



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Economy and Connectivity Committee

Wednesday 16 May 2018

Session 5



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RURAL ECONOMY AND CONNECTIVITY COMMITTEE
15th Meeting 2018, Session 5

CONVENER

*Edward Mountain (Highlands and Islands) (Con)

DEPUTY CONVENER

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

COMMITTEE MEMBERS

- *Peter Chapman (North East Scotland) (Con)
- *John Finnie (Highlands and Islands) (Green)
- *Kate Forbes (Skye, Lochaber and Badenoch) (SNP)
- *Jamie Greene (West Scotland) (Con)
- *Richard Lyle (Uddingston and Bellshill) (SNP)
- *John Mason (Glasgow Shettleston) (SNP)
- *Mike Rumbles (North East Scotland) (LD)
- *Colin Smyth (South Scotland) (Lab)
- *Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Anne Cairns (Scottish Government)
- Gary Cox (Scottish Government)
- Murdo Fraser (Mid Scotland and Fife) (Con)
- George Henry (Scottish Government)
- Bill Reeve (Scottish Government)
- Sharon Wood (Scottish Government)
- Humza Yousaf (Minister for Transport and the Islands)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Economy and Connectivity Committee

Wednesday 16 May 2018

[The Convener opened the meeting at 10:34]

Transport (Update)

The Convener (Edward Mountain): Good morning, everyone, and welcome to the 15th meeting in 2018 of the Rural Economy and Connectivity Committee. No apologies have been received.

Agenda item 1 is a transport update. I invite members to declare any interests that are relevant to the item.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): My entry in the register of members' interests shows that I am honorary president of the Scottish Association for Public Transport and the honorary vice-president of Railfuture UK.

Gail Ross (Caithness, Sutherland and Ross) (SNP): I am honorary vice-president of Friends of the Far North Line.

John Finnie (Highlands and Islands) (Green): I am a member of the cross-party group on rail and the National Union of Rail, Maritime and Transport Workers parliamentary group.

The Convener: The evidence session is a regular update to the committee on transport policy and projects in Scotland from the Minister for Transport and the Islands. I welcome Humza Yousaf, the Minister for Transport and the Islands, along with Bill Reeve, the director of rail; Margaret Horn, the head of ferries policy and contract management; Joanne Boyle, the head of the sustainable and active transport team; and Gary Cox, the head of aviation, from the Scottish Government.

Minister, would you like to make a short opening statement?

The Minister for Transport and the Islands (Humza Yousaf): Yes—I have a brief opening statement.

On our trunk road network, we have experienced severe winter weather since my last update. As a result, there was an extended period of freeze, thaw, snow and rain cycles this winter. That somewhat accelerated the deterioration of localised sections of our carriageways—local roads felt the impact, too.

In terms of our responsibilities, Transport Scotland's trunk road response led to the reprioritisation of £6 million towards more than 90 patching or larger resurfacing schemes across the network. The trunk road response also included the deployment of additional maintenance crews and road signage, as well as targeted and focused media updates. A number of areas in the trunk road network were particularly affected, which we discussed in a recent members' business debate in Parliament.

Notwithstanding some of the weather challenges, we have pushed forward with essential upgrading of our roads. I will give some of the highlights. The iconic route along the side of Loch Lomond from Tarbet to Inverarnan is progressing, and we are pressing ahead with the preferred route option. In February, we awarded £3.4 million towards ground investigation, which has been progressing at a good pace. Following route options assessment, Transport Scotland announced its preferred option—option 3—for the A9/A96 Inshes to Smithton link road. Again, that work is progressing. Grade separation work is being done on the A9/A82 Longman roundabout. Work is also being done on the Aberdeen western peripheral route and on further schemes.

We intend to introduce the transport bill to Parliament next month. I have already said publicly that the bill will include measures on buses, responsible parking, smart and integrated multimodal ticketing, low-emission zones and regional transport partnership finance. There will be some elements on the Scottish road works commissioner and some technical proposals on the Scottish Canals board.

Within the £5 billion that will be spent on the Scottish rail network, there will be major investment in new and refurbished rolling stock. More than £475 million will be invested in ScotRail's rolling stock, which will deliver major enhancements to train facilities and increase seating capacity by 23 per cent by 2019, with further increases once we can run eight-car services. We published our rail enhancement and capital investment strategy in March, and we are taking measures to tackle overcrowding. The committee will be well aware of the continued measures that we and ScotRail are taking to improve performance right across the network.

On ferries, we have provided money to Caledonian Maritime Assets Ltd to allow it to purchase three passenger vessels to serve the northern isles, which will guarantee the lifeline connections to and from Orkney and Shetland. We have committed to roll out to the northern isles the road equivalent tariff, which has already been a major success on the west coast, and we are continuing discussions with Orkney Islands

Council and Shetland Islands Council on a long-term solution to their internal ferries. There have been some challenges in the Clyde and Hebrides network at the start of summer, largely due to issues with the Clansman. The number 1 priority for Caledonian MacBrayne and for us is to maintain, and ensure the sustainability of, lifeline services.

I will not go into too much detail, but the national transport strategy review is on-going and progressing on schedule. Early work has started on the strategic transport projects review, and the STPR will follow the NTS review.

Engagement with local communities has been central to the NTS review, and I am pleased that we have covered from north to south and from east to west.

We are also pushing ahead with our commitment to decarbonise transport and to do our part in that regard, given that transport is the largest emitter of carbon dioxide. We are looking to take forward a number of work strands in that area. Low-emission zones are a key strand of work, and I am delighted that Glasgow will be the first city to introduce low-emission zones by the end of the year. Glasgow will be followed by the three other largest cities, and other air quality management areas will be established thereafter. Again, I am happy to talk in detail about that.

On active travel, we have a commitment to double our budget from £40 million to £80 million. Work in that area is well under way, and we have made some good announcements—most recently, we have increased our community links funding—but we will be doing a lot more, and we are happy to update Parliament about that.

I will leave it there as a quick run-through of the parts of my portfolio that are relevant following our previous conversation. Of course, there is much more that I could talk about and that I am sure we will get into. I am happy to take questions.

The Convener: The first question is on a topic that you did not cover in your opening remarks, so it is probably appropriate that I raise it now. The original cost of the Edinburgh to Glasgow improvement programme was £742 million, but it is projected to cost £858 million. The Office of Rail and Road is very concerned about the £116 million increase. That is a huge increase, minister. Will you give us an explanation of why that has occurred and whether that demonstrates good project management?

Humza Yousaf: I have been to the committee previously to talk about EGIP and to express my disappointment about how rail projects have been delivered. The committee will be aware of this, but it is important to restate that Network Rail is a reclassified body under the Department for

Transport and that its infrastructure, engineering and timetable functions are headquartered in Milton Keynes in England.

