

ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE

Wednesday 13 December 2006

Session 2

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ENVIRONMENT AND RURAL DEVELOPMENT COMMITTEE **36th Meeting 2006, Session 2**

CONVENER

*Sarah Boyack (Edinburgh Central) (Lab)

DEPUTY CONVENER

*Eleanor Scott (Highlands and Islands) (Green)

COMMITTEE MEMBERS

*Mr Ted Brocklebank (Mid Scotland and Fife) (Con)

*Rob Gibson (Highlands and Islands) (SNP)

*Richard Lochhead (Moray) (SNP)

*Maureen Macmillan (Highland and Islands) (Lab)

*Mr Alasdair Morrison (Western Isles) (Lab)

*Nora Radcliffe (Gordon) (LD)

Elaine Smith (Coatbridge and Chryston) (Lab)

COMMITTEE SUBSTITUTES

Alex Fergusson (Galloway and Upper Nithsdale) (Con)

Trish Godman (West Renfrewshire) (Lab)

Jim Mather (Highlands and Islands) (SNP)

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

Mr Mark Ruskell (Mid Scotland and Fife) (Green)

*attended

THE FOLLOWING GAVE EVIDENCE:

Kim Fergus (Scottish Executive Environment and Rural Affairs Department)

Ross Finnie (Minister for Environment and Rural Development)

Simon Pepper (Cabinet Sub-Committee on Sustainable Scotland)

Helen Phillips (Sustainable Development Commission)

Maf Smith (Sustainable Development Commission)

CLERK TO THE COMMITTEE

Mark Brough

SENIOR ASSISTANT CLERK

Katherine Wright

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

Committee Room 2

Scottish Parliament

Environment and Rural Development Committee

Wednesday 13 December 2006

[THE CONVENER *opened the meeting at 10:52*]

Sustainable Development (Scrutiny)

The Convener (Sarah Boyack): I welcome the public, members and the press to the Environment and Rural Development Committee's 36th meeting of 2006. I remind everyone to keep their mobile phones and BlackBerrys on silent. Elaine Smith has intimated apologies.

Our first item of business is follow-up work on initiatives that the committee has previously taken. We will consider the Parliament's scrutiny of sustainable development rather than policy developments. One of the key issues on which we have agreed to focus is how the impact of bills on sustainable development is assessed, how it is set out and how we and other committees scrutinise it.

We hope that the witnesses who are lined up will help us to consider best practice for parliamentary scrutiny of sustainable development and what we can hope to develop. All members have copies of research that we requested from the Scottish Parliament information centre that suggests that, although sustainable development is now more integrated into policy making in legislatures around the world, relatively little structured parliamentary scrutiny takes place. That is a question for us to examine.

Our first panel of witnesses are from the Sustainable Development Commission: Maf Smith is the Scottish director and Helen Phillips is the senior policy analyst in Wales. We look forward to talking to you. We have a written submission, which has been circulated to members. I invite Maf Smith to make an opening statement to introduce the commission's perspective on the issue. I do not know whether Helen Phillips will also give an introduction.

Maf Smith (Sustainable Development Commission): Thank you for the opportunity to speak to the committee. As is outlined in the committee's questions, the key point is mainstreaming sustainable development and how it is done.

The Sustainable Development Commission has a role as the independent adviser to the Scottish

Executive on sustainable development. It also has a role in assessing delivery of the sustainable development strategy. It is clear that the Executive is also considering how to do mainstreaming within its functions. Mainstreaming is easy to say but harder to define.

An issue for the committee is how it might measure whether mainstreaming has been achieved within the Parliament. Measurement might be outcome focused. One measure of success would be that parliamentarians have a working understanding of sustainable development, know what the Scottish Executive is intending to do and what their role and the role of Parliament is in monitoring the work that is being done. There are a number of ways to get there. As you have noted, and as the SPICe paper indicates, there is not one particular way of dealing with the issue. It is about having the appropriate structures in place. We note that it is important to be aware of the structures that the Scottish Executive is putting in place to deal with sustainable development, so that in holding it to account you can mirror those where possible.

The Parliament could deal with the matter in various ways. Options include training and development, bilateral meetings and the use of committee structures. Sustainable development is not the responsibility of one part of the Scottish Parliament; the matter must be integrated into its work. That creates challenges. We hope that the committee will take a leading role, as the environment team in the Scottish Executive takes a leading role, but not only your work is important: it is about how you can encourage the rest of the Parliament—the Presiding Officer, other committees and MSPs in their individual work—to engage with sustainable development. We are keen to provide support and follow up. I hope that, today, we can talk about some things that we can add that might help you in those discussions.

The Convener: Thank you. Does Helen Phillips have anything to add?

Helen Phillips (Sustainable Development Commission): No, thanks.

The Convener: We are now near the end of the second session of the Scottish Parliament. For us, now is a good time to be thinking about this issue. If we have this debate now and leave our conclusions as part of our legacy for the next Scottish Parliament, the next set of members can be more geared up to deal with the matter. There will be a chance for people to reflect when the new MSPs come back and the committees are formed. We have an opportunity to pull together our experience over the past seven years or so, consider other people's experience and see what we can recommend to the Conveners Group and to the Parliament as a whole. Your comments

about how we might scrutinise what the Executive is up to are useful. We must have the Parliament and the Executive in our sights. Members will now ask questions.

Maureen Macmillan (Highlands and Islands) (Lab): My perception is that we are at about the same stage of awareness with sustainable development as we were with equalities 20 years ago. There is a parallel between how we deal with equality issues in the Parliament and how we should be dealing with sustainable development issues. That relates to structure. For example, the Parliament has an Equal Opportunities Committee. Have you thought about how the structures in the Parliament might be improved so that sustainable development is not marginalised as it is now?

