secretary for Transport, Infrastructure and Connectivity made a statement in the chamber earlier this week setting out plans for up to £51 million that will be made available for walking and cycling infrastructure in 2019-20.

Do members have any comments or suggestions for action?

**Brian Whittle:** I have huge sympathy for this petition. I lodged an amendment to the Transport (Scotland) Bill to provide that any money raised from low-emission zones in major cities over and above administration costs should go to an active travel policy budget rather than be swallowed up by the general budget. Disappointingly, that amendment was rejected, but it was about exactly what the petitioner is trying to achieve.

We have to note that the Scottish Government has put in place a budget specifically for active travel. Active travel should be part of any development—it should certainly be part of the development of major trunk roads. That does not necessarily happen at the moment, I have to say. However, the question is what we do with the petition now, given the Government's increased focus on active travel.

**Rachael Hamilton:** It is a fantastic petition and I thank Michaela Jackson for lodging it. I have to note that the petitioner was asked to provide a written submission and to date that has not been received. That leaves us hanging a bit, because we do not know what the petitioner's reaction has been to the Government announcement on funding and the NTS. We can only try to read Michaela Jackson's mind—perhaps she is content with the progress that the Scottish Government has been making—and therefore we cannot take the petition any further as it stands.

**The Deputy Convener:** Thank you. The petitioner has been invited to submit her view but has not so far, although the £51 million announcement was just made this week. It looks like we will have to close the petition under rule

15.7 of the standing orders, on the basis that there are plans in place to address active travel through infrastructure projects in Scotland and there are opportunities to engage in the review of the NTS, which has a focus on active travel.

I like to think that the petition has had some bearing on the Government's announcement that £51 million will be made available for walking and cycling infrastructure in 2019-20. I am sure that it was on the Government's radar.

I highlight the fact that the petitioner has the option to contribute to the consultation on the draft NTS, which will be opened in July. Perhaps if the clerks are contacting the petitioner, we can highlight that to her.

Do we agree to close the petition?

**Members indicated agreement.**

### **Title Conditions (Scotland) Act 2003 (Review) (PE1691)**

11:00

**The Deputy Convener:** PE1691, which was lodged by Christopher Hampton, on behalf of the steering group of Bowman's View, calls for a review of the Title Conditions (Scotland) Act 2003,

"which prohibits a change of factor in the estate unless agreement is obtained by a two-thirds majority of owners in the estate, particularly in terms of the impact of that requirement on residents of sheltered accommodation."

We last considered the petition in November 2018, when we considered submissions from the Scottish Government, the Law Society of Scotland and the Scottish Law Commission. Members will recall that those submissions did not directly support the action called for in the petition. The Law Society did not have a view on what an appropriate majority should be to implement a change of property factor, suggesting that it was a matter for the Parliament to determine. The SLC indicated that it had no plans to carry out a review of the legislation as it pertained to the petition. The Scottish Government was clear that it had no plans to consult on changing the law on this issue.

We invited the petitioner to respond to those submissions. Unfortunately, we did not receive a response from the petitioner until the beginning of this week. Members have a copy of the email that the petitioner sent to the clerks, in which he expresses dissatisfaction with the current position. He refers to the existing legislation as

"well-intended"

but

"unfortunately patronising and naive".

He states that the steering group of Bowman's View has

"sadly experienced incomprehension and wilful obstruction from certain authorities".

Members will note that the petitioner says:

"Neil Findlay MSP has been made fully aware of the situation and intends to raise the matter at parliamentary level."

Do members have any comments or suggestions for action? Given that the petitioner has stated that he will go to his local MSP, the issue may well be taken out of our hands. There is probably a strong case to close the petition under rule 15.7.

**Brian Whittle:** I have to agree. I recognise that the petitioner has now submitted to us, but we have been regularly asking him to respond to previous evidence sessions and he is now going to Neil Findlay, his local MSP, to try to progress the issue. There is little more that we can do here and I would agree that it is probably time to close the petition.