I would love to have greater control over Network Rail, but that is not to say that there are not things that we can do. You may remember that we instigated the Ernst & Young report when we first started to hear of the enormous cost rises across rail projects, of which EGIP was one. One thing that we did to try to minimise those cost rises was to have better governance, and we established the major projects portfolio board, which is chaired by Roy Brannen, the chief executive of Transport Scotland. That stricter governance certainly helps to flush out some of the issues.

As we have seen, there have been cost increases in some of the projects. However, because of intervention, we have seen cost reductions in some projects. The Highland main line is an example—we have seen a cost reduction of tens of millions of pounds.

I am not pleased that Network Rail's final cost for EGIP—that is, its anticipated final cost; I have not been given its final cost—has risen to that level. We all want to see EGIP and all the other major projects complete, so I want to reassure the committee that Network Rail is within the financial envelope of control period 5—in fact, it has come in under that envelope and within the built-in contingency. However, I am not happy and, for the next control period, I have instructed that a different approach to major rail projects should be taken.

The Convener: You used the word “anticipated”. Do you anticipate that costs will increase? Is this not the end of the bad news stories on cost increases?

Humza Yousaf: I used the term “anticipated final cost” because Network Rail has not written to me formally to say what the final cost of the project is. I will press it for that information. Network Rail says that it needs a little bit more time to go through whatever processes it absolutely has to, but that figure is the anticipated final cost, which has been touted in the media and that the ORR and Network Rail have confirmed. As I say, Network Rail has not written to give me its final cost, and I reserve my judgment until it does that.

The Convener: I am surprised to hear you phrase it that way—you said that Network Rail has not written to you. Surely you should be writing to Network Rail and pushing it hard for an answer. If you have been pushing it hard, are you convinced that it has given you the right answers?

10:45

Humza Yousaf: Of course I have pushed it hard. Every time I speak to the managing director of the ScotRail Alliance and to Network Rail—which is in the midst of appointing a new chief executive—we talk about major rail projects. They tell me the anticipated final cost, and they intend to come to me with the final cost. Until I get the final cost, it would be wrong for me to hypothesise, speculate or crystal ball gaze about the final figure. I prefer them to tell me the anticipated final cost. Network Rail knows that I am unhappy about the amount that it has risen by.

The Convener: I have just one further question on that issue, before I move on to John Mason with the next question. You said that Network Rail has not written to you. How many times have you written to push Network Rail on the final cost?

Humza Yousaf: I do not know how many times I have written, but I speak to the MD of Network Rail regularly—probably weekly. I am understanding about the fact that it has to go through a process to get the final cost, so I am happy to give it the time and space that it needs to get that final cost. I have always promised that I will update the committee first when I get the final cost—you can see that in the transcripts of when I previously came to this committee. When I get the final cost, the committee and the Parliament will of course be the first to know.

The Convener: Is the ORR doing a review of the project? Could you clarify your input into the review?

Humza Yousaf: Would you repeat the question?

The Convener: The ORR is investigating this project—are you inputting into the investigation?

Humza Yousaf: Yes. I meet the ORR regularly—there is possibly a meeting later today. We are having a conversation around that review. The ORR has been excellent in this matter, and the conversation has been very positive. The independent regulator is the right person to come forward with a report. Without putting words into the mouth of the ORR, I think that it has been kept up to date on our plans for control period 6 and the approach that we intend to take. The committee will be able to question the ORR if it wishes, in its own time.

One of my officials, Bill Reeve, has reminded me that a reason for not having the final cost yet is that negotiations are on-going between Network Rail and stakeholders about their claims. You will remember that, when I came to the committee to talk about EGIP, a major issue for the rising costs was the delay because of issues over regulatory rail compliance. The discussions, claims and

counter-claims are still on-going, and I have to give Network Rail the appropriate time for those negotiations. My commitment has always been to let the committee know once I have the final cost.

John Mason (Glasgow Shettleston) (SNP): If I remember correctly, when Jacobs UK came in to do a study, it reduced the cost of EGIP at the beginning, because the platforms at Queen Street station were being lengthened, which reduced the cost in other ways. At the time, I think that you were criticised for spending less money on EGIP. Now, clearly, you are being criticised for spending more. How is the Queen Street station work progressing?

Humza Yousaf: I was delighted to be at Queen Street station recently to see the extended platform 1. The work is going well. The timescales that we publicly announced are those that we still intend to push Network Rail to meet. I have been to see the work for myself. That work is difficult to do in a confined city centre space—not the open building site that other construction projects might have—and the train station still has to operate. I can understand why people's experience of Queen Street station is not the best. However, I have spoken to Transport Focus and take comfort from the fact that, when King's Cross was being redeveloped, it was the most unpopular station, but it is now the number 1 most popular station. I hope that, when Queen Street's building works are complete, it will be one of the most popular stations in the United Kingdom.

John Mason: I will move on to rolling stock. You probably know that the committee had a detailed session with Alex Hynes last week. I do not want to go over all that again, but my overall question is whether you are happy with how ScotRail has dealt with the rolling stock situation. After issues with windscreens in the new electric trains, there are more diesels running and there is a delay to the introduction of the quicker service. Do you think that ScotRail is handling that properly?

Humza Yousaf: I have never been shy about coming to the committee when ScotRail has had failures—for example, previously in performance—and being explicit about how disappointed, angry and frustrated I have been about that. On the issue of the class 365s in particular, of course there are things that could have been done better and managed better by ScotRail, but the delay has been in the manufacturing. Hitachi is the manufacturer and it has apologised repeatedly not just to me but to the First Minister for the faults that it has had. We have to have some understanding because there is a new plant and a new workforce at Newton Aycliffe. However, even so, I do not find it acceptable that a company with a global footprint the size of Hitachi's has had

some of the most basic problems with, for example, the supply chain.

Therefore I am not satisfied, but I would not put the blame squarely on ScotRail for this one. ScotRail has a job to do to mitigate the impact of those delays so that passengers do not lose out. I am pleased that ScotRail has found some 365 rolling stock for the summer, which will make a big difference. The position that we are in is a disappointing one, but I can give Mr Mason and every committee member the reassurance from a Government point of view that we are pushing Hitachi. It is not just me who is doing that; the First Minister has intervened on a number of occasions with Hitachi to get the message across that we expect it to deliver on its promises.

John Mason: I will move on to the financial impact of the situation. Is Hitachi paying at all? Are there penalties or compensation, or is ScotRail having to find extra money to bring in the class 365s? How does all that work?