Maf Smith: There are some parallels with the work of the Equal Opportunities Committee and the toolkit that it put together for the Parliament. I am not sure whether there would have to be a sustainable development committee as a permanent committee of the Scottish Parliament, although that is one option. Perhaps a working group or committee might be set up for a short time to consider integration of the work on sustainable development. Certainly, it would be helpful to have a toolkit so that it is easier for the wider Parliament to work out what sustainable development is and how it is relevant to them.

Sustainable development has tended to grow out of the environmental movement, but it is wider than that: it is about how we integrate social, economic and environmental issues. It is not about absorbing one into the others. There are perhaps some differences between sustainable development and equal opportunities, but the issue is how we integrate and mainstream sustainable development. There are certainly some parallels with the work that the Equal Opportunities Committee has done.

Maureen Macmillan: The committee has tried to persuade ministers with other portfolios—not just the Minister for Environment and Rural Development—to speak to us about issues such as transport and economics, but we have found that quite difficult because there is resistance to the idea within the Executive. Do you have any way of advising, or of influencing those sorts of attitudes?

11:00

Maf Smith: We may not be able to influence things directly, but a big part of our role is to look at how sustainable development is mainstreamed into the way the Executive works and delivers on its strategy. Given that the committees tend to face and work with particular departments, an

alternative option for the Parliament might be for the different committees to ask the ministers whom they scrutinise what their portfolio is doing to help deliver the Scottish Executive's sustainable development policies and strategy. That would also help the other committees to appreciate the relevance of sustainable development to them. The danger is that other committees conclude that sustainable development is an issue only for the Environment and Rural Development Committee. The other committees need to be involved as well.

The Convener: Does Helen Phillips want to comment on the Welsh perspective?

Helen Phillips: First, I want to mention an idea that Maf Smith and I discussed this morning. Perhaps the Parliament could mainstream SD into the work of all the committees but have one overarching committee to examine all the cross-cutting issues. Given that matters such as sustainable development, social justice and human rights are all terribly interlinked, the overarching committee could perhaps ensure that all the scrutiny committees are taking those issues forward in a joined-up way.

From the Welsh perspective, under the Government of Wales Act 2006, the structures in the National Assembly for Wales will change significantly after the election next May, so we are currently working on similar issues with the Assembly's Presiding Officer. The Assembly is going through the same process of wondering how it should structure its committee system so that it can best scrutinise sustainable development. I think that the Assembly is also thinking along the lines of embedding sustainable development in all committees.

Eleanor Scott (Highlands and Islands) (Green): I, too, want to ask about the Welsh experience. I understand that the Sustainable Development Commission has a checklist for civil service policy makers in Wales. What difference has it made? How does it work? What does it look like? Is there something similar for the politicians who scrutinise legislation afterwards?

Helen Phillips: We do not have a similar version for the politicians at this stage, but something of that nature would be useful. The research that the Sustainable Development Commission carried out last year on progress on SD in the National Assembly for Wales gave some positive feedback on that policy integration tool, but it also noted that its success depends on the knowledge base of the people around the table who use it. Success depends heavily on capacity building. We need to have the right people using the tool if we are to get the right answers.

The research also noted that not all Assembly departments are required to use the tool, but its

use needs to be mandatory. Only the departments that were already switched on to sustainable development volunteered to use the tool. It is obvious that we need to ensure that we get through to everybody about the issue.

Eleanor Scott: This question has perhaps partly been answered already. Do you find that there is a shared understanding among civil servants and politicians about what sustainable development means?

Helen Phillips: I think that the five principles on which all the Governments of the United Kingdom agreed in 2005 provide a helpful model. In the National Assembly for Wales, there is a shared understanding of what sustainable development means but there is also—as in most organisations—a shared confusion, because it is not easy to pin down exactly what sustainable development is. As in most other organisations, people tend to think, “We deal with health” or, “We deal with economics” rather than consider those issues in the context of the other principles.

Maf Smith: I think that there is a developing understanding of sustainable development. We should not be too hard on ourselves about the fact that we do not yet have a clear idea of what it is. The five principles help, but it is easy to hold such principles in theory. The challenge is to ensure that they are put into practice. We should recognise that Parliaments do that anyway.

When parliamentarians are at their best, they try to look at things from different perspectives. That is the challenge of sustainable development—to consider the environmental and economic consequences of certain actions on, for example, social issues. It is important to bring that to members’ attention. They do not have to stop doing certain things and start doing new things in their scrutiny work. The work on sustainable development simply involves adding another layer or mining a new seam in what they already do. If you integrate the work further, an understanding of that will develop.

We had a discussion about the similarity between work on sustainable development and work on equality. We do not understand everything about equality, but we understand the process that needs to be gone through and our understanding has developed over time. Similarly, our understanding of sustainable development processes and delivery will also develop over time.

Nora Radcliffe (Gordon) (LD): In Wales, there is a statutory duty to promote sustainable development. Has that made any difference? Has the lack of such a duty in Scotland made us less able to buy in to the agenda?

Helen Phillips: The duty in Wales has served a useful purpose. It is obvious to the Sustainable

Development Commission that politicians of all parties and staff are proud of having this unique duty, which is regarded as a defining element of the National Assembly.

So far, the duty has been on ministers and the Assembly, but the Government of Wales Act 2006 will split the executive from the chamber processes and the duty will go both ways. It will continue to fall on ministers, but the Assembly Commission will also be required to embed sustainable development in everything it does.

