



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

**DRAFT**

# Public Petitions Committee

**Thursday 27 October 2016**

**Session 5**



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Pàrlamaid na h-Alba

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**PUBLIC PETITIONS COMMITTEE**  
**5<sup>th</sup> Meeting 2016, Session 5**

**CONVENER**

\*Johann Lamont (Glasgow) (Lab)

**DEPUTY CONVENER**

\*Angus MacDonald (Falkirk East) (SNP)

**COMMITTEE MEMBERS**

\*Maurice Corry (West Scotland) (Con)

Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Brian Whittle (South Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Andrea Hudspeth (Tayside Raptor Study Group)

Duncan Orr-Ewing (RSPB Scotland)

Mark Ruskell (Mid Scotland and Fife) (Green)

Logan Steele

**CLERK TO THE COMMITTEE**

Catherine Fergusson

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Public Petitions Committee

Thursday 27 October 2016

[The Convener opened the meeting at 09:46]

### Continued Petitions

**The Convener (Johann Lamont):** I welcome everyone to the fifth meeting this session of the Public Petitions Committee. We have received apologies from Rona Mackay. I ask people to switch off phones and other electronic devices or put them to silent, if they have not already done so.

Agenda item 1 is consideration of three continued petitions from session 4, which we will be considering for the first time.

#### Restraint and Seclusion in Schools (National Guidance) (PE1548)

**The Convener:** The first petition is PE1548, on national guidance on restraint and seclusion in schools, which was submitted by Beth Morrison in February last year. As members will see, we have recently received submissions from the Children and Young People's Commissioner Scotland and the petitioner. The petitioner's submission is positive with regard to contact with the Scottish Government, but both submissions refer to recent recommendations from the United Nations Committee on the Rights of the Child that relate to the issues raised in the petition.

Do members have any suggestions for action on the petition? I have to say that I am struck by the extent to which the petitioner has been able to make progress. Given that she seems to have had a positive meeting with the Scottish Government, it might be worth while asking the Scottish Government for its comments on the meeting that it had on 22 September.

**Brian Whittle (South Scotland) (Con):** We could have an update on that.

**Maurice Corry (West Scotland) (Con):** Yes.

**The Convener:** I do not know whether other members were struck by the comments of the Children and Young People's Commissioner, particularly on the recommendations by the United Nations committee. Would it be worth getting the Scottish Government's views, too, on those recommendations?

**Maurice Corry:** Yes.

**The Convener:** Clearly, quite a lot has emerged around the petition, so it is a question of taking things a step further and finding out the Scottish Government's response to the UN recommendations. Is that agreed?

**Members indicated agreement.**

#### Child Abuse (Mandatory Reporting) (PE1551)

**The Convener:** The next petition is PE1551, on mandatory reporting of child abuse, which was submitted by Scott Pattinson. His most recent submission, which outlines some of his concerns about progress on the issue, is included in our meeting papers. Some options are set out in the paper on the petition. Do members have any suggestions for action on the petition?

**Angus MacDonald (Falkirk East) (SNP):** There is a strong argument for asking the United Kingdom Government to update us on when it expects to report on the outcome of its consultation. We can also ask the Scottish Government to provide further information on how it intends to engage with the UK Government on the issue of mandatory reporting of child abuse, now that the consultation has closed.

**Maurice Corry:** I agree with both suggestions.

**The Convener:** They seem reasonable. I am struck by the fact that there is not complete agreement among organisations representing young people that mandatory reporting is the right way to go and that there are issues with mandatory reporting that they are concerned about. At the same time, I understand the point being made by the petitioner and survivors that organisations and institutions do not pay attention to what is happening. There is clearly an issue that we hope will be looked at further by the Scottish Government or the Parliament at some point.

**Brian Whittle:** I am unclear about the people who are raising the issues around mandatory reporting. It seems to me that the ones who would prefer it are the ones whose cases are historical rather than the ones whose cases are immediate. Am I reading that wrong?

**The Convener:** Do you mean survivors?

**Brian Whittle:** Yes. People looking back, historically, would like this reported, but what about those who are involved in it at the moment?

**The Convener:** What struck me about the petition is that it deals with two separate things, the first of which is people who have concerns not being sure where to go. If, say, a school teacher or someone who worked in a children's organisation is a bit concerned but does not know where to go, they might not do anything about their concerns,

but such a duty puts an obligation on them to pass them on. There is then a separate issue about the extent to which people who wish to abuse children choose to work in certain organisations because, historically, they are places where abusers have been able to operate. The question is whether mandatory reporting will concentrate people's minds on their obligation when they have a problem but do not know where to go or will address the question of institutions being places that can offer an opportunity for abuse.

There are really difficult issues on both sides. I was struck by the fact that children's organisations are of the view that mandatory reporting might create a problem for the young person. It would be interesting to get the Scottish Government's views on that. I am not sure why the Scottish Government wants to wait for the UK Government to take a position on the issue when, I presume, it could do something right now. It would be interesting to get its general view on the issue.

**Maurice Corry:** The fact is that the organisations are UK wide and the UK Government is drawing together all the historical knowledge and information. I think that the Scottish Government has to know the UK Government's finding before it can come to a decision, as there may be something—some kernels of information—in it that would be helpful. I would certainly support that.

**The Convener:** Okay. Are we agreed that we will contact the UK Government and the Scottish Government, asking for an update on where they are?

*Members indicated agreement.*

### **In Care Survivors Service (PE1596)**

**The Convener:** The next petition is PE1596, on the In Care Survivors Service Scotland. The principal petitioner is Paul Anderson, and included in our papers is a letter from the Scottish Government on the development of the survivor support fund. The matter was discussed in detail by our predecessor committee, which also took this matter seriously, and I have looked at the evidence that was taken at that point.

Do members have any comments to make or suggestions as to what action we might want to take on the petition in light of the Scottish Government's correspondence?

**Angus MacDonald:** Before we decide what action to take, it is worth noting that the petitioners stated to the committee in January that they would like the existing ICSS to continue but within the proposed model. I am particularly pleased to note the Scottish Government's stated position that,

although survivors have the option of registering with the survivor support fund,

“there will be nothing to prevent them from continuing to receive services from their local support services ... if they meet the Fund's access criteria.”

That will include Open Secret, with which I have had some contact through my constituency business.

That said, I think that we need clarification of the fund's access criteria, which seem to have caused some confusion and difficulty in recent months. We need further information on the subject.