Humza Yousaf: Undoubtedly, such things end up in the hands of lawyers. ScotRail will put in for liquidated damages and Hitachi will make counterclaims and these things will drag on with lawyers or, if they have to go to court, they will be settled by the courts and so on and so forth. That is an issue that ScotRail and Hitachi have to sort out. My immediate concern is ensuring that there is rolling stock there for passengers and seeing how we can enhance the current provision. That is why the proposal to bring in the class 365s is very welcome. We pushed Abellio hard on that and said that it had to find a plan B, a plan C and a plan D. When we spoke to the head of Abellio in the Netherlands, that message was communicated very strongly. I am very pleased that ScotRail has proposed using the 365s, which will be welcomed by passengers and commuters, although they are a stop-gap measure.

All of that is my job but, although I keep an interest in who pays and liquidated damages, that is of course an issue between ScotRail and Hitachi.

John Mason: Just to tie it up, you are not anticipating that the public purse will have to pay any extra for rolling stock.

Humza Yousaf: Not for the 365s. That cost will be paid by ScotRail, and then it will have to have a conversation with the manufacturer, Hitachi, if it wants to claim that money back.

Richard Lyle (Uddingston and Bellshill) (SNP): I have a question that follows on from the convener's earlier question. You said that Network Rail's headquarters are in Milton Keynes.

Humza Yousaf: Yes.

Richard Lyle: So what responsibility do you personally have for Network Rail?

Humza Yousaf: Network Rail is not accountable to me; it is a reclassified body under the Department for Transport. As I said, the infrastructure, engineering and timetabling functions are headquartered south of the border, so it is not accountable to me or to this Parliament.

Richard Lyle: Is Network Rail accountable to the United Kingdom Government?

Humza Yousaf: Yes, under the Department for Transport. It is the Secretary of State for Transport who has the accountability. There is a genuine and sensible conversation to be had with all political parties around where we think it would be sensible for Network Rail to be devolved to Scotland. My position is that Scotland should have full control, but I know that that is not the view of all political parties. However, I would like to have a cross-party conversation about where the parties think that it would be sensible for Network Rail to be devolved.

Richard Lyle: If Network Rail overspends, who pays the bill? Is it you?

Humza Yousaf: The answer at the moment would be yes. However, it is not anticipated that Network Rail will go over the financial envelope for control period 5. However, if Network Rail overspent, the Scottish taxpayer would ultimately have to find the funding for the projects that we have committed to. I will double-check that with my official [*Interruption.*] Yes, it would be for us to find the funds.

Jamie Greene (West Scotland) (Con): Good morning, panel. The first electric trains were due to enter operation on the Edinburgh to Glasgow line in December 2016. Two and a half years later, not a single class 385 train is operating on the network. When does the minister think that the 385s will be running live on the network, with passengers? When does he think that we will achieve 42-minute journey times between Glasgow and Edinburgh, on which there seems to be slippage?

I also want to press the minister on the cost of leasing the 365s. I cannot imagine that it is cheap to lease a train these days. I am surprised that he did not answer Mr Mason's question on the cost of that, and I press him to do so.

Humza Yousaf: I will try to give the member some reassurances. There are some things on which I can go into detail, but there are, of course, issues that are commercially sensitive, and I will come to those shortly.

In response to the question about electric trains, it should be said that more than 30 per cent of the services that operate on the line from Edinburgh to

Falkirk High and Glasgow Queen Street have been electric since December 2017. That figure will rise to more than 90 per cent when the interim fleet of 365s comes into play. The vast majority of the trains on that route should be electric when the interim fleet of 365s is introduced later this summer, ahead of the 385 fleet coming in. That deals with Mr Greene's first question.

I am confused by the premise of Mr Greene's question about the 42-minute journey time. I do not think that there has been slippage in that. December 2018 was the expected start date for the introduction of the 42-minute fastest journey time, and we are still getting signals from Network Rail and the ScotRail Alliance that 42-minute journey times will be introduced by December of this year. I think that Alex Hynes reaffirmed that when he appeared before the committee.

It should be said that we are already delivering journey time improvements. Some of the electric services are achieving 44-minute journey times, so we are not far off 42 minutes, and it is still expected that the December 2018 commitment will be met.

Mr Greene's third question was about cost. I thought that I answered Mr Mason's question—he asked whether the Scottish taxpayer would foot the bill and I said that that was not the case. That is because we have come to an arrangement with ScotRail, which is commercially confidential in that regard. I am happy to go back to find out what I can say, legally, about that. I could perhaps write to the convener in such a manner that it would be appropriate for the information to be shared with the rest of the committee. I have to be careful, because it is a commercial arrangement. The main point to make is that the Scottish taxpayer will not fund the bulk cost of the 365s.

The Convener: I will allow you to ask one more question, Jamie—you managed to slip in three questions under the guise of asking one.

Jamie Greene: It is not really a question; it is a follow-up to the response. With the greatest respect to the minister, he did not answer my questions. My first question was about when the 385s would be running live on the line, with passengers. If he does not want to go into detail now, he is welcome to write to us after the meeting.

I am glad that the minister clarified that he expected the 42-minute journey time to be delivered in December 2018, because our briefing paper says that its introduction has slipped into 2019.

In relation to my third question, I would like the minister to write to the committee to tell us the cost of leasing the 365s, because I do not think that he answered that question, either.

The Convener: Do you want to come in briefly, minister?

Humza Yousaf: The member is right—I should have mentioned the 385s. It is still anticipated that they will be introduced later in the summer. I say "anticipated" because it depends on the windscreen issue being resolved. I can give the committee an update on that. Two potential solutions to the windscreen problem have been fitted to a train, one at the front and one at the rear. One of them is a variation of the curved windscreen; the other one is a flatter windscreen, which is installed in a flat aperture.

It will be important that the train drivers' union, the Associated Society of Locomotive Engineers and Firemen, is heavily involved in the testing of those windscreens. Is that unit in Scotland now? Is it on its way?

Bill Reeve (Scottish Government): It was due to come this week.

Humza Yousaf: That train is due to come to Scotland this week. Drivers will be able to test it to find out whether they are reassured. If they are reassured by the solution—regardless of whether it is the slightly less curved windscreen or the flatter windscreen, the manufacturer and ScotRail are ready to press the button and get the new windscreens installed as soon as possible—and all the other processes fall into line, we expect the 385s to enter into service by late summer.

11:00

John Finnie (Highlands and Islands) (Green): I am very keen that the minister answers all questions about Scotland's railway. I am slightly frustrated that, because of the answers that he understandably give in relation to Network Rail, that is not the case. For that reason, the Scottish Greens support the devolution of Network Rail.

I want to ask about the funding mechanism. Recently, I was in touch with the minister's officials on the UK Government's decision to unilaterally change the formula for the forthcoming control period. I was told that there was a shortfall of £440 million—I hope that I have got the figure correct. Is the minister in a position to give an update on that? If that figure is correct, or if the figure is anything approaching that sum, there is an opportunity for that money to be more constructively invested, ideally in the Highland main line.

The Convener: If you do not have an answer to that to hand, we would be happy to accept a written answer, but if you have the information, please disclose it.