Nora Radcliffe: I return to the point about having an overarching committee. We talked about the parallels with equality and the work of the Equal Opportunities Committee, but I wonder whether there is a useful parallel with the work that the Finance Committee does on the budget. There is a mechanism whereby subject committees send reports to the Finance Committee. I wonder whether such a mechanism would be helpful in relation to sustainable development, although it is wider ranging than the budget, so it might not be easy to copy the idea over.

Maf Smith: That is certainly an option. There are a number of ways in which you could proceed. The Environment and Rural Development Committee could have some bilateral meetings with other committees and ask them what they are doing to hold the Executive to account and scrutinise the delivery of its strategy. The Parliament could set up an overarching committee or create a committee or working group for a limited time to consider the integration of sustainable development. You could consider whether the Presiding Officer should take on certain functions to ensure delivery. The Conveners Group tends to be more process oriented, but it is already considering how committees should operate in considering sustainable development in relation to, for example, transport issues.

We should also consider the operations of the Parliament itself. In the Welsh example, the experience of operations and the building passes through into the Assembly’s work on the scrutiny of policy. That is something to think about within the Scottish Parliament.

The Convener: You said that the responsibility could be located with a committee, or with a committee that was responsible for talking to other committees. The UK model is a scrutiny committee, because the Environmental Audit Committee does not deal with legislation. I do not think that the Environment and Rural Development Committee has the capacity to be the Parliament’s sustainable development watchdog and deal with inquiries and legislation. There is an issue about how we manage our resources, because we are not a big Parliament.

When the National Assembly for Wales was thinking about the same matter, did it consider the number of people it would need to carry out the function? Now that you have changed the structure of the Assembly and the relationship with the Welsh Government, has it shaped your conclusion about where you will go next?

Helen Phillips: The Assembly has not yet finalised its committee structures or exactly how it will scrutinise sustainable development. We are at the same stage of discussing the options for scrutinising SD in Wales. Capacity is a big issue because we have only 60 Assembly members and scrutiny committees are limited to four or five.

The Convener: Maf Smith said something tantalising at the start about our need to mirror the Scottish Executive structure. If that structure is not right, we would not be mirroring the right structure. We have different functions. The accountability function is different from the formal development of policy function.

We need to work out how best to allocate resources. We could take Helen Phillips's approach of having an overarching, cross-cutting approach, which is effectively the function of the Cabinet sub-committee on sustainable Scotland, which is not embedded in departmental structures; it sits on top of the departments.

We need to work out how to get the structure right. Do we mirror the Executive or do we have a flexible structure, as Nora Radcliffe suggested? Do we have something that remains throughout the next four years? It is difficult for us to form conclusions about our approach.

Maf Smith: There is not only one way of approaching sustainable development. If we had an overarching committee on sustainable development, it would not have to meet every week; it could meet just once a year to review the previous year, for example, but you would want the other committees to integrate its work into their general work. The danger of that approach is that the other committees might say, "It's okay, the sustainable development committee will deal with that" whereas its job would be to monitor how the committees deal with SD in their policy scrutiny.

You need to get the message to MSPs on each committee. For example, if a committee looks at transport, it can understand the wider issues of how sustainable development impacts on and influences delivery of transport policy. It is not necessary for the committee to abandon all the matters that it wanted to ask about, but it might have to finesse its approach slightly or have a deeper understanding of the SD linkages to those policies.

Rob Gibson (Highlands and Islands) (SNP): The Sustainable Development Commission did

some work on sustainable development governance, but there seems to be little available research on best practice for scrutiny in the Parliament. Will you give me an example of good parliamentary scrutiny of sustainable development?

Helen Phillips: It is very much a developing field. I am not aware of any evaluated examples of best practice. People are testing out different methods.

Maf Smith: Within the duty of good governance, one can pick up and run with parliamentary scrutiny of sustainable development. There is not a prescribed set of measures. It is up to this Parliament to choose what it sees as good governance. You have that freedom.

From the perspective of policy analysis, it is important to stress that within sustainable development as a whole there is no one set of things that are sustainable development, which allows us to say what it is not. Sustainable development is about balancing the five principles of SD. The legitimate and right place for that to happen is within the Parliament; it is not for someone else to say, "You must do it like this. This is the most important issue, this is second and so on." Practice is fairly dynamic, which makes it difficult to pin down or give you a straight answer.

Rob Gibson: We have to be able to show the benefits of discussing sustainable development. In order to do so, we have to measure it in some way. The interplay of the five principles of sustainable development is accepted.

If we are going to show people why we think there should be certain structures to examine sustainable development, we will need some examples. There must be decisions that we have taken in the past four or eight years that we can analyse to show whether we have been applying the principles in a reasonably satisfactory fashion.

11:15

Maf Smith: There are existing areas that stem from the sustainable development strategy that you could use. Part of the challenge would be to ensure that other committees took them into account. One example is climate and the commitments to reduce carbon emissions. A relevant question for committees to ask would be about the carbon implications of a policy. You could also consider commitments on fuel poverty and renewables. There are number of policies that are the responsibility of one area, but which other committees and divisions of the Executive also have responsibility for helping to deliver, but those other committees might not be thinking about them. There is a well-defined set of indicators that

could be used by different committees to hold parts of the Executive to account.

The Convener: Rob Gibson raises a good point. In our climate change inquiry, which used climate change as an example of a sustainable development challenge, we received hugely varied responses from the different departments. His question has teased out the fact that we have the five principles, the sustainable development strategy and the climate change programme. One obvious way to test back would be to check on the work that the committees are doing and what is actually happening. That would link Rob Gibson's point about scrutiny and Maf Smith's point about outcomes and what has actually been delivered. That could be a good starting point.