**Brian Whittle:** I defer to your greater knowledge of the petition. You have obviously worked on it a lot more.

**The Convener:** The cross-party group on adult survivors of childhood sexual abuse had some involvement with survivors of in-care abuse, and they feel strongly about what is happening and are troubled by it.

Angus MacDonald's point that people can still access the services is important, but there are concerns about the model that has been suggested. If I have got this right, there are concerns that it almost medicalises the problem, dealing with the symptoms and consequences of abuse instead of considering how we support people who have been in such a situation, in whatever way. Some people involved in the field are concerned that the trauma aspects are not being dealt with. They prefer to deal with the person, who then gets the support wrapped round them, instead of people having to go through a series of processes of support that is not provided in quite the same way. The concern might be that the fund is moving against the approach that was taken in the past around survivors.

There is a broader question about what is happening with the inquiry. People on all sides want an inquiry that will support and help survivors, but there has, to say the least, been a bit of turmoil around it. We are seeing that at not only the UK level but the Scottish level. I think that we should seek an update from the Scottish Government, but I wonder whether there is a bigger issue that we should explore or whether, given that this falls within John Swinney's remit, we should ask the Education and Skills Committee to explore the issues around how we support survivors, and the fund. I know that there were direct representations to the minister before the Parliament dissolved. Perhaps we should explore those issues around the inquiry so that people can have confidence in what is being done.

**Brian Whittle:** It is interesting that we are discussing the survivors' perception of the system and whether it is doing what it is supposed to do. It might be that it is, but the perception is that the

changes might not deliver what they are looking for. We need clarification for two reasons—first, for our consideration of the petition, and secondly, to reassure the survivors that they are going to get the support that they need. It is all about the perception, is it not?

**The Convener:** The question is whether we should hold on to the petition and ask for further information, perhaps seeking comments on the changes from folk who work with survivors and deliver the services, or whether we suggest that the Education and Skills Committee consider the issues in the broader context. I am a member of that committee, and although we have taken an interest and have had correspondence with the minister, we have not gone further than that thus far.

That is the choice. Should we hold on to the petition and ask for the information or should we say that the Education and Skills Committee could look at the issues further in the context of the broader questions about the inquiry?

**Maurice Corry:** I think that we should seek an update on the Government's position on the roll-out of the survivor support fund and then consider the petition again before we send it to the Education and Skills Committee. We need to keep control of it.

**Brian Whittle:** I agree.

**The Convener:** If those with an interest in the petition want to provide the committee with further information on how the fund is working out, whether the approach is the right one and whether their concerns have been addressed, there will be an opportunity for them to do so. The approach is that there is a fund that people can apply to, rather than a service that they can draw from. Those are two different things.

**Maurice Corry:** I agree with that.

**Brian Whittle:** Yes.

**The Convener:** We will contact the Scottish Government and ask it for an update, and an opportunity will be afforded for those with an interest to respond further. Thank you for that, colleagues.

## New Petitions

### Sound Sensitivity (PE1613)

09:58

**The Convener:** Agenda item 2 is consideration of six new petitions. PE1613, by Craig Thomson, is on taking account of sound sensitivity in regulating antisocial behaviour and environmental health. The petition calls on the Scottish Parliament to urge the Scottish Government to provide for the needs of people who experience sound sensitivity due to disability or medical conditions to be taken into account in legislation and guidance on noise and antisocial behaviour. The petition sets out some background to the petitioner's experiences.

The petition has attracted 244 signatures of support and 26 comments, with all but one comment supporting the petition. Members will also have seen the Scottish Parliament information centre briefing, which sets out further background information. Do members have views or comments on how we should take the petition forward?

**Brian Whittle:** I think that this is a really difficult one. If I am not wrong, sound sensitivity is predominant among people with autism.

10:00

**The Convener:** The petitioner has Asperger's. He makes some recommendations on housing that we might want to pursue, but the issue applies regardless of whether someone owns their home or lives in the social rented sector. In the social rented sector, there is some flexibility for landlords, but the situation is more difficult when someone has no purchase on their neighbours.

Noise nuisance is clearly an issue; indeed, I have had dealings on it in the past. Occasionally, the problem is poor insulation or someone being thoughtless or disregarding the needs of their neighbours. In the circumstances that the petition seeks to address, there might be a lack of awareness of the level of people's sensitivity. In some circumstances, young people might create noise because of their condition, which can cause disturbance to other people. That can be difficult to deal with.

There are interesting issues at stake. How do members think that we can best progress the petition?

**Maurice Corry:** I think that the most important thing is to engage with the local authorities and the housing associations. Local authorities could be engaged with initially, as they are closest to the

issue. This on-going problem, which has come up in my area, has different aspects. Sound insulation has been mentioned, but another aspect is pointing people to where they might live. After all, when it comes to social housing, there are areas that might be better for particular people, and that comes down to local authorities. We need to engage with local authorities to get feedback on what their policies are and what they are doing.

**The Convener:** I think that you are right. We could approach the local authorities and the Scottish Federation of Housing Associations.

I was interested in the idea that, for those who are sensitive to noise, their rights to adaptations could include a right to have their house properly insulated. There is a problem with poor sound insulation in many of our properties. Writing to the SFHA and local authorities would therefore be useful.

**Maurice Corry:** That would tie in with social services reports on particular cases. The situations that we are talking about might well fall within that domain.

**Brian Whittle:** We could also get a report back from the National Autistic Society and Scottish Autism, because they will have much better figures than we have.

**Angus MacDonald:** In my experience, the recent housing standards regulations have helped. I had a constituent with sound sensitivities who lived in social housing. The problem was partly a result of the council not meeting the new housing standards regulations but, once they were met, the issue was resolved. There are solutions out there that are definitely worth pursuing.

I agree that we should contact Scottish Autism and the National Autistic Society to get their views on the petition.

**The Convener:** We should perhaps contact the Scottish Government, too. There is a dilemma here, and it would be interesting to find out from the organisations that represent people with autism the extent to which the issue is a problem. It might be partly to do with the current legislation not being enforced; indeed, the petitioner has suggested that, even when it can be shown that the noise from neighbouring properties is far above a reasonable level, nothing happens. There is a question about that, and about the issue of what is reasonable to most people. Mediation comes into play as a way of dealing with those circumstances.

We will therefore write to the Scottish Government, the autism organisations, the SFHA, the local authorities and possibly those with expertise in environmental health, as they might be able to give us some advice on how they think

that the dilemma that I have identified could be addressed.

**Angus MacDonald:** I would like to clarify what you mean when you say that we will write to local authorities. Do you mean the Convention of Scottish Local Authorities or individual local authorities? [*Interruption.*] Individual local authorities, then. That is fine.