Humza Yousaf: The latest figure is that there is a shortfall of £400 million. Previously, it was higher

than that. I will be happy to speak to the member offline about that. He is absolutely right—the UK Government unilaterally changed the funding formula. Although the integration of the British Transport Police into Police Scotland is going ahead, the formula included funding for BTP functions, which are being devolved. There has been a lot of discussion between Derek Mackay, me, Her Majesty's Treasury and the UK Government's Department for Transport, but we have not reached a resolution. There is not much further that we can take the matter. In effect, Scotland must accept a £400 million shortfall because of a unilateral decision to change the funding formula. I am not at all happy about that, and I welcome the member's support. If there is anything further that I can do, I will certainly do it.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): I have a brief question about the west Highland main line and the review group that the minister announced recently. How does the minister intend to get as much traffic and freight as possible off the A82 and on to the west Highland main line?

Humza Yousaf: I know that the member has been heavily involved on freight issues to do with the A82—in fact, it was her summit that helped us to gather more views, which allowed us to announce the Tarbet to Inverarnan widening scheme, which has been welcomed by stakeholders. I know that she has an interest in the issue.

I am delighted about the setting up of the west Highland line review group, which I think is to hold its first meeting next week. Through the convener, if that would be appropriate, I can furnish the member with the details of who attends that meeting and the minutes of it. I think that the group will have a transformative effect on the line. There are some key challenges, which relate to journey times, the rolling stock, timetabling and so on. By taking a focused look at those, as we are doing with the far north line, we can make a big difference to the line.

Freight is a big part of that. Kate Forbes will know that there is a huge opportunity for freight goods such as timber to be transported by train, and we are looking at that with great interest.

Mike Rumbles (North East Scotland) (LD): My questions are focused on high-speed trains. We know that 54 class 43 high-speed trains—the old Intercity 125s—will enter service across Scotland later this year, after substantial refurbishment. What is the expected lifetime mileage capacity of a class 43 train? What is the average mileage of the trains that are coming to Scotland?

Humza Yousaf: I am afraid that I do not have the answer to that to hand, but I could furnish you

with it. It should be said that refurbishment of older rolling stock is not uncommon. In fact, many people in the rail industry will say that the effect of refurbishing a train—I am pleased that some of the refurbishment work in question is being done here in Scotland—can be equivalent to the provision of new rolling stock. I am afraid that I do not have precise mileage information to hand, but I would be happy to write to the committee if that would be appropriate.

Mike Rumbles: I asked you a parliamentary question three weeks ago and you said that you did not hold the information. I expected you to have it by now. Can you tell me at least what the life expectancy of the trains is? We are introducing 54 of them. Do we not know what their life expectancy is?

Humza Yousaf: My understanding is that we have them underwritten for 15 years in the lease, so I expect them to perform their function for the 15 years for which we have them leased.

I am sorry that Mr Rumbles is disappointed that I do not have the mileage capability of HSTs to hand, but it is not something that I would routinely have to hand. I will endeavour to get it to him if I can. I will speak to Network Rail and the ScotRail Alliance about that and try to get him that information.

We expect the trains to perform to their capability for the time that we have them for the lease. They will make a transformative difference: for the first time, we will have a high-speed intercity network between Scotland's cities.

Mike Rumbles: ScotRail is leasing that fleet of 54 trains. We do not know what their mileage capacity or life expectancy is. I find it amazing, minister, that your officials have not been able to tell you that information. It is a pretty fundamental question and I am surprised that we do not know the answer.

Humza Yousaf: It is not a fundamental issue. The fundamental issue is whether the trains will perform the function that we want them to perform for the period that we have them. The answer to that is unequivocally yes.

My officials will tell you that the trains are being fitted with new engines and new doors and are being rebuilt and refurbished. They will go into the detail. Bill Reeve can do some of that. My job is to ensure that the trains that we get are capable of going safely at the high speeds that they will go at and that they perform for the time that we have them. The answer to that is absolutely yes without having to know their exact mileage capability.

I will pass the question to my rail official, Bill Reeve, who can probably go into more technical detail.

Bill Reeve: I do not think that there is any such thing as a mileage capability for a train. The question is whether we keep it re-engineered and as good as new. The trains have already had new engines fitted recently. We are putting new power-operated doors on and controlled-emission toilets in. If you are interested, Mr Rumbles, it would be worth going to have a look at the extent of the re-engineering on the carriages. They are stripped right down to the metal, all corrosion is removed and new metal is put in place.

From colleagues around the rail industry, there is a widespread appreciation that the carriages are about to come and that the refit that they are getting will make them among the most popular intercity carriages anywhere in Britain. As an engineer, I do not recognise the concept of a limited mileage for a fleet of that nature.

Mike Rumbles: If you do not recognise that, let me put it this way: if you were going to buy or lease a car—

Bill Reeve: It is not the same.

Humza Yousaf: It is a train, not a car.

Mike Rumbles: I am asking about leasing the train and you cannot give me the answers. The normal person who was going to lease a vehicle would want to know what its life expectancy was.

Stewart Stevenson: No, no.

Mike Rumbles: Yes, they would want to know that. [*Interruption.*] Excuse me, I would appreciate not being interrupted by members of the committee.

The Convener: Sorry, Mike, I am the convener of the committee and I will direct the way that it goes and who answers the questions.

I ask all members to give one another a certain amount of leeway to ask questions. This is Mike Rumbles's last attempt at the question. I ask members to let him ask it.

Mike Rumbles: I am a layperson in the matter and, to me, it is a basic question. We are putting 54 trains into service throughout Scotland. They are old Intercity 125s. You are refurbishing them. The public need to know that you have a grasp of the matter and how long you expect them to run for. I will try again. I tried a written question two or three weeks ago and did not get the answer; I have been trying now and have not got the answer again. I would genuinely like the answer to the question. What is the life expectancy of the trains and can we judge it by the mileage, please?

Humza Yousaf: I have talked to probably thousands of passengers in my time, and I cannot recall one asking me about the mileage capability of a piece of rolling stock. If the member is saying that the public want to know that, I suggest that he

is slightly out of touch with the public. What people want to ask me about is whether the new rolling stock that comes in will be capable and safe and will deliver journey time improvements. The answer to all of those questions is an unequivocal yes.

My director of rail, Bill Reeve, has kindly offered to take you to see some of the refurbishment that is taking place, and we have no problem with setting up an opportunity for you or any member to ask technical questions of the engineers. Indeed, if the entire committee wants to go to see the refurbishment of the trains and have a discussion with the engineers, I am sure that we can arrange that.

The Convener: I think that that is as far as we are going to go on that issue.

Colin Smyth (South Scotland) (Lab): It has been reported that the UK Government might be about to make an announcement on the future of the east coast main line—that is, whether it is going to bring it back under public control or allow it to continue in private hands, operated by Stagecoach and Virgin Trains.