Helen Phillips: If it is of any help, you are welcome to see the scrutiny report of the National Assembly for Wales, which we did last year. The researchers looked closely at all the actions in the Assembly's sustainable development action plan and did a basic matrix analysis of how they related to the five principles of SD and of the extent to which different policies were delivering against all principles or hitting off only one or two of them. That was an interesting way of looking at the Executive's agenda.

The Convener: We would appreciate that. It would be good for parliamentarians and our clerks and back-up staff to look at it.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Rob Gibson covered most of the questions that I wanted to ask. Helen, will you put on record whether, from your experience of the National Assembly for Wales, scrutiny of sustainable development has improved in recent years? I was not sure whether you said it had improved.

Helen Phillips: New legislation will bring about a completely different type of scrutiny in Wales. The existing legislative basis for the Assembly means that there is no legal separation between the Executive and the chamber. In effect, the chamber is trying to scrutinise itself at the moment, which does not work well as a model, and the committees have been not scrutiny committees but policy advice committees. The Government of Wales Act 2006 will introduce a scrutiny structure more like what there is here and in Westminster. That will bring about a big change in the quality of scrutiny in the Assembly, in part because members' role will be clearer to them.

Mr Brocklebank: Thank you. That was all I wanted to ask.

Maureen Macmillan: I want to ask about the European legislation on environmental matters that keeps coming through. Not long ago, we passed the Environmental Assessment (Scotland) Act 2005 on strategic environmental assessments,

for example. Is legislation such as that playing its part in helping sustainability? All big projects now have to be compliant with such legislation, so will sustainable development happen anyway? Do we need overarching committees?

Maf Smith: Some of that will happen anyway. Parliament will want to avoid just being given things to do without having any influence on how they will apply to Scotland. One point that came out of the recent Welsh report was on that issue, which links to devolved and reserved powers, as well as to European regulations. It is about the ability of the Executive or Parliament to influence things, to pass matters further up and to be proactive in considering the European legislation that is coming through and the priorities for Scotland.

Parliament might want to implement directives slightly differently when it comes to sustainable development—because of the priorities that are set with regard to the mix between economic, social and environmental issues—rather than just accept a set of assumptions from Europe, which could be different for different countries.

The Convener: I am thinking about where we might want to go with regard to training and awareness of sustainable development, about which Ross Finnie wrote to me. He mentioned the Executive's programme, training of staff and integration of sustainable development. Are there examples of parliaments providing that sort of training or background information for members or for their own staff? Has that been considered in Wales?

Helen Phillips: That is certainly on the agenda in Wales, although we have not yet done such training. We have, with the civil service and the Presiding Officer, been discussing development of capacity of staff and Assembly members.

The Convener: Is there a package that could be adopted here? Would we have to do it from scratch, or could we borrow some elements? Have you examined the Executive's programme and does it do what you think it needs to do on sustainable development?

Maf Smith: What is being delivered seems to fit the bill and good people who know the subject are involved. More than anything, that work is bringing together different teams and civil servants and encouraging them to talk about sustainable development. It is not about going to them, giving them a definition and then telling them to go away and work on something; instead, the work brings them together and gets them to ask questions of one another. That is the key and it is the interesting part of the training.

There are parallels elsewhere with the work that has been done, which Parliament could adopt—

you will be doing this anyway as part of your work as MSPs. It is probably easier for you to discuss the issues than it is for civil servants, who might be more focused on their departments. You have the advantage there. Packages have been developed for policy makers and Governments, which I think you could adapt. There might not be an off-the-shelf package, but you would not have to start from scratch.

The Convener: Where does bill scrutiny come in? Is the regulatory impact assessment the place or should the focus be on the policy memorandum? Should we just have a checklist à la the Welsh Assembly Government, but pulled back slightly? Maureen Macmillan made a point about equalities being mainstreamed. Should we do the same thing when we assess every bill that the Executive introduces to Parliament? How can we make things happen consistently across the Executive?

Helen Phillips: I would be inclined to opt for the RIA. That view is based mainly on my Whitehall experience of having parts of an RIA that were not supportive of my work in tackling health inequalities. I thought how different things could be if processes were health-inequalities proofed. I am sure that the same would apply to sustainable development.

The Convener: That could be integrated into the statement that the Executive makes to us on bills. With a couple of recent bills, we have started to find that sustainability has been better woven in: the Crofting Reform etc Bill mentioned social justice issues, for instance. We thought that the proposed crofting legislation was not perfect in some respects, but we could see that attempts were being made regarding sustainable development. I think that the Aquaculture and Fisheries (Scotland) Bill has some of that running through it. Those are the most recent bills; I do not think that that is happening consistently with all Executive bills.

Maf Smith: The key is to start doing something—thereafter, the understanding in Parliament as a whole will develop over time. The ability to look behind the assessments will increase. The examples that the convener gave are a good start, but members will want to acquire a much deeper understanding over time. The checklist for the Aquaculture and Fisheries (Scotland) Bill referred to the different parts of the bill, but in time you may be able to say to the Executive, “You have told us that the legislation is good for the economy, but that’s not related to its environmental impact, which is different.” It is about Parliament’s being able to see how issues interlink and fit together. If the Executive understands that you understand that, it will be

more inclined to do such thinking before bills get to you.

The Convener: That is what we are after.

Maureen Macmillan: The Aquaculture and Fisheries (Scotland) Bill was a good example of how various stakeholders can work together to ensure sustainable legislation. It took a long time—about two years—for us to achieve that. Do we have the time to ensure that all our legislation is treated that way? Do you think that it took so long to produce the Aquaculture and Fisheries (Scotland) Bill because aquaculture is a particularly contentious issue?