**The Convener:** Is that suggestion agreed?

**Members** *indicated agreement.*

### **Parking (Legislation) (PE1616)**

**The Convener:** Petition PE1616, on parking legislation, is a new petition by John Shaw. Members will see that it collected 75 signatures and attracted eight comments, which were supportive of it. The petition calls on the Scottish Parliament to urge the Scottish Government to make it an offence to park in front of a dropped kerb.

Members have a SPICe briefing on the petition, which provides context to the issues that it raises. The briefing notes that, in the previous session, Sandra White MSP introduced a member's bill that aimed to implement the action that the petition calls for. There were concerns about whether the bill's provisions were outwith the Scottish Parliament's legislative competence, and the bill fell when Parliament dissolved on 23 March 2016, at the end of session 4. However, relevant powers over on-street parking were devolved to the Scottish Parliament in the Scotland Act 2016, and the Scottish Government's 2016-17 programme for government makes a commitment to consult on responsible parking legislation.

Do members have any comments or suggestions for action?

**Brian Whittle:** I admit that I thought that it was an offence to park on a dropped kerb.

**The Convener:** Am I right in thinking that that is an offence in other parts of the United Kingdom? The petitioners suggest that that is the case.

**Brian Whittle:** I genuinely thought that it was an offence. That shows where I sit.

**Maurice Corry:** We need to get clarity on that. Local authorities have introduced the decriminalisation of parking offences, and it is worth considering whether that has had any impact on the sudden increase in such parking. I have a feeling that those issues might be connected. We probably need to ask the Scottish Government for its views on that and where it stands on it. Local authorities were allowed to decriminalise parking offences, and the particular aspect that Brian Whittle referred to may have to be looked at again.

**The Convener:** We entirely understand the petitioner's position. I hate parking, am rubbish at it and get stressed at the thought of it. There is no doubt that there are a lot of selfish parkers out there. We need only be outside primary schools at the start of school time to see the challenges. There are a huge number of barriers in the way of a person who is trying to go about their business in a wheelchair. The issue is a really big one for people, and I know that Sandra White's bill tried to address it. There is also the fact that our streets in residential areas were really not built for the number of cars that are parked on them.

There is a big issue, but I think that we want to get more information on the point that John Shaw has highlighted. Perhaps we could write to the Scottish Government to ask how it sees its commitment to a review in its legislative programme being taken forward. I do not know whether there are organisations that have a particular interest in the matter from the point of view of people who are disadvantaged by it, which we could contact as well.

**Maurice Corry:** I go back to the local authorities issue. COSLA might have an interest on the roads side because, at the end of the day, it is a delegated responsibility. Do not get me wrong—trunk roads are a matter for Transport Scotland, of course, but in the main we are dealing with municipal roads here. We should probably bring in COSLA on the roads and transport side and get its views.

**The Convener:** The situation is exactly the same as with disabled parking spaces. Everybody knows how much of an outrage it is that people selfishly park in them. They cannot be enforced and people get abused, but the matter sometimes becomes just too difficult to deal with. There must be some way in which somebody in a wheelchair can go about their business and manage that while people park.

**Brian Whittle:** Just to clarify, are you suggesting that it is not illegal to park in a disability space?

**The Convener:** In some cases. Legislation on that went through the Parliament. Some of it is to do with whether the spaces are what are technically defined as courtesy spaces or whether there is a transportation order. I am being completely ignorant of the term that is used, but an order has to be put in place by the local authority. That has been addressed, but the point that I was making was that people's attitudes meant that that had to be legislated on. People still parked in disabled parking spaces even if they were clearly marked, which astonishes me.

**Brian Whittle:** I am learning something new all the time. It is fantastic.

**Angus MacDonald:** It is unfortunate that Sandra White's bill fell when the Parliament was dissolved at the end of session 4, or the petition might not have been necessary. It was lodged on 5 October. It is unfortunate that there has been a delay since the bill fell. Hopefully, though, the petition will help to get a result.

**The Convener:** The bill could be pursued further by a member. Even this discussion might highlight that possibility to members.

It is suggested that we contact Living Streets Scotland, Guide Dogs Scotland and the Society of Chief Officers of Transportation in Scotland, which might have views on the petition. If other organisations, including disability organisations, want to highlight their concerns, this would be an opportunity for them to feed in as well. Is that agreed?

**Members indicated agreement.**

### **Health Study (Vaccination) (PE1617)**

**The Convener:** Petition PE1617, by Angus Files, is on a proposed health study into vaccination versus non-vaccination. It calls for a study comparing the effects or health outcomes for those who have been fully vaccinated according to guidelines with those who have not. The petition indicates that the Scottish Government has not previously considered undertaking such a study.

The briefing refers to petitions in session 4 on vaccination practice and policy, one of which was lodged by Mr Files. Do members have any views on what action we should take on the petition?

**Brian Whittle:** I am surprised that such studies are not done as a matter of course. It cannot be that difficult. If we have mass vaccinations, we would want to keep a stringent eye on the issue.

**The Convener:** The petition is probably asking for something slightly different. I presume that people who, from a clinical point of view, understand the consequences of the choices that are made relating to vaccinations will keep that under close scrutiny. I think that the suggestion here is to compare those who are vaccinated with those who are not. I am not sure how that could be done if the group that has not been vaccinated is not getting the benefits of vaccination. I am not sure how that would work.

**Brian Whittle:** I suppose that the issue is patient confidentiality. I would have thought that, if we know who has been vaccinated, we will know who has not been vaccinated.

**The Convener:** Given that public policy is that we believe that it is in the interests of the child to be vaccinated, the issue would then be that, rather than discussing why vaccination is worth while, we

would be saying to people, “You’ve made that choice. Let’s do a comparison and see whether you’re right.” I am not sure whether, ethically, the medical profession would support that. The SPICE briefing says that the

“global consensus”

on vaccination

“holds that it would be unethical to carry out any such trial, because it would mean depriving people involved in the trial of vaccinations against infectious diseases.”

**Brian Whittle:** I was not suggesting that we would do such a trial and withhold vaccinations. There are those who have been vaccinated and those who have not been vaccinated. From there, we can extrapolate out and see how people’s health has developed over a period. However, whether that information can be accessed comes down to patient confidentiality.

**The Convener:** The ethical dilemma is that, given that there is a view that it is in all our interests that everyone is vaccinated, rather than arguing with someone who has not been vaccinated that it is in their interests to be vaccinated—which I would have thought would be the position of health professionals—we would be using them as a control group to judge whether they were right or wrong.