Have you been involved in any discussions with the UK Government on the matter? What is the preferred option of the Scottish Government?

Humza Yousaf: I spoke to the Secretary of State for Transport and expressed to him my disappointment that he did not give me advance notice of the announcement that he made in November. In fairness to him, he counterclaimed that he had to tell Parliament first. However, given that any change to the east coast franchise would have a significant impact on Scotland, I was disappointed not to receive that advance notice. Since then, he has committed to speak to me in advance of any decision or announcement that he makes. So far, I have not received any information from him.

The member is right to say that there is public speculation around the options. As he knows, the options are to go for an operator-of-last-resort model or to run it as a not-for-profit franchise. I have to say that I do not have a preference for either option, in the sense that my main concern is to ensure that there is no diminution in the service for Scottish passengers and that there is not an additional cost to the taxpayer.

This is a UK Government franchise and Scottish taxpayers' money is not involved, so my key concern is to ensure that there is no diminution in the service. In some respects, I am agnostic with regard to which of the options we take. There is certainly a case for examining greater Scottish involvement in the franchise but, again, that is a conversation that I will have with the Secretary of State for Transport.

Colin Smyth: When the franchise was publicly run, it delivered £1 billion to the UK Treasury, it had record passenger satisfaction, it kept fares down and it engaged the workforce. In private hands, it has failed not once but three times. Surely the Scottish Government has a view on keeping this franchise away from the failed model under which Stagecoach and Virgin have failed to deliver for passengers in Scotland. Surely you have a view that it should be under public ownership.

Humza Yousaf: I respect that Colin Smyth and I differ on this issue, but I would suggest that the ownership question is, frankly, a red herring. There are public franchises that might well cost money in real terms and there are private companies that will deliver. My understanding is that, although Stagecoach did not deliver the premium that it promised, it has delivered premiums to the Treasury. I do not think that it is a case of the arrangement costing the taxpayer money, but I will check up on that.

As I said, if there is a better model of running the east coast main line—perhaps through an operator of last resort—it should be on the table and I would not discount it. However, from my perspective, because Scottish taxpayers' money is not involved in this, the concern for me is to ensure that there is no diminution in the service.

I say to the member that it is worth noting that it is our Government that is bringing forward a proposal for a public sector rail bid. We are putting together that bid, and his party—through his predecessor—has been involved in those discussions, as have the trade unions. I respectfully say that no other political party has ever allowed for a public sector bidder to bid for Scottish rail contracts. We are the first to bring that forward, which is something that I am very proud of.

Colin Smyth: However, you will acknowledge that a public bid is not the same as public ownership. Why are you so opposed to public ownership of our railways?

11:15

Humza Yousaf: If you speak to people who were involved in British Rail, for example, they will tell you that the reality did not necessarily always match the nostalgic view of the railways that, perhaps, Colin Smyth and other members who believe in wholesale renationalisation have.

I am not saying that I am against that, which is why we have committed to bringing forward a public sector rail bid. We think that it should compete with private entities as well. The private model can work and the public model absolutely

can work as well, and therefore I think that it is important for them to compete in that space.

Jamie Greene: I know that we have lots of other subjects to move on to, but before we move away from rail, I note that in committee last week Alex Hynes said:

“in this five-year control period, which Network Rail is regulated by, we are due to underspend in Scotland ... That is, in part, a result of the fact that the investment programme is on time and on budget”.—[*Official Report, Rural Economy and Connectivity Committee*, 9 May 2018; c 19.]

Given what we have talked about today with regard to delivery of projects and the increasing costs of projects, does the minister agree with that statement? What is the value of the underspend and what happens to the surplus cash?

Humza Yousaf: Again, I can write to you with a bit more detail on the specifics, but you will remember that, in my opening answer to the question about EGIP, I said that some projects have reduced in cost. The Highland main line is an example of that, with a reduction of tens of millions of pounds in the projected cost of the improvements. There are some programmes where there has been an increase and some programmes or projects where there has been a decrease. I also said that the reassurance for the committee is that it is coming within the financial envelope for control period 5.

What can be done in that period is a number of enhancements and improvements, and we can look to accelerate those because we know the rough level. We do not know the absolute level because we have not had the final costs, as I have mentioned to the committee, but once we have an idea of what the anticipated cost might be, we will be able to move forward with a range of potential enhancements. We are already doing that. For the purpose of brevity, if the committee or the member would like more detail on that, I can furnish them with it.

Jamie Greene: Do you know how much ScotRail has underspent by in this five-year control period?

Humza Yousaf: First, it is Network Rail and not ScotRail. Secondly, it is worth saying that this goes back to the question of anticipated final cost versus final cost. Until I get the final cost, I will reserve judgment on saying what is the exact number of millions that have been underspent. Once I get the final costs, the committee will be the first to know—I have committed to that—and we will then let you know how much is left within the spending for control period 5.

The Convener: Peter Chapman has a brief question before we move on to John Finnie.

Peter Chapman (North East Scotland) (Con):

I will be very brief, and the answer can be short, I am sure. When the 125s finally come on to the Aberdeen to Edinburgh line, what travel times can we expect? Will they come down significantly?

Humza Yousaf: We are committed to a 10-minute reduction in journey time, and that is still the plan. It is dependent on other enhancements and improvements, but we are looking for a reduction in journey time of about 10 minutes.

Peter Chapman: Thank you.

The Convener: The next set of questions is from John Finnie.

John Finnie: Good morning, minister and panel. I have a series of questions about Highlands and Islands Airports Ltd, which is owned by Scottish ministers, and its proposals on air traffic control. I have met Prospect, which is the trade union that represents air traffic controllers, and representatives of Comhairle nan Eilean Siar, or Western Isles Council, which has written to the committee.

As an opening, I will quote something that Prospect has said:

“Prospect supports HIAL’s need to modernise its infrastructure to keep up pace with regulations and that this will require significant investment. However, any centralised monitoring system will be dependent on a reliable, resilient and secure communications infrastructure between the mainland and the island which simply does not exist. HIAL are gambling on this, and Prospect believes this is gambling with people’s safety.”

That is quite a damning indictment. What do you have to say about that, minister?

Humza Yousaf: A couple of things. First, the engagement of Prospect is vital, and HIAL is engaging with Prospect. I think they have a further meeting in June and then another one in July, and I think that HIAL is going to invite Prospect as a key stakeholder in relation to taking the proposal forward. That is to be welcomed. I am also due to meet Prospect next month, I think, or later this month. I will get the date to the member. I am keen to hear from air traffic controllers themselves.

The second thing to say is that safety will never be compromised. That is my number 1 priority in this job. It is the direction that I have given to HIAL and it is the HIAL board’s number 1 priority. Even if you did not believe that was our priority, a change of such scale would have to go through the regulator—the Civil Aviation Authority—which would also have to be very convinced of the safety case for it.