Maf Smith: I do not want to comment on aquaculture specifically. Some measures may take time, but the process need not take more time for sustainable development to work. A tick-box approach was adopted for the Aquaculture and Fisheries (Scotland) Bill, which involved saying whether things had been done or thought about. The Welsh Government has a more sophisticated approach, which involves a range of scores—there is not necessarily a yes or no answer. The answer could be, “No, this is not working”, “Yes, we have made some progress” or “Things are broadly neutral”. As the Scottish Parliament information centre briefing shows, an approach of that nature would encourage discussion, because it acknowledges that there are different points of achievement.

The Convener: We have exhausted our questions. You have made the point that scrutiny of sustainable development is work in progress—for us and everyone else involved—to the extent that there is no right answer. We must try to get a system that will work for the next four years. It may not be the system that Parliament will use for ever, but we must move from a situation in which this tends to be the committee that pursues sustainable development to a situation in which other committees buy into it. That is the trick.

I thank Maf Smith and Helen Phillips for their evidence. We would like a copy of the Welsh report to which you referred because it will help us to crystallise our thoughts. I suspend the meeting for a couple of minutes.

11:27

Meeting suspended.

11:32

On resuming—

The Convener: I welcome our second panel: Ross Finnie, Minister for Environment and Rural Development; Kim Fellows, the director of the Scottish Executive sustainable development and

biodiversity directorate; and Simon Pepper, who is the external member of the Cabinet sub-committee on sustainable Scotland.

Before we get into the discussion, I am delighted to inform members that Kim Fellows and Simon Pepper can answer questions directly, without members having to make reference specifically to the minister. I have been told that, in their answers, they will be willing to reflect their different perspectives; they will not speak purely for the Executive. I trust that I have got that right. Ross Finnie was keen to stress that to me when we met at the Scottish Environment LINK event last night. I hope that his liberal approach will continue today.

The Minister for Environment and Rural Development (Ross Finnie): It appears that a glass of wine clouded my judgment.

The Convener: Yes. However, that approach should help us; the session will not be of the traditional sort, in which we hear just the Executive view. The panel will not stick to a line that has been developed but will explore with us how to move forward. We are clear about that.

Rob Gibson: For the record, was it red or yellow wine?

The Convener: It might have been cranberry juice.

In helping the committee to see where the Executive is moving on sustainable development, I invite Ross Finnie to make introductory remarks.

Ross Finnie: Thank you. We will try to carry out as best we can the dictum you have issued us with.

Governance is one of the five key principles of sustainable development. I take the view that parliamentary scrutiny, debate and challenge in my regular appearances before the committee and across Parliament are essential complements to the work of officials, ministers and those who sit on Cabinet sub-committees or external bodies that are associated with the Government to try to secure continuous improvement in our performance. That is particularly true on sustainable development. "Choosing our future: Scotland's sustainable development strategy" and the published implementation plans and progress reports provide a useful foundation for that process. So, too, does the work of the Sustainable Development Commission in Scotland, which helps to disseminate good practice, support capacity building and strengthen independent audit and scrutiny.

However, I am sure that we can do more—that is always the case—so I welcome the way in which this meeting has been structured to enable us to tease out the role that the Scottish Executive Environment and Rural Affairs Department plays

in co-ordinating work throughout the Executive, in the development of engagement with Parliament and its committees and in respect of what is being done by way of guidance, training and the Cabinet sub-committee on sustainable Scotland's work on how we implement sustainable development.

Simon Pepper is one of three non-ministerial members of the Cabinet sub-committee. His presence is crucial not only because the external view is represented on the sub-committee but because it helps—it certainly helps me—to ensure that cross-fertilisation in the Executive is greatly improved. It is helpful that, on key policy developments such as the national transport strategy, sustainable development issues can be ventilated in the proper place.

Kim Fellows heads the sustainable development and biodiversity division within the department. That division supports me and other Cabinet members who have responsibility for sustainable development. It also collaborates closely and undertakes integrated work with all the key Executive departments and the central departments—the Office of the Permanent Secretary and the Finance and Central Services Department—to ensure that sustainable development concerns are appropriately reflected. It also works on implementation closely with a wide range of external partners and stakeholders, such as the non-governmental organisations and public bodies including the Scottish Environment Protection Agency, Scottish Natural Heritage, the Forestry Commission and the SDC.

That is a broad picture of where we are. You wanted this appearance to be more of a question-and-answer session rather than me going on, so I will stop there. Each of us will be happy to take questions.

The Convener: Thank you very much. I think that committee members all have a copy of the letter that Ross Finnie referred to, which was inspired by our last meeting with him on sustainable development. Who would like to kick off the questions?

Maureen Macmillan: I will have a go. Sorry—I did not mean that I would have a go at you, minister.

We heard from representatives of the Sustainable Development Commission that it is important to be outcome focused. How will we become outcome focused on sustainable development? You talked about improvements that have resulted from your work: will you give us practical examples of the outcomes?

Ross Finnie: There are two answers to that. First, we have to acknowledge that, traditionally, Government is characterised by being far too input driven, not only here in Scotland or the UK but

worldwide. We tend to have a policy formation—an idea. That is not to say that we do not know what we want to do, but we spend a lot of time working the policy up to something with which we are comfortable. The next port of call is to assume that we know what will happen and then to ask what resources we will need. That might not always be money, although it frequently is; it might also involve personnel, linkages with other people and co-operation.