**Brian Whittle:** There are certainly ethics involved around patient confidentiality. We would not have to set up a trial because those conditions already exist. I would be interested to see where we stand ethically on that.

10:15

**Maurice Corry:** If we think about it, records are kept when a young child is vaccinated in their first year—if the parent chooses to have their child vaccinated, as most people do—and when we look at the mortality rates of the population, the information must be there on that side.

**The Convener:** I presume that that information informs the medical profession’s views on the benefits of vaccination or on whether a vaccination is no longer required because the disease is no longer a threat. Some people may actively choose not to have a vaccination and others will miss out for all sorts of reasons. However, I am not sure that that should be a group against which we confirm the benefits of vaccination.

**Maurice Corry:** In the case of the flu vaccination, there is a control group because over-65s, for example, have a choice about whether to have the vaccination, but more and more people seem to be having it. I think that some of the evidence is already in the public domain, but it is a long-term thing. The trials that manufacturers conduct do the same thing on a smaller scale.

**Brian Whittle:** I think that it is a question of ethics.

**The Convener:** Is it worth seeking the Scottish Government’s views on the petition?

**Maurice Corry:** I think so.

**The Convener:** It might be able to highlight exactly what the challenge is. At the point when a decision is made about the benefits of vaccination, a lot of the issues will have been tested and a view will have been taken that vaccination is not only in the individual’s interest but in the collective interest as it protects us all. It would be useful even just to get the Government to confirm that.

**Maurice Corry:** It is also about the Government’s policy on getting the information that supports vaccination out into the public domain.

**The Convener:** Is that agreed?

**Members** *indicated agreement.*

### **Mental Health Services (PE1611)**

**The Convener:** Petition PE1611, on mental health services in Scotland, is a new petition by Angela Hamilton. Members will see that the petition collected 270 signatures online, 144 signatures offline and 26 comments, which were supportive of its aims. Members have a copy of the petition, which calls for action on three issues regarding waiting time targets and funding for primary care and third sector services.

Angela was going to be at our meeting today, but unfortunately she is unwell. However, she has provided a written submission that expands a little on the information in the petition and provides examples of people’s experiences of accessing mental health services. It also sets out information about local mental health associations that she is aware of and has been invited to observe in her area. We will ensure that her submission is put into the public domain as it is very informative.

We chose to take evidence on the petition as the issue is clearly of concern in Hamilton and it resonates quite strongly with more general issues that we have picked up on around mental health services. It would have been good if Angela had been able to be here today. We wish her a speedy recovery and thank her for submitting the petition in the first place. Do members have any suggestions on how we should take the petition forward?

**Brian Whittle:** I think it is fair to say that the Parliament is taking mental health a lot more seriously in the current session and is addressing it more rigorously than it has perhaps done in the past. I am sure that we agree that we want to reduce waiting times as much as possible, but I

am not sure how practical it is to arbitrarily reduce the waiting time to a certain figure.

**The Convener:** If a target is not being met at all, that can be useful. There are benefits to targets, even if all that they do is expose the problems in delivering on them. Angela Hamilton flags up that there is consistent underachievement of targets. There is the issue of the public national health service, and she also discusses powerfully the importance of third sector organisations. That brings us back to an earlier petition and the way in which third sector organisations can support people in different ways.

**Brian Whittle:** I have done a little bit of work on the issue. The third and voluntary sectors certainly seem to lead the way and they can probably teach us quite a lot in this environment.

As much as we would like to meet the 18-week target, if we are not doing that at present, I do not know what the impact would be of arbitrarily reducing that target. We need clarification of the Scottish Government's action plan to start hitting the current target.

**The Convener:** For information, one thing to note is that the Health and Sport Committee will lead a short inquiry on mental health services in November 2016, which will look at waiting time targets and the implementation of the previous mental health strategy. We have the option of closing the petition on the understanding that we refer it to the Health and Sport Committee.

**Catherine Fergusson (Clerk):** We would be referring it rather than closing it.

**The Convener:** Sorry—we would refer it to the Health and Sport Committee because it is holding that inquiry. The information that Angela Hamilton has provided and the way in which she describes the situation is very useful. We would hope that the Health and Sport Committee would be able to take that information and feed it into the inquiry.

As has already been said, there is concern across the Parliament about mental health, but the issue is about delivering the policy. We can all agree on a policy, but we have to look at the challenges and what is preventing it from being delivered. Does anyone have a view on that approach?

**Brian Whittle:** I like that approach.

**Maurice Corry:** I agree that the petition should be considered as part of the bigger inquiry.

**Angus MacDonald:** I agree, especially given that the two short inquiries are imminent. I think that they are due to start next month, so the sooner that the petition is referred, the better.

**The Convener:** We thank Angela Hamilton again for her petition. We recognise the

significance of what has been highlighted and we know that the Health and Sport Committee understands that, too. Are we agreed that we will refer the petition to that committee for it to consider as part of its inquiry?

**Members indicated agreement.**

### **Motorcycle Theft (PE1618)**

**The Convener:** In a slight change to the running order on our agenda, the next petition that we will consider is PE1618, by Carl Grundy, on behalf of riders club Edinburgh, on combating motorcycle theft. Carl is unable to attend our meeting today. Members will see that the petition collected 1,196 signatures and 110 comments, which were supportive of its aims. Members have a copy of the petition, which calls for action to combat motorcycle theft and related offences.

We could seek views on the petition from the Scottish Government and Police Scotland. It would also be useful for us—or one or two of us—to meet the petitioner in order to understand the issues but, given our meeting schedule, I suggest that we do that informally. Do members have views on those suggestions?

**Brian Whittle:** It is worth meeting the petitioner.

**Maurice Corry:** I support that.

**The Convener:** We can set that up for those members who are able to attend. Are we also agreed that we will seek views from the Scottish Government and Police Scotland?

**Members indicated agreement.**

**The Convener:** We will take a short break before the next petition.

10:23

*Meeting suspended.*

10:26

*On resuming—*

### **Game Bird Hunting (Licensing) (PE1615)**

**The Convener:** I welcome Mark Ruskell, who is here for this item.

Today's final petition is PE1615, on a state-regulated licensing system for game bird hunting in Scotland. The petition was lodged by Logan Steele on behalf of the Scottish raptor study group, which, as the clerk's note indicates, received more than 7,000 signatures and just over 600 comments in support of what it seeks to achieve. Members will be aware that we have recently received written submissions from RSPB

Scotland, Scottish Land & Estates, and the Scottish Countryside Alliance.