**Rachael Hamilton:** Can the clerks clarify whether the petition relates to a live legal case?

**Lynn Russell:** It does not.

**Rachael Hamilton:** I was checking because the correspondence makes reference to a legal case and legal representation.

**The Deputy Convener:** It is not a live legal case.

**Rachael Hamilton:** Thank you.

Neil Findlay MSP could work very effectively on the case that Mr Hampton has brought forward, perhaps more so than this committee could.

**The Deputy Convener:** Yes, I am sure that he could.

**Rachael Hamilton:** Therefore, reluctantly, we should close the petition, but if the petitioner's MSP does not get any further, he could bring back the petition.

**The Deputy Convener:** He could. He has the option to bring it back in 12 months' time if we are minded to close it today.

Do we agree to close the petition under rule 15.7 of standing orders, on the basis that there is no support for the action called for in it?

**Members indicated agreement.**

### **Additional Support Needs Schools (PE1709)**

**The Deputy Convener:** PE1709, which was lodged by Claire Mooney, is on installing closed-circuit television cameras and providing full-time

social work support in all additional support needs schools.

Following our meeting on 22 November 2018, a range of written submissions have been received, including a response from the petitioner. The Scottish Government's submission outlines a number of safeguards that are in place to protect young people. However, the petitioner feels that despite such safeguards, children attending additional support needs schools can "fall through the cracks".

In their responses to the petition, both UNISON and the National Association of Schoolmasters Union of Women Teachers Scotland say that they do not support installation of CCTV cameras in schools. UNISON is of the view that doing so could foster a

"culture of blame/punishment".

Concerns were also raised around possible infringements of human rights relating to privacy, as well as general data protection regulations implications.

A number of submissions suggest, as an alternative, that further investment is required in staff and training as a means of ensuring protection of children in additional support needs schools. In the view of the Scottish Secondary Teachers Association:

"CCTV cameras cannot be a replacement for the range of educational staff but as an added technological advancement in addition to staff in making schools a place of safety for both pupils and staff."

The Scottish Government submission confirms that use of CCTV and the delivery of social work are statutory responsibilities of local authorities.

From the written submissions that have been received, there is support for having a social work presence in additional support needs schools. However, the importance of multi-agency working in school settings was stressed, for example, by NASUWT Scotland.

After our previous consideration of the petition, we agreed to investigate international examples of CCTV being used in similar settings in other countries. A Scottish Parliament information centre briefing has been provided and is included in our papers. The briefing highlights that there are few documented examples of CCTV being used specifically in schools that support children with complex additional support needs. The closest examples could be found in the USA, Australia and India.

Do members have comments on or suggestions for action in relation to the petition?

**Rachael Hamilton:** First, I would like to thank the clerks for seeking the international examples.

My issue is that no outcome has been established yet, and there are so many voices that disagree with use of CCTV. I am not sure whether my conclusion is right, but there has been a reduction in the number of teaching staff and I think that CCTV cannot be a replacement for them. A lot of the evidence suggests that investment in staff, rather than in CCTV, is the way forward.

The example from Australia suggests that use of CCTV could simply displace incidents to locations that are not covered by surveillance technologies. The evidence is quite inconclusive, however: there is little international evidence. UNISON and NASUWT are minded not to support installation of CCTV. On that, unfortunately, I have not been able to come to my own conclusion.

**Brian Whittle:** I note, as an interesting aside, that UNISON thinks that there might be a role for body cameras, which seems to me to be a better response. The police use body cameras, so we have a comparator. I do not know whether that is a direction of travel that the terms of the petition would allow us to go in, but I would like to ask the Convention of Scottish Local Authorities for its position on that. It would be a more practical solution for protection of vulnerable children and those who work with them. I understand completely where the petitioner is coming from on protection of both those groups, but where would CCTV infringe on human rights? I am of a mind to consider body cameras, if the terms of the petition would allow that.

**The Deputy Convener:** We can ask the petitioner whether she is content for us to go down that route, and we could suggest that to COSLA in a letter. That is certainly worth exploring: it might be a better option than overall CCTV. Obviously, I take the point that Rachael Hamilton made about displacement of incidents if a CCTV network was in place. Do members agree that we will write to COSLA, including Brian Whittle's suggestion, and see what comes back? Obviously, we will seek the petitioner's permission to go down that route.