Throughout the Government in Scotland and in Governments worldwide, that approach characterises what we do. The Sustainable Development Commission, which is a relatively new body, is absolutely right that government across the piece needs to be far more outcome driven and needs to write its policy documentation in that way. One benefit of the work that we have done is that the sustainable development policy document and, as a consequence, the climate change policy document are based on outcomes and moving back from them, rather than on the more traditional form of taking a policy from a manifesto and considering what resources are required to start it moving.

That approach has begun to cause hugely different examination. I referred in my opening remarks to the transport strategy. The transport division's approach was not just to assemble a list of possible transport policies; rather, it started by establishing the outcomes or objectives on public transport, congestion, reducing the carbon footprint and so on. The strategy starts from the outcomes that we were looking for and then works back from there. We still have a long way to go, as have other Administrations and Governments.

Maureen Macmillan: Has Simon Pepper anything to add?

Simon Pepper (Cabinet Sub-Committee on Sustainable Scotland): I endorse everything that the minister has said, but I would like to add to it. The pressure for focus on outcomes is enhanced by the commitment to seeking an annual report on the delivery of the outcomes from the Sustainable Development Commission. You heard earlier that the promise of scrutiny helps to focus minds from the beginning of the process—that is the case in this instance. We will see much more scrutiny of outcomes by the Cabinet sub-committee on sustainable Scotland. I suggest that the committee, in considering its scrutiny role, bear that in mind and consider how it can scrutinise the process from beginning to end, or from inputs—which the minister mentioned—right through to outcomes. What really matters is the whole process.

The Convener: When is the first independent report to be published?

Kim Fellows (Scottish Executive Environment and Rural Affairs Department):

The Sustainable Development Commission in Scotland has commenced work on the review, the results of which will be put into the public domain just after the election.

The Convener: It will be a good starter for 10 for Parliament in the new session to pick up that report and start considering the issue objectively.

Kim Fellows: Absolutely.

Rob Gibson: We have heard that development of measurement of the policies that we are talking about is very much a work in progress. However, the Government made much of its inclusion of green threads in its partnership agreement. Will the Sustainable Development Commission be interested in a review of the policies that have been approved? Can any of them be measured?

Ross Finnie: We have the sustainable development indicators. You are absolutely right that—as with all such matters—we want to establish measurement, but that there is much debate about the precise form of measurement. In Europe, the former Environment Commissioner Margot Wallström became deeply frustrated as lists and lists of sustainable development measures were developed throughout Europe and everyone chose whichever suited them, which did not allow measurements to be read across. I have a lot of sympathy with Margot Wallström's frustrations on that.

We have developed a set of indicators in which we have tried to mesh the top level with what is being pursued in Europe and we have tried to ensure that they are relevant. In a sense, the answer to Rob Gibson's question is yes, in so far as we are now accountable under those measurements. Kim Fellows has just mentioned the Sustainable Development Commission. It will be perfectly possible for the commission to examine any policy and to judge whether it meets the sustainable development indicators or will contribute to their being met. I am conscious that, as soon as we put the indicators in place, we must be judged by how well we meet them.

11:45

Kim Fellows: I will give a little more explanation of the indicator set, which takes us back to some of the questions that were asked earlier. In it, an attempt has been made to use indicators that other departments use. An example of a health inequality indicator is life expectancy. Instead of choosing measurements that are interesting solely from a sustainable development perspective, we have sought to examine areas that are of interest to all departments and not to add on layers of bureaucracy. Come the new year, the indicator set

will go live on a website and will be open to scrutiny by everyone.

Simon Pepper: The Executive has made enormous progress with indicators, although it acknowledges that it is work in progress. As has been said before this morning's meeting, there is no one correct way to do anything—it is not easy to choose a set of indicators that together accurately measure progress towards sustainable development.

I would like to make the point that given that the set of indicators that we are discussing has been generated by the Executive rather than by Parliament or the committee, scrutiny of that set of indicators is important. There must be consideration of whether it is broadly accepted that the indicators will measure progress accurately or whether measures at different levels or different indicators are required. That is important because, ultimately, those indicators are how we will measure whether we are going in the direction in which we want to go.

Rob Gibson: The SPICe briefing identifies that various methods of considering sustainable development are employed in Canada, Estonia, Finland, Germany and Ireland. Has the group taken on board any of those countries' experiences? I do not know how long those Governments have been working to the templates that they use, but have you managed to elicit any guidelines from such sources of information?

Simon Pepper: That is a good question—we should examine good practice anywhere. As I think the SPICe briefing points out, it is interesting that when we look around the world, we find that there is not an enormous amount of good practice to learn from. Indeed, as far as I know, the Scottish Parliament is among the first legislatures in the world to require that a bill be accompanied by a memorandum that deals with its sustainable development impacts.

As regards methodology, it would be interesting to adopt the checklist that the Welsh Assembly Government uses and to adapt it to Scottish priorities, but that raises the question of the structures that would have to be put in place if that methodology for scrutiny were to be used. I expect that you will come on to committee structures later.

The Convener: If no one else asks a question about that, I will.

The checklist that the Welsh Assembly Government uses obviously works for it, but Maureen Macmillan asked our first panel about the equalities checklist that we use in the Scottish Parliament. Committees are expected to perform an equalities check on every bill that they scrutinise. Are you aware of a similar checklist on

sustainability that we could borrow from another Parliament, or do we have to invent our checklist from scratch?

Simon Pepper: I am sorry—I am hogging the answers. I am not aware of other mainstreaming methodologies or checklists, but you have hit on the right question. The issue has two dimensions: one is good practice for scrutinising sustainable development and the other is good practice for mainstreaming such cross-cutting issues. The SPICe research considered the first aspect, but it would be well worth while considering the experience of mainstreaming throughout the world. I ask Kim Fellows to add comments, as I know that she has worked on that.