I welcome Logan Steele, who is accompanied by Duncan Orr-Ewing, the head of species and land management with RSPB Scotland, and Andrea Hudspeth, treasurer and raptor surveyor for the Tayside raptor study group. Thank you for attending. You have the opportunity to make a brief opening statement, after which we will move to questions from the committee.

**Logan Steele:** Good morning. We were delighted to receive 7,600 signatures from across the UK, which demonstrates the public feeling on the issue.

Scottish raptor study group members are volunteers with day jobs ranging from lawyers to conservation workers to council workers. Duncan, Andrea and I are fairly typical of the 270 members that we have across Scotland. We are passionate about raptors and their conservation. Annually—outside survey years—we monitor about 6,000 sites. We are guided by Government licences and a scientific approach. We are accredited by Scottish Natural Heritage and are subject to a code of practice and annual returns. All the data that we collect is supplied to Scottish Natural Heritage. We are patient and reasonable people who are guided by sound science, informed by debate.

Persecution black spots are in Angus, Inverness-shire, Donside and parts of the southern uplands. Scotland has an international reputation for expert raptor workers.

We are not against game bird shooting and have no wish to ban it; we are just against the illegal elements of it. We understand the importance of game bird shooting as part of the rural economy. We work with crofters, farmers, stalkers, shepherds, landowners and gamekeepers. However, our patience with the criminal end of the game shooting industry is at an end. Over years, we have seen prevarication, obfuscation and leadership failings by the landowning and game representative interests.

The Government's review, which was conducted last year by SNH, admitted that there is a serious problem with moorland management and grouse shooting. I will give a quick explanation of the two forms of grouse shooting, which are walk-up and driven. The former is where guests with guns will walk up a hillside and shoot at grouse flushed from at their feet. It is low intensity and does not feature too much of the criminal activity on driven grouse moors.

Driven grouse moors as a business depend on having huge numbers of birds at the end of the breeding season to be shot by guests. The driven grouse shooting industry's problem is that it

cannot rely on having those big bags of grouse to shoot unless it undertakes illegal raptor persecution, because raptors would eat the surplus. The driven grouse shooting industry needs to continue the killing, because otherwise its business model is flawed.

The Scottish Government should be congratulated on the many steps that it has taken in the past few years to try to reduce the killing. The key steps have been the introduction of vicarious liability, the tightening up of general licences and two poison amnesties.

Birds of prey have been protected since 1954. The killing is cultural and an entrenched part of sporting estates that goes back to Victorian times. It is seen as an extractive business rather than a sustainable one, and we need to move to a model that is more in harmony with the environment.

10:30

Since the early 1990s, there have been a series of initiatives, including partnership working, the partnership for action against wildlife crime in Scotland, the raptor working group, the Langholm moor demonstration project, a police thematic review of wildlife crime and Scotland's moorland forum, but the killing continues.

It is difficult to bring a prosecution due to the geography, the burden of proof and the wall of silence after a crime is discovered. Crimes that occur in remote places are easy to conceal and difficult to detect. Under Scots law, corroboration requires two witnesses. As we know well, we also have limited police resources.

There is an overwhelming body of science from the RSPB and SNH, the Government's statutory conservation body. There is also compelling evidence and intelligence on where the crimes are occurring. In addition, our members' experience on the ground shows that, in many cases, in ideal habitat certain key species are absent.

Tactics that our members find being used but that are not necessarily illegal are gas bangers, gas guns, inflatable scarecrows, ice, guns discharged over birds, the burning of nests in heather banks and the torching of golden eagle eyries. Although those things are not illegal, they certainly do not help or encourage birds of prey to breed.

In parts of Scotland, the situation is getting worse because of the intensification of management, such as the killing of deer and mountain hares, draining and burning on deep peatlands, the creation of hill tracks without planning permission and the burning out of scrub and juniper.

The golden eagle is the equivalent of Scotland's tiger, and it is being grubbed out on grouse moors, which damages Scotland's image in the world and affects green tourism and the wider rural environment.

Our patience has run out. We need a step change. In a civilised country, we do not tolerate a business sector that conducts its affairs outside the law. We maintain that no other land use or industry is allowed to behave in this way. We have established that, in countries where game bird hunting is better regulated, intensive game bird hunting systems are not permitted and there is far better compliance with wildlife and environmental protection laws. That is why we are calling for the licensing of game bird shooting to be introduced.

Perversely, a licensing approach may save the grouse shooting industry from itself, which it has patently failed to do over the decades.

**The Convener:** Thank you very much. You say that self-regulation by the game bird shooting sector in Scotland has patently failed. Is that because there is no commitment to self-regulation? You suggested that that does not work from the sector's point of view because of what people have to do to make the business sustainable. Your clear view is that things are being done that are not illegal but that are causing damage. How do you square that with the other side's view that the problem is not as severe as you suggest?

**Logan Steele:** Primarily, the actions that have been taken have failed due to the very difficult task of proving a criminal case. We know, for example, that killings are taking place in wild, quiet and remote moors, so the dead raptors are difficult to find and we need two independent witnesses to corroborate that a crime has happened. There is no lack of appetite in the Government, the police, SNH and other public bodies to try and crack down on the matter. The problem is largely down to the inability to prove the offences.

We have heard from certain landowning interests that the problem is only small. RSPB and SNH have produced a huge body of science that certain key raptors are absent from huge swathes of Scotland, which is largely—or entirely—down to what use the land is put to.

**The Convener:** Your view is that the businesses are aware of the issue but they do not want to confront it.

**Logan Steele:** Yes. They do not want to confront the matter. As I said, driven grouse shooting depends on there being large numbers of surplus birds at the end of the breeding season. Without that large surplus to be shot by guests, the business would not be viable. They are so reluctant to stop the killing because, if they do that

and abide by the law, they will not have the surplus to shoot and the businesses will be devoid of the revenue and income needed to run them.

**The Convener:** Those who are involved in the business would presumably deny that any criminal activity is taking place. You are saying that that is inevitable. Does that mean that we cannot have such grouse shooting?

**Logan Steele:** I will pass that to my colleague Duncan Orr-Ewing.

**Duncan Orr-Ewing (RSPB Scotland):** The responses to the petition from Scottish Land & Estates and the Scottish Countryside Alliance are indicative of the problem. Those organisations are very much aware of the scale of the impact, as the partnership for action against wildlife crime in Scotland, with which I am involved, has presented them with information for a number of years, but still they deny it. The problem is systematic and endemic, and it is clear that those organisations are out of touch with what is happening on the ground, the effects of which we see regularly.