The proposal is intended to enhance safety. I will give the member a couple of examples. With the exception of those at Inverness, controllers at HIAL airports cannot currently see planes at night.

Not every member knows that. However, the new surveillance system will mean that controllers will be able to see the aircraft at all times. At present, wildlife that may cause damage to aircraft, which includes birds, can be detected only visually—bear in mind what I just said. The new system will have infrared sensors that will make detecting wildlife easier.

It is important to stress that those proposals and projects are being advanced to enhance safety as well as to address the recruitment issues. Prospect is right to raise concerns, as other members have done, on the communications and digital infrastructure that is needed for remote air traffic control. It is worth saying that it is a 10 to 15-year proposal. We can be absolutely confident that we will have the communications and digital infrastructure in place within that timeframe.

However, even if we had all that infrastructure in place, there is no way that the CAA would sign it off without a number of back-ups or levels of redundancy within the system. The question is, if something failed, what would be the next level of redundancy and what would the next level be if that failed and then if that failed? From talking to HIAL, I know that six or seven levels of redundancy will be built into the system. I hope that that gives the member some reassurance.

If members would find it useful, I am sure that I could ask HIAL to come in and give the committee a technical briefing on the air traffic control proposal, because that might help to reassure them on some of the concerns that they have.

John Finnie: Thank you for that response, minister. Everyone wants safety and I do not think that there is any suggestion from any quarter that it is not important. You talk about the enhancements that the proposed system would provide, but I am sure that you are not suggesting that the existing system is anything short of safe.

You are also the islands minister. Should HIAL, with its social responsibility—we are talking about lifeline services—be considering only long-term costs in its budget while reaching the decision or should it also consider the impact on staff and communities? I acknowledge that that is a tight balance. Will you comment on it?

If the proposal is so important—no one doubts that it is—why has HIAL undertaken no public consultation? Surely that is a significant gap.

Humza Yousaf: The member is absolutely right that the socioeconomic impact of HIAL’s proposals must be taken into account. HIAL is actively engaging with Highlands and Islands Enterprise as well as the local authorities. We are talking about high-skilled jobs. Two, three, four or five high-skilled, highly paid jobs no longer being on an

island will have an impact. Therefore, that is very much part of the conversation that is being had.

The proposal is absolutely about the sustainability of air services in Scotland and our islands. The member will not be surprised to hear that there is huge competition for air traffic controllers. They can be paid six-figure sums tax free in the middle east or the far east for their services. Therefore, although we can and should put in place training programmes and skills programmes, retaining air traffic controllers on the islands and in Scotland will be a huge challenge if we are not willing or able—as we are not—to pay them the lucrative sums that they can get in, for example, the middle east.

It is worth mentioning to the committee that, as I am sure some members will be aware, Stornoway airport, for example, had to close for a time because of the issues that it was having with the retention of air traffic controllers. The proposal is not only very much about enhancing the safety—Mr Finnie is right that the current system is safe—but ensuring the sustainability of our air services, which is key.

On consultation, I will hand over to Gary Cox, who is my aviation official. HIAL is going through a number of engagement processes for this 10-year programme, and having conversations with the local authorities and the unions is probably the right place to start.

Gary Cox might want to add—

The Convener: Sorry, minister. Before we bring in Gary Cox, John Finnie has a follow-up question. He will launch that now, then Gary can come in.

John Finnie: It is clear that you support the proposal. Have you formed a view on where the centre should be, if that is the direction of travel that we are going in? Prospect has made it clear to me that the issues include not only recruitment, but retention. Surely we should be redoubling our efforts to keep individuals rather than always trying to find technical solutions.

Humza Yousaf: I agree, but would any of us be in a different position if we were all being offered double our salaries tax free in sunnier climates?

It is difficult. We can do only so much without the cost being astronomical. The islands are a beautiful place in which to live and work. Many of the air traffic controllers choose to base themselves there because they love them and the lifestyle. However, the opportunities at major hub airports of the world are undoubtedly a challenge, and the expansion of air services only means that that challenge will become even more acute.

The member is right: we should do what we can to retain air traffic controllers. However, doing that

wherever a remote tower is located will in itself be a challenge; it will not be easy.

I do not have a view on where the remote air traffic control centre should be. A process is under way involving independent consultants that HIAL has engaged with to look at staffing issues and wider location issues including public transport and connections with road and rail, availability of housing, technology and digital connectivity, and economic and social impacts. Feedback from staff and stakeholders will be essential to that.

My understanding is that the independent report on the location of the centre should be available in the late summer or autumn. Again, that is a piece of work that HIAL is taking forward.

Gary, do you want to add anything?

Gary Cox (Scottish Government): That more or less covers it; there are just a couple of points to add. On consultation and engagement with the public, the airlines, other airport customers and local authorities, HIAL is clear that this is not just a technical project, but is very much about hearts and minds, and it is clear that it has a lot of work to do to take people with it on this 10 or 15-year journey. It is very clear that community engagement and consultation with local authorities are a key part in successfully delivering the entire project.

To add to the minister's point about air traffic controllers, I note that controllers on the HIAL network who have been out to see the technology operating in Sweden and down at NATS in Swanwick are, in many cases, coming back hugely enthusiastic about the opportunities that the technology brings, which they see as being essential for the future of air traffic control. It may well be that, ultimately, when the centre is up and running in 10 to 15 years' time, HIAL becomes a centre of expertise. It could become a training organisation for people coming into the industry and adopting this latest technology.

On the location of the digital centre, HIAL is conscious that staff need clarity. It is very keen to make progress and make a decision so that staff around the network have as much notice as possible. It does not want to leave the matter until later in the programme.

Stewart Stevenson: I have a couple of questions that are related. First, we have four airports where there is no air traffic control and only an information service is provided. Is any thought being given to improving provision at them—in particular, through getting licensed precision GPS—global positioning system—approaches? The UK has, I think, only a single airfield that has that. I am not certain, but it might be Biggin Hill. Is that being looked at?

Similarly, is consideration being given to retaining an aerodrome flight information service officer—AFISO—at the airfields with air traffic control that are affected by the proposal so that, if the central system was unavailable, it would still be possible for that local person to provide a procedural non-precision approach and, thus, keep the airport open, weather permitting?

11:30

Humza Yousaf: I might pass that question to Gary Cox for some of the technical detail, but it should be said that HIAL made it clear that Barra, Tiree, Islay and Campbeltown airports will not be affected, because of different levels of air traffic. Not all airports are affected by the proposal. Mr Stevenson—if nobody else—would probably find a one-to-one conversation with HIAL about the technical detail on the matter helpful.

Stewart Stevenson: I was really asking whether there are opportunities to improve the service at those four airports by use of GPS, which would, in particular, enable their use in poorer weather than they can currently be used in. That is a policy issue and is, therefore, for you, rather than for Mr Cox.