Kim Fellows: We have tools such as a policy makers checklist. Checklists such as the one on equal opportunities and the health impact assessment help us to mainstream complex issues. Lots of different tools exist, so we can work to adapt some of them for use in different circumstances by different groups of people as they scrutinise, review and assemble data on progress.

I return to an earlier point. We have considered other practice on indicators and we have a subgroup that is considering indicators as measures of progress. That work continues, as much of the work does.

Nora Radcliffe: The minister's letter refers to "a forum for collective consideration".

The Executive has that in the Cabinet sub-committee on sustainable Scotland. How do we have a forum for collective parliamentary consideration? I ask the witnesses to comment on some ideas that were suggested by the first panel, such as drawing an analogy with how the Finance Committee deals with the budget. One committee could take a lead role and other committees could feed into the process. Another idea that was mentioned in passing and which might have mileage is to in some way expand the role of the Conveners Group to pick up such cross-cutting issues. Does the panel have comments on the attractiveness of such mechanisms?

Ross Finnie: I am very open to such things. A slight danger arises when people observe all of us and see, for example, Kim Fellows as head of a department that is shown on a wallchart to be part of the Scottish Executive Environment and Rural Affairs Department, and then jump to the conclusion that she does not—good heavens—talk to any other department. Alternatively, people might think that because I am the Minister for Environment and Rural Development, that is my patch, and if I tread outside it, I get a message to keep off the lawn.

I say with all due respect that that in no way reflects how the committee operates, because every time it meets the committee shows that it takes a broader view. However, there is no doubt that if the wider public were asked the straight question of what the committee does, their perception would probably be similar to people's perception of my department.

How do we get rid of that perception and build on mechanisms that allow other committees, bodies and parties to be part and parcel of the process? Neither the committee nor my department has rules that prevent us from doing that, but perhaps we are not good at putting in place mechanisms that allow others to participate. Rather than having one-to-ones in which I cajole a whole lot of people and ministers, at least the Cabinet sub-committee provides a forum at which its members meet and are subjected to scrutiny of their progress on sustainable development. Both the models that Nora Radcliffe mentioned need to be worked up further.

Kim Fellows: I support that. As the minister said, I do a considerable amount of work with colleagues throughout the Executive, and not simply in relation to pieces of work such as the transport strategy, although that is important and we do work that relates to it. On a daily basis, I work with people on challenging, complex, cross-cutting issues, such as young people who are not in education, employment or training—the NEET group—health inequalities and sustainable development. We try to work collaboratively, because the Executive has a corporate responsibility as well as responsibility in individual policy areas.

Simon Pepper: An enormous amount of progress has been made, as we heard, in designing the delivery machine—the Executive—to think about and deliver much more joined-up sustainable development policies.

Reference was made to mirroring the Executive's approach in the Parliament. It is important to address the matter at both levels, by which I mean that not only should each committee have a responsibility to check how its work is influenced by and is influencing sustainable development, but—because the world inevitably has to be divided up if business is to get done—there should be a device that brings together consideration and examines whether the Parliament is working as one and how interaction happens at a more strategic level.

That is happening in the Executive. Each department has an increasingly clear responsibility to consider sustainable development. Consideration is brought together by the sustainable development and biodiversity directorate in SEERAD, which has an overarching

role, and by the minister, who has an overarching role in Cabinet to see that the work is undertaken. I am not sure whether those arrangements can be mirrored accurately by the Parliament. There might be merit in adopting a slightly different structure, so that the Parliament picks up gaps that might be left by the arrangements in the Executive.

The Convener: That is a tempting thought.

Eleanor Scott: Kim Fellows partly answered the question that I was going to ask, which was about the culture in the Executive and the extent to which ideas about sustainable development are embedded in how people think. Kim Fellows said that she meets people on a daily basis. Do people in other departments come to SEERAD at an early stage in the development of policy and legislation and say, "I'm working on this; can you help me to check whether we're getting it right in relation to sustainable development?" Does that happen?

Kim Fellows: It happens in part—to return to a theme of our earlier discussion. The challenge for us is to systematise the approach—to use a bit of jargon. People who are aware of sustainable development issues and frameworks are more likely to come to us, but my team and others with whom we work must reach out and allow people to come to us. I am keen that we do that by using the right phrasing for our contacts. For example, I might not always say that sustainable development is the reason why people should come to us; I might talk about biodiversity and my other responsibilities. I want to get people to work together. In summary, we need to reach out, but people do come to us, and our work on training, finance and business planning is a reason for them to do so. It is early work, but much work is going on.

Eleanor Scott: Are there practical barriers to do with SEERAD not being co-located with other Executive departments?

Kim Fellows: Not at all. I have worked in health improvement as well as in sustainable development, and there are no barriers whatever to cross-cutting work.

Ross Finnie: Which office does Eleanor Scott suggest would allow Kim Fellows to meet people in Glasgow, Victoria Quay, St Andrews House and colleagues in SEERAD? It is a difficult choice.

Eleanor Scott: I suppose that we tend to think that Victoria Quay is the centre of the known universe, but that might not be the case.

Ross Finnie: Kim Fellows works from Victoria Quay, so I am glad that I asked that question.

The Convener: Perhaps the issue is less the physical location—given that people are in different places—than the political imperative and

the statement about the importance of sustainable development. That is the trick. If you are in SEERAD, and that is not seen as a side issue, the question is whether it is still seen as a core, top priority for the Executive. If it is, it does not matter where you are. Do you have to be listened to? Do other departments have to listen to you and take seriously what your directorate tells them?