In advance of the meeting, I asked the committee clerk to circulate RSPB Scotland's report "The illegal killing of birds of prey in Scotland 1994–2014", which summarises the incidents that have been recorded over the years and the scale of the impact on bird of prey populations in Scotland. The case is overwhelming and has been accepted by the Government, SNH and successive environment ministers.

We propose not that game bird hunting should be banned but simply that it should be better regulated to get rid of the illegal element in the midst of the sector. Hunting jobs would continue, but we need a less intensive game bird hunting model to deliver a wider range of public goods. That was reinforced in the recent moorland management review by SNH's scientific advisory committee. By moving to a less intensive model, the opportunities for rural development, which are at present dominated by hunting interests, will diversify.

**Angus MacDonald:** If we were to accept that self-regulation has failed—you highlighted examples to indicate that that is the case in various parts of Scotland—why do you consider that a licensing system would be the solution?

**Duncan Orr-Ewing:** I will summarise the situation briefly. As I said, we do not propose a ban on game bird hunting; we simply want better regulation to improve standards and protect the public interest.

The situation with game bird hunting in the UK is known to be among the most intensive and least regulated in Europe and north America. An SNH review is under way on hunting licensing systems

across Europe, and a report will be published shortly. In Scotland, we have state-regulated systems for other aspects of natural resources management, such as water. The Scottish Environment Protection Agency regulates water abstraction, impoundment and so on, and we have regulatory systems in place for deer and wild fisheries. Why should game bird hunting be any different?

We propose that a licensing system would work alongside the existing package of available sanctions, such as vicarious liability, penalties for convictions and that type of thing. The Scottish Government would issue a licence, either for an individual or a geographic hunting area, to allow hunting to take place. The system would be self-financing: SNH, if it administered the system, would charge for a hunting licence, which would cover the administration cost. That is similar to the SEPA system for consents for water.

We suggest that the system should be supported by a code of practice for sustainable game bird hunting that sets out the standards that must be adhered to. The code of practice for sustainable deer management could provide a model in that respect. We assume that licensing would be a civil and administrative process that would be supported by additional criminal sanctions for non-compliance such as hunting without a licence. We suggest that the system should use the civil burden of proof—as with the removal of the open general licence, which SNH currently administers—and that the burden of evidence should rest on the balance of probabilities. At present, the criminal burden of proof means that it is very difficult, given where the crimes occur, to gain sufficient evidence for a case to stand up in court.

**Angus MacDonald:** You mentioned vicarious liability. You will be aware that UK Parliament committees took evidence last week on petitions relating to grouse shooting, which included comments on the vicarious liability measures in the Wildlife and Natural Environment (Scotland) Act 2011. Jeff Knott of the RSPB observed that, although those measures are not a silver bullet, they have started to have a greater deterrent effect.

With that in mind, is there an argument that the 2011 legislation needs more time to bed in and for its impacts to be evaluated before licensing or, indeed, any other measure should be considered for introduction? I know that the comment was made earlier that your patience has run out, but should we not wait and see whether the 2011 legislation works?

**Duncan Orr-Ewing:** Vicarious liability, which was introduced under the Wildlife and Natural Environment (Scotland) Act 2011, makes

landowners responsible for the actions of their employees in relation to the illegal killing of birds of prey. It relies on a criminal burden of proof. Since that legislation came in, only two landowners have been successfully convicted under it, and both are relatively small players in the game bird sport or hunting world.

Land that is managed for driven grouse shooting is the area of most concern in respect of crimes against birds of prey. It seems that those high-input, high-output in terms of game bags and high-intensity management systems are not currently being touched by vicarious liability. I am afraid that, if vicarious liability is to work, it must touch those very intensive game bird hunting systems, because otherwise it will not act as a deterrent.

**Logan Steele:** In my 40 years of experience of raptor working and dealing with persecution, there has always been an initiative on the way. People say, "Let's wait for this to happen", "Let's wait for this to change", "Let's give it three or four more years", "Let's see what this working party could do," or, "Let's rejig the rules and regulations". If I got a pound for every time that an initiative came along to solve the problem, I would be a rich man.

**Angus MacDonald:** Okay. That response is helpful.

**Brian Whittle:** Because the number of raptors out there is so low, any loss will always be significant. Your petition observes:

"Good wildlife laws are now in place in Scotland to protect birds of prey".

It goes on to say:

"enforcement of wildlife protection laws has historically been inadequately resourced ... and is compounded by"

the remote locations involved. Would increasing resources for enforcement, rather than introducing a licensing system, be a solution?

**Logan Steele:** Over time, there has been additional training for procurators fiscal, and specific wildlife crime officers have been appointed. They were and still are quite active in their areas. However, I think that, even if we doubled or trebled the boots on the ground, that would not overcome things because the crimes take place in wild and remote areas and there is a requirement for two witnesses to corroborate the crime, as I said before.

**Duncan Orr-Ewing:** In 2008, Her Majesty's inspectorate of constabulary carried out a thematic review of penalties and enforcement in relation to wildlife crime and made a number of recommendations for improving enforcement. A number of those recommendations have been implemented, but the whole area of combating wildlife crime and enforcement by the police is still underresourced. If that is going to be done

effectively, something like the US Fish and Wildlife Service is needed. Members may be familiar with that service, which has extensive powers to stop and search and to tackle wildlife crime on the ground.

**Maurice Corry:** I was struck by your suggestion that the laws are “routinely flouted”. Are there trends and information about wildlife crime that demonstrate that that is the case?

**Logan Steele:** Yes. Apart from the counting of dead bodies, we are finding that, as each subsequent population survey has been completed, it has indicated a continual absence of raptors from key areas. The golden eagle survey was last year, and we did the hen harrier survey and the peregrine survey this year. They involve surveying the whole of Scotland for peregrine falcons, hen harriers and golden eagles. I understand that the golden eagle survey has yet to be published. On top of that, we are getting more and more feedback from satellite tagging of hen harriers and golden eagles. You may be aware that there have been a number of incidents this year in which harriers and golden eagles that were sat-tagged have disappeared in areas used primarily for driven grouse.

10:45

**Mark Ruskell (Mid Scotland and Fife) (Green):** There is widespread public concern about the impact of driven grouse moor shooting. One of the petitions that Angus MacDonald mentioned that are being considered at Westminster attracted 125,000 signatures, many of them from rural constituencies in Scotland. In the weeks to come, the committee will hear a separate petition concerning the persecution of mountain hares on driven grouse moor estates. There are many environmental concerns to unpack around this issue. I question whether a licensing regime would be effective and how it could be implemented.