Humza Yousaf: Where improvements can be made and HIAL suggests them, I will always consider them open-mindedly. I am always bound by budgetary constraints, so that would have to be taken into consideration. However, it is important to emphasise—I do so again, for the record—that the approach that is currently taken at HIAL airports is safe: people's safety is absolutely ensured. The proposal is about enhancing that. I have not discounted GPS technology.

The Convener: Gary—I am happy to bring you in, but I ask you to answer the question briefly.

Gary Cox: I am always nervous of Mr Stevenson's great expertise in aviation issues. The point about using an AFISO as back-up is interesting and we will feed it back to HIAL. It might be that retention of AFISOs at some of the airports would be one of the levels of resilience that the minister spoke about, so we are happy to pick that up.

Gail Ross: Good morning. Many criteria will be used to decide where the remote centre will be sited; you mentioned several of them. The worry about it being a 10 to 15-year project is that the criteria that you mentioned will point to one place that the system could go—I will not predetermine that decision—but in 10 to 15 years, the infrastructure in other areas will have improved. Therefore, a decision that is correct now might not be correct in 10 to 15 years' time.

I will touch on public consultation. I do not know any regular passengers who have been consulted, so I would like the minister, on behalf of HIAL, to find out exactly who has been consulted. I refer to chambers of commerce, businesses and members of the public who use the airports regularly.

Humza Yousaf: Gail Ross makes a fair point on connectivity and a 10 to 15-year plan. Also, as Gary Cox said, in our conversations, the unions have said that they want as much notice as possible of where the remote air traffic control centre could be. Certainty for staff is hugely important.

I know how long from inception to completion road projects can take because of the various statutory processes that we have to go through, the potential for objections and public local inquiries. Some things might change within 10 years, but it is unlikely that they would change dramatically in that time, or I would have been sighted on that. We already know about, for example, the dualling projects on the A9 and the A96. However, the point is not lost on us; it is something for us to reflect on.

We can get Gail Ross the detail on consultation. In my answer to John Finnie, I mentioned that it is absolutely right that the air traffic controllers' unions and the local authorities be consulted first of all. The HIAL board and chief executive have had considerable engagement with them—from engagement in stakeholder forums such as the convention of the Highlands and Islands through to one-to-one conversations. Wider public consultation will come thereafter. We can furnish Ms Ross with some of the detail on that.

The Convener: John, if you have a very short question, you can ask it.

John Finnie: It is as much a comment as a question. I thank the minister and his official for their response and take some reassurance from it. It is good that Prospect is involved in the project board. HIAL needs to improve its community engagement, given what has happened in its levying of car parking charges. I would appreciate the minister's keeping a close eye on that. Will you do so?

Humza Yousaf: Yes, I will. I cannot promise John Finnie that I will still be the Minister for Transport and the Islands in 10 years when the programme comes through, but I certainly hope so.

John Finnie: I hope that you are next week.

Humza Yousaf: A transport minister is only as good as his winter. I will, of course, keep a close eye on the programme while I have this portfolio. Mr Finnie is right that the purpose of my job is to be the islands' man in the Government, so the

impact on the islands of the air traffic control programme might be somewhat negative in terms of loss of high-skill jobs. I must ensure that the positive is accentuated: that is, the sustainability of air services to our islands. I will keep a close eye on the programme, and I am happy to report back to John Finnie on conversations that I have with Prospect, because he clearly has a good engagement with the union.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): I have a couple of questions on community transport, which is obviously quite important where there are no commercial or local-authority-subsidised services.

My first question is a quite technical one that might or might not be answerable, and is also about a reserved matter. A number of community transport operating groups have approached me with concerns about whether they will still be eligible for a section 19 permit in order to continue operating. I think that that concerns a reserved issue, but I wonder whether the minister has had any involvement with the UK Government on its intentions around that.

Humza Yousaf: I have. I know about the section 19 and section 22 permits, and the proposal for altering the guidelines on those. Kate Forbes is right that that is a reserved matter, but I have written to the UK Government expressing my reservations about its proposals. Perhaps the easiest thing to do—I do not think that there would be an issue with this—would be for me to provide the convener with a copy of the letter that I sent to the UK Government on its consultation, highlighting my concerns about the section 19 and section 22 proposals. I should say, in fairness to the UK Government, that from the conversations that I have had with it, it is not unaware of the concern. If I remember correctly, the UK Government put forward some funding in order to reassure community transport groups that might be impacted by the proposed changes.

Kate Forbes: Thank you. I do not believe that there is any statutory requirement for local authorities or the Government to support community transport groups financially, but in 2013 the Scottish Government announced a one-off £1 million scheme for new or replacement community transport vehicles. Does the Scottish Government have any plans currently for repeating that scheme, or plans for other ways of supporting community transport operators, which are filling gaps that are left by local authorities?

Humza Yousaf: I thank all those who have been involved in community transport over the years, because there is no doubt about the savings to the public purse from the work that they do, particularly in remote and rural areas. The savings are probably immeasurable.

I have a good relationship with the Community Transport Association, which we are pleased to fund: there is support through direct funding that we give it. We also work with the association to find out where the challenges are and where we can help best. The Community Transport Association came to me very early after I was appointed and made it clear that there was a problem in respect of D1 minibus driving licences' prohibitive cost, so we funded a scheme to help with that cost. Where we can be supportive of and helpful to community transport, we will be.

On the one-off £1 million payment in 2013, I suppose that the clue is in the name—it was a one-off payment, rather than a regular payment. I have budgetary constraints at the moment, so it is not in my plans to make another £1 million payment for replacement vehicles. It is only five years since vehicles were purchased, so they should not need replacing—although I appreciate that other vehicles might need to be replaced. Funding for replacement vehicles is not in my plans at the moment, but we are providing other support.

Kate Forbes: Does the national concessionary travel scheme apply to community transport services? Are there any plans to extend the scheme?

Humza Yousaf: I am regularly asked that when I go to CTA conferences—it is probably one of the top issues. I absolutely appreciate that it is a big issue, but there are difficulties with extending the scheme across all modes of community transport. The concessionary scheme includes community bus services that are also local bus services that are available to the general public. A number of community transport links get concessionary travel, but the stipulation is that they must also be open to the general public.

There are a number of difficulties with extending the scheme further. I will give one example. If I remember correctly, roughly two thirds of the vehicles that are used by community transport providers are cars. Members can imagine the difficulty in expanding the national concessionary scheme to cars and their drivers.

The cost element is also a problem. Age Scotland has regularly engaged with us on the concessionary travel scheme. If we were to include all community transport, we would be talking about an £11.2 million increase in the budget, which would simply not be sustainable, considering the trajectory of numbers of older people who would fall within the scheme over the next 10 to 20 years. We are already looking at sustainability challenges, which we have talked about with the committee. That would only add to that pressure.