**Members indicated agreement.**

### **First Aid Training (Primary School Children) (PE1711)**

**The Deputy Convener:** The final petition for consideration is PE1711, which was lodged by Stuart Callison on behalf of St Andrew's First Aid.

At our last consideration of PE1711, we took evidence from primary school pupils, a college student, a primary school teacher and representatives from St Andrew's First Aid. We heard about the inconsistent approach to delivery of first aid training in schools, and about the importance of training young people in first aid as early as possible—ideally, by their class teacher.

We also heard that compared with other European countries, Scotland performs poorly in terms of bystander interventions, first aid training and the number of first aiders.

The Scottish Government's written submission states:

"In respect of first aid training support for teaching staff in schools, COSLA has confirmed that schools already have their own arrangements in place for handling incidents by ensuring that sufficient numbers of school staff are trained in line with local requirements."

The petitioner is of the view that that position is

"not sustainable or justifiable at a time when council finances are under such extreme pressure"

and suggests that the action that is called for in the petition could improve public health in Scotland "at little cost". Do members have any comments or suggestions for action?

**Brian Whittle:** I must say that I really like the petition. The petitioner has hit many nails on the head. One of the things that the Scottish Government's response does not seem to grasp is that this is not just about more people being able to intervene in times of emergency: it is also about the fact that learning such things empowers young people. That cannot be underestimated.

I would like to continue to push the petition to see where it goes. I recommend that we write to COSLA and the teacher unions to ask what they think of the petition. International comparisons were alluded to earlier in relation to another petition, so I also recommend that we look to see whether there are international comparators. We are quite far down the league table in respect of such interventions, so it would be interesting to see whether countries that are higher up that table teach such interventions in schools.

**Rachael Hamilton:** I think that PE1711 is a brilliant petition. That was demonstrated when the pupils came in and taught us cardiopulmonary resuscitation. Of course, I beat Brian Whittle and David Torrance—

**Brian Whittle:** With a stick.

**Rachael Hamilton:** —hands down, so do not go near them when you need CPR.

The suggestion is really important, because it could run in parallel with the out-of-hospital cardiac arrest strategy. I believe that it would be a value-for-money initiative. The petitioner says that training costs £1.36 per pupil, but there is disparity because provision is patchy across Scotland. Every local authority could be flexible and make provision part of its wellbeing strategy through the curriculum, and the cabinet secretary has said that. Some of the evidence suggests that local authorities are wary of doing so because of cost

and the burden on staff, and are worried about retaining and covering staff who are trained.

11:15

PE1711 recommends that two teachers per school be trained. Let us look at the cost; it is not that much. What is holding us back? Not every local authority responded. Does every local authority set teaching of first aid in its schools as a priority? We could gain some ground by realising the potential within schools. We should get the backing of the Scottish Government through the cabinet secretary, to send the message that such provision should be part of the school curriculum and to ask authorities to consider offering it as part of curriculum for excellence. Without local authority buy-in, the suggestion will go no further.

**The Deputy Convener:** I could not agree more with the comments that have been made by my colleagues. On further action, do members agree agreed to write to COSLA and the teaching unions seeking views on the action that is called for, and to ask SPICe to investigate international comparisons on provision of first aid training in primary schools?

**Brian Whittle:** We are of a mind, convener.

**The Deputy Convener:** We are, indeed.

**Brian Whittle:** We could also invite the Deputy First Minister and Cabinet Secretary for Education and Skills to come in and give us his opinion.

**Rachael Hamilton:** That is a really good idea: as I said, I believe that such teaching could run in parallel with the out-of-hospital cardiac arrest strategy, in order to deliver good outcomes and to improve outcomes.

**The Deputy Convener:** It would do no harm to ask the cabinet secretary to attend a meeting in the not-too-distant future, which would allow us to show the committee's consensus on support for PE1711.

I close the meeting and thank everyone for their contributions.

*Meeting closed at 11:17.*



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