The best course of action would be to refer the petition to the Environment, Climate Change and Land Reform Committee. There has been a lot of interest among that committee’s members in a broader inquiry to look at the future of our uplands and the tensions that exist between different forms of land use. If a petition such as this, and possibly subsequent related petitions, were to be referred to the Environment, Climate Change and Land Reform Committee, it would provide the committee with a really strong anchor to consider the wider environmental impacts of upland land management, of which this is only a part.

**The Convener:** I am struck by the extent to which the witnesses appear to have no faith in the commitments that have been made. You say that

people keep saying that there will be action and so on. You referred to a Scottish Natural Heritage review of game bird licensing systems in Europe and said that, apparently, the review will make no recommendations for further action. Will you say more about why you take that view?

Your petition calls for the implementation of the recommendations of the review of wildlife crime penalties in Scotland, which reported in November 2015. Our note shows that the Scottish Government responded to that in February. In that response, the Scottish Government accepted the recommendations, including the recommendation that tough new penalties be introduced. What is your understanding of that? To go back to Mark Ruskell’s point, you suggest a licensing scheme, but that seems to be driven by frustration that whatever is suggested never really makes the difference that you want it to make.

**Andrea Hudspeth (Tayside Raptor Study Group):** My colleagues have already touched on the issue of the burden of proof. We can increase the penalties for wildlife crime, but the burden will still be with the people on the ground who are looking for wildlife crime, and wildlife crimes will still need to be corroborated by two independent witnesses. I have only really come into this arena in the past six years and what I have seen on the ground is unbelievable. I have been astonished by what I have seen and by what people get away with.

The problem is that, if you are out there on your own monitoring raptors, there is no one to corroborate what you have seen. I can report, and my reports can improve intelligence for the police and can go on record, but that does not lead to convictions. It is very hard to bring a case before the courts and get a successful conviction. It is also a long-winded and expensive process.

We accept that the SNH report is a step forward and we welcome its recommendations. We think that the report will help, but it needs to be part of a regulated system for driven grouse shooting. As has been suggested, vicarious liability is not a silver bullet. None of these things on its own is a silver bullet. If we are to see any real benefits, we need a suite of regulations and standards to which the whole industry has to adhere.

**Duncan Orr-Ewing:** With regard to the SNH report and, more widely, Scottish Government efforts to tackle wildlife crime, since the inception of the Scottish Parliament the attention that the Scottish Parliament and the Scottish Government have given to wildlife crime has been very welcome. Some of the measures that have been introduced are among the best in Europe, but in most of the rest of Europe there are regulated systems of game bird hunting that sit alongside the penalties and criminal sanctions. It is very

disappointing that the SNH report is not going to make recommendations. We hope that the committee will encourage some recommendations to come out of the SNH licensing review to inform the next steps.

**The Convener:** What makes you believe that there will be no recommendations from the report? Is that what you have been told?

**Duncan Orr-Ewing:** I understand that it is a review without recommendations. However, you may know differently.

**The Convener:** That might be a worthwhile question to ask. I do not know the answer, but you seem very clear on that point. I am not sure that there is an instance of a review that does not draw conclusions and suggest certain actions. However, that is something that we can establish. Are there any other questions?

**Brian Whittle:** I have a comment. If these laws continue to be flouted and there is a continuing loss of raptors, there will be an almost inevitable drive towards legislation that I fear would be difficult to prosecute. I find it extraordinarily frustrating that such legislation is so difficult to prosecute because of the remoteness of the areas. If these laws continue to be flouted, it will inevitably drive us towards something that will probably be very difficult to prosecute.

**The Convener:** The concern would be that those who are of criminal intent rely on the fact that such legislation is unenforceable. The legislative framework matters, because there is some evidence that there are those who are not going to be persuaded. Clearly, a lot of people will have been persuaded, but there are others who have not been persuaded of the importance of this.

Do the witnesses have any last comments before we draw some conclusions?

**Logan Steele:** Raptor group members find it hugely embarrassing that, in a country such as Scotland, we have a sector of business that is sustained by criminality. No other walk of society or business in Scotland carries on its activities blatantly breaking the law. Furthermore, it is underpinned by illegality, which I find abhorrent. That consideration rides over and above any concerns regarding birds of prey; it is about the sheer principle of living in a civilised society. I find it amazing that these activities are happening.

**Duncan Orr-Ewing:** The core of the problem is the high intensity of the game bird hunting systems that are allowed in Scotland, with driven grouse shooting and the high-intensity pheasant releases—more than 50 million pheasants are released in the UK every year. In most other countries, such unsustainable systems of hunting,

which are not really in touch with the natural environment, are not allowed. That is because those countries have regulated hunting systems that govern what is and is not allowed and set the standards and codes for behaviour. That is the missing part of the equation here. We have such systems in relation to deer management—we have the Deer (Scotland) Act 1996; we have SEPA governing other parts of natural resource management in terms of water; and we have the Aquaculture and Fisheries (Scotland) Act 2013, which governs how fisheries are managed in Scotland, yet game bird hunting has no form of regulation.

**Andrea Hudspeth:** I would like to draw to the committee's attention some of the arguments that it will come up against. The industry will say how vital its businesses are to rural economies in Scotland. I would counter that by saying that nature-based tourism contributes £1.4 billion to the Scottish economy and supports 39,000 jobs. If we keep depleting our natural resources or if we allow our natural resources—our protected species—to keep being persecuted in this way, surely that can only damage our nature tourism industry. If we no longer have species of interest for people to come to our country to see, we will lose out in that area. That is a personal issue for me, as that is part of my business and I can see how I and other people in my industry are finding it harder and harder to find the wildlife to show to visitors. In a country that has a valuable reputation for its nature, we cannot allow people out there to persecute and deplete nature.

**Logan Steele:** I have one further point to make to bring that issue into sharp focus. I was in the Hebrides with my wife in June this year on a birdwatching and walking holiday. On the machair, we met some American tourists with whom I quickly got into conversation about raptor persecution in Scotland, about which they were very well versed. They were appalled that it goes on, for the reasons that we have already discussed, and I asked them whether they would come back to Scotland. They said, "One thing is for sure—we are not going to the Cairngorms national park." I said, "Why not?" They said, "Because of the criminal goings-on over there with raptor persecution." They will not visit the Cairngorms national park because of the issue of raptor persecution. I said, "Will you not come back to Scotland?" and they said, "Oh no, we are coming back next year. We are going to Orkney and Shetland—there is no bird of prey persecution up there."