Jamie Greene: I want to ask about ferries. People in the Highlands and Islands have suffered a catalogue of issues with CalMac Ferries. As you are aware, there have been complications involving repairs of major vessels and a lack of available alternatives. Changes have included single-vessel timetables and delays to summer services. You are often keen to criticise ScotRail publicly when things go wrong. Are you confident that CalMac Ferries is currently delivering for island communities? Is the current fleet fit for purpose?

Humza Yousaf: I, too, have been disappointed by the start to the summer season. Some of what has happened has been unforeseen, of course. There have been issues with MV Clansman's propulsion system and tailshaft, so it would, of course, have been absolutely unsafe to have it in service. Most people, I think, understand that. When one vessel has to go into dry dock for extended maintenance, CalMac has to move vessels around the network in order to ensure that lifeline services are protected. That is the priority in the lifeline services contract.

It is absolutely fair to ask about additional capacity. There are a couple of things that we can do. We can, of course, build more vessels, which is happening. I think that Jamie Greene is aware that two vessels are being built at Ferguson Marine. Apart from those, we have built eight vessels since we have been in government in the past 11 years, so a number of vessels have been built and more will be built. Even when hull 801— or MV Glen Sannox—and hull 802 are complete, we will have to continue to build more vessels. We have committed to the next vessel to be built being for the Islay route. Jamie Greene is probably aware that that route is hugely popular, specifically because of whisky tourism.

We could also try to find additional tonnage of vessels on the open market. That has been tried in the two summers in which I have been transport minister. The direction has gone to our colleagues at CMAL to look for additional tonnage. That will come at huge cost, and vessels on the open market will be scarce; there are generally not a lot of them around in the summertime. There might be issues because people do not want to give them on short-term leases or because—Jamie Greene will probably be aware of this—they might not fit into some ports and harbours, which are not standardised across the network.

There are things that are outwith and things that are within CalMac's control. CalMac knows that I have been disappointed by its engagement with communities when something has gone wrong. Everybody whom I have met and talked to in an island community, or who represents an island community, has told me that they completely

understand that vessels can break down and need extensive repairs, but they are unhappy about communication—or the lack thereof. CalMac has to address that, and I have told it that in no uncertain terms.

11:45

Jamie Greene: It sounds like we are in quite a perilous situation, because we have a fleet of vessels that could go offline at any moment due to unforeseen technical issues; because there is currently little capacity in the CalMac fleet to meet the requirements of lifeline services; and because there seems to be little available on the open market by way of short-term replacement vessels. Again, notwithstanding that vessels are coming down the line at some point in the future, is the minister confident that the current fleet is fit for purpose and will deliver for the islands?

Humza Yousaf: Yes, I am—but that does not mean that there will not be issues. The older a vessel is, the longer it might have to spend in dry dock, which is understandable. However, the current fleet is capable of delivering for our island communities. Jamie Greene will know, of course, that once the Glen Sannox and the 802 come into the fleet, those additional two vessels should make a significant difference. The Glen Sannox will be the first to come in. Jamie Greene will know the revised timetable for it. However, that should not stop us from looking every year at the potential for getting additional tonnage.

To answer the question directly—yes, the current fleet is fit for purpose. Clearly, though, the more vessels we have and the newer the vessels are, the better the fleet's resilience will be.

Kate Forbes: The building of the new vessels is fantastic and they cannot come soon enough. In terms of the vessel-deployment plans for moving vessels between routes, is the minister confident that CalMac is engaging with communities in order to understand current demand and future demand to ensure that, when there is additional capacity, vessels are deployed to meet that demand?

Humza Yousaf: Yes, I am. Kate Forbes has islands in her constituency; if she and stakeholders there feel that that engagement by CalMac is not good enough, she should feed that back to CalMac. I know that she rightly has regular engagement with the interim managing director, Robbie Drummond. However, if any member says to me that their island communities feel that engagement has not been good enough, I will speak to CalMac to ensure that engagement is improved.

Engagement has, however, been made better through CalMac having a director for communities and a community board. The individuals on that

board, which includes stakeholders from Kate Forbes's constituency, will make a big difference through ensuring that communities' voices are heard in CalMac's governance structure.

The situation is tricky because communities are experiencing a fantastic boom, which is coming in large part from the introduction of RET. The growth in our islands and the capacity issues are more acute because of that. There are competing demands. We have announced that the next vessel to be built after 801 and 802 will be the Islay vessel. Other island communities will think that they should have been first to get a new vessel. Kate Forbes is nodding her head at that—I have no doubt that there are people in her constituency who have that view. I also have no doubt that when I announce the next vessel after the Islay vessel, other communities will think that they should be next in line. I have to weigh up all the priorities as best I can and make a judgment that will, inevitably, make some people happy and make others unhappy.

There is engagement with the stakeholders in Mallaig and Armadale, for example, who have real understanding that there is no overnight solution. They want incremental improvements over the next five years and—certainly—a new vessel. Undoubtedly, in the long term, a new vessel is part of the solution. As I said, we will have to continue to build vessels as the years go on, in order to ensure that the fleet's resilience is better.

The Convener: We will come back to Jamie Greene. We have a few questions to get through yet, so I ask members to try to keep the questions as short as possible so that the minister can respond appropriately.

Jamie Greene: Minister, in your earlier answer on the new MV Glen Sannox and 802 ferries, you said that I would be aware of the revised timetable. In the chamber last week, you said:

"The timetable to which we previously publicly committed is still the timetable that we have".

You also used the words

"complexities with regard to the new workforce"

and said that you are

"keeping a close eye on developments".—[*Official Report*, 10 May 2018; c 4.]

Those words do not sound overly positive. What are the complexities and developments, and when do you anticipate those two ferries being in service?

Humza Yousaf: Winter 2018-19 was the revised timetable. Mr Greene will remember that the ferries were due to be in place in late summer or autumn this year, so the revised timetable,

which I updated Parliament about, was and continues to be the winter of 2018-19.

My answer is no different from the one that I gave in the chamber last week. There are complexities at Ferguson Marine. The member may have visited Ferguson's. If he has not, I advise him that I have spoken to the owners of Ferguson's and they are very open to MSPs or MPs visiting the yard to see for themselves the work that has been done there. There is a new workforce. The investment that has gone into the yard is into the millions of pounds. The complexities of the first liquefied natural gas vessels to be built in a UK shipyard are such that no other yard or workforce has had to deal with them previously. It is important that those things are recognised.

There is a wider objective. Of course, we want the delivery of those vessels and we want them as timeously as possible. We also want to secure as best we can commercial shipbuilding on the Clyde, and to secure jobs as well as the yard. The vessels, the jobs and the yard are the three major objectives.

We have regular engagement with Ferguson's. I will give