12:00

Kim Fellows: I believe that the mechanisms, the work that the minister leads with the Cabinet sub-committee, and the work that the First Minister and other ministers do with their officials are important. Nobody has to be listened to. It is a question of us all working together to support our minister and other ministers to discuss and air the issues and to be aware of the importance of these challenging topics.

Ross Finnie: I would not lose sight of Kim Fellows's point. We are still working at it, but the civil service takes seriously staff training and the production of toolkits and guidance, so some simple questions can be addressed quickly without having to be referred to Kim's division.

Nora Radcliffe: You mentioned training. We are talking about complex and challenging concepts, and we will have to address hearts and minds if they are to be tackled properly. You said that seminars on sustainable development issues were arranged for Executive staff. Is there material that could usefully be transferred to parliamentary staff and parliamentarians? Should we be trying to roll that out and build on it? When we come back after the election, there will be a lot of induction for new and returning members, which might be a good opportunity to slot in good material to give people a head start.

Kim Fellows: A substantial amount of material is in place. We do not rely only on seminars for staff training. Websites and links to all sorts of different work could be used, and there could be a useful role for the Sustainable Development Commission in taking some of the best practice on training—not only from Scotland but from the rest of the UK and around the world—and translating it into training documents, guidance and support.

The Convener: That is useful. In the first few months of the next session there will be a small amount of space, but when we reach the stage in a session that we are at now there is no space whatsoever. We have an opportunity now to think about what might come after May, so people in the Parliament can gear up to the opportunities and we can persuade colleagues to buy into them. That is why it is significant that we are considering the matter now. Rather than reinvent the wheel, it would be good to do as Nora Radcliffe suggests. If

there is already information—not to tell us what to do, but to encourage people to think about things in the round—we can use it.

I want to ask Simon Pepper about parliamentary structures. You have watched the Parliament since day one. We obviously have a number of choices, and you have heard our discussion about different structures for committees. If we make a choice, it does not need to be a decision for all time, because the structure has been different in each of the two sessions of Parliament so far. Nora Radcliffe touched on the mix of choices that we have over the next four years. We have a finite set of resources and a set number of parliamentarians, many of whom are already on two committees, so we must think about how we can use our personal resources as effectively as possible.

Should we have a mix of checklists coming from the Conveners Group? Should we use the Conveners Group as the overarching method of checking the situation every six months? Should the Environment and Rural Development Committee—or whatever it becomes after the election—be the lead driver on sustainable development? Should we kick all the decisions down to the committees? You have examined the Parliament and how we have developed. What are your thoughts on a cost-effective way of using the people around the table and in the different groups?

Simon Pepper: Gosh, that is the \$64,000 question. The choices that you make will reflect all sorts of things, such as the issues that you have mentioned, as well as the priority that the Parliament gives to sustainable development issues.

This is a really exciting time. Collectively, we may not think that we are doing a particularly splendid job on the issue, but we are finding our way. To some extent, it feels like the blind leading the blind, as no one has been here before. We look across the world and cannot see people who have it completely sorted and have years of experience to prove it. We are all explorers. However, the evidence is that Scotland is as far ahead as anyone else on sustainable development. I believe strongly that, as time goes on, sustainable development will not just probably but certainly be the priority. The Stern report stresses to us just how mainstream we must make our sustainable development thinking. The sooner we do that the better, because in a competitive world the first mover has the advantage.

If we make a courageous decision and press for the required priority to be given to sustainable development issues, we may be able to get the dream ticket, which is for the Parliament to have a sustainable development audit committee to

oversee the application of committees' responsibility to ensure that sustainable development considerations are mainstreamed. That would ensure that sustainable development is dealt with as a matter of course by all committees, which would learn as they went on. The sustainable development audit committee would meet from time to time—as Maf Smith said, it would not have to meet every week—to make important judgments on progress, to guide those who were to make decisions, to ensure that the correct path was being taken and to focus minds from the beginning of the process, because people would know that in the long run a judgment would be made by a powerful committee of the Parliament.

I accept that all sorts of capacity issues relate to my suggestion. However, tagging responsibility for sustainable development on to another committee—which is a statement that it is a secondary issue—would not work nearly as well.

The Convener: We will finish on that point. We could explore the issues for ages, but that is a good point at which to leave it. There are different ways of doing what has been suggested. We have to report back on the issue, and I would like to mull it over for the next few days so that we can think about how we formulate our recommendations.

I thank the three witnesses for being frank with us this morning; their evidence has been very useful. I agree strongly with the sentiments expressed by Simon Pepper—we are in uncharted territory. The question we should all ask ourselves is, does what we have discussed take us towards reducing our CO₂ emissions by 60 per cent by 2050 or does it send us in the wrong direction? The same question could be asked about all five points on the sustainable development checklist. We must work out the right question for people to think about when they are dealing with a mundane policy or piece of legislation that does not instantly appear to relate to sustainable development but which in fact does.

We will continue to take evidence on the issue next week, when we will have a videoconference with Heidi Hautala, who is a member of the Parliament of Finland and of the Finnish national commission on sustainable development, which I hope will provide us with comparative evidence that builds on what is contained in the SPICe briefing. We must then decide how we want to proceed. I invite members to agree to discuss that in private next week, which will give us a bit of space to think matters through.

Members *indicated agreement.*

The Convener: Any decisions that we make at that point will be reported to our successor committee.

Thank you for your attendance. Next week, we will meet on Tuesday rather than Wednesday, because of chamber business.

Meeting closed at 12:09.

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