That is a wee anecdote that none of us would ordinarily hear about. I am sure that in lots of wee places all over Scotland people are making a conscious decision to spend their pounds—as Andrea Hudspeth said—in the green eco-tourism

environment, rather than where the criminal persecution of raptors goes on, such as in one of our famed national parks.

**The Convener:** Thank you very much for that. Do members have any comments about how we should take the petition forward?

**Maurice Corry:** What the team said about the current deer management programmes and wild fishery management programmes was very interesting. I know a little bit about the deer management programme and it has certainly been very successful. I see no reason why the Scottish Government should not review the issue in relation to the success of wild fisheries and deer management and apply the same principles.

**Angus MacDonald:** In my experience, deer management has not been successful and there is a lot to be desired in that respect.

I am in a quandary because I am keen to seek more information and the Scottish Government's views about the petition—particularly its views on the findings of the review of game bird licensing and on legislation in other European countries, as I am keen to find out exactly what is happening elsewhere. At the same time, however, I take on board Mark Ruskell's suggestion that we should refer the petition to the Environment, Climate Change and Land Reform Committee because it is about to undertake scrutiny of the wildlife crime annual report. Not knowing exactly when the annual report will come out means that this committee might have some time to get information from the Scottish Government. Therefore, I am in two minds.

**The Convener:** I am struck by the force of what the witnesses have said, as they are laying huge charges at the doors of those who are alleged to be involved in criminal activity. It feels to me that those charges could be explored in more detail by the Environment, Climate Change and Land Reform Committee rather than the Public Petitions Committee. I would like the petition to be referred on that basis, as it would afford people the opportunity to give their response to what are very serious allegations. That approach would enable people to reply in depth, and people would probably agree to that. As Angus MacDonald said, it would be worth seeking the Scottish Government's view on the specific question of where it has got to with the publication of the findings of the review of game bird licensing. We could get an update on that and feed it into the Environment, Climate Change and Land Reform Committee's work.

What has come across is not just the witnesses' passion and belief about what is going on and how bad that is but the way in which delays are built into the process and the fact that commitments do

not match up with the scale of the challenge that has been presented to us.

Does the committee agree that we should refer the petition to the Environment, Climate Change and Land Reform Committee? We would urge that committee to reflect on the evidence that we have received so far and on how frustrated and concerned the witnesses are. I think that that would prompt a response from the other side of the argument, which the ECCLR Committee could take forward. We should also ask the Scottish Government for an update.

**Brian Whittle:** I am torn on that one, convener. Personally, I am reticent to let the petition go. Having heard evidence from one side of the argument, I would like to see those from the other side of the argument sitting here as well. There is no doubt that raptors are being persecuted in some circumstances—we all know that. The news tells us that and it has happened recently. Ultimately, the matter will be for the Environment, Climate Change and Land Reform Committee, but I feel that the evidence is incomplete because we do not have the other side here to question and query. I do not know what everybody else thinks about that.

11:00

**The Convener:** On the commitment that we might be looking for in referring the petition to the Environment, Climate Change and Land Reform Committee—we can only ask for this; we cannot insist on what other committees do or do not do—we can underline the significance of the charges that have been made and the importance of responding to them. To suggest that the issue is affecting our tourism trade or that people perceive that a significant industry in Scotland is underpinned by criminality is very serious. The matter is not so much where the question is asked as that it should be asked, but my view is that the expertise in the Environment, Climate Change and Land Reform Committee would probably allow the charges to be put in context.

**Duncan Orr-Ewing:** I will make one point on the scale of the problem. I mentioned earlier that the RSPB's 20-year review has just been circulated. Between 1994 and 2014, confirmed bird of prey persecution offences were detected on more than 200 identified landholdings covering 10 per cent of Scotland's land area. That gives members a flavour of the extent of the problem. Some 779 confirmed victims were involved.

**Logan Steele:** That is just the tip of the iceberg, because those are the ones that we find. God knows how many go undetected.

**Angus MacDonald:** Was that 200 separate landholdings?

**Logan Steele:** Yes. The problem is endemic.

**The Convener:** If we hold on to the petition, we can consider the proposition that a licensing scheme should be explored. The broader question is the scale of the problem and, if we referred the petition, the Environment, Climate Change and Land Reform Committee would consider it in that context. Nothing would prevent our asking for information and an update. I understand Brian Whittle's reluctance to let the petition go, as it would be interesting to hear the case for the defence, but, because we would have to look at licensing as an option in our consideration, I wonder whether we would not be able to consider the broader questions and what the other options might be.

**Angus MacDonald:** I am concerned that, if we extended the period in which this committee looked at the matter, the wildlife crime annual report could be issued and the petition would still be sitting with us rather than with the Environment, Climate Change and Land Reform Committee. Therefore, we should refer it.

**The Convener:** Okay. Can we get agreement on that?

**Brian Whittle:** I like the way that everyone is looking at me. There is no doubt that the Environment, Climate Change and Land Reform Committee is better placed than we are.

**The Convener:** It is always open to members to attend the meetings of other committees and make individual representations to them based on the evidence, as Mark Ruskell has done today.

Can we agree that we should seek an update from the Scottish Government? We have already had the views of various organisations, as we have said. We can also refer the petition to the Environment, Climate Change and Land Reform Committee for consideration as part of its expected scrutiny of the wildlife crime annual report. Our clerks can liaise with the Environment, Climate Change and Land Reform Committee clerks to ensure that we do not refer the petition to be considered as part of scrutiny that is not going to happen—they could get a reassurance from the ECCLR Committee that that will definitely not be the case.

**Brian Whittle:** I would also like to know when the petition will be dealt with.

**The Convener:** The clerk has made the point that, if we refer the petition without that being checked, we will lose it. Perhaps we can defer the decision on referring the petition until our next meeting, by which time we will have all the information about the other committee's timetable. We cannot direct another committee but, equally, we do not want to lose the petition and then

discover that the Environment, Climate Change and Land Reform Committee is unable to do anything with it. We can defer the decision on referring the petition until our next meeting. Is that acceptable?

**Members indicated agreement.**

**The Convener:** The clerks will liaise with the Environment, Climate Change and Land Reform Committee on that, but individual members can certainly make contact with that committee to say that they wish to be informed when it will consider the petition. I am sure that that is possible.

I thank our witnesses for coming to the meeting and for their time. I also thank Mark Ruskell for being here. The clerking team will be back in touch with you about where we are with everything that is going on.

I thank everyone for their attendance.

*Meeting closed at 11:06.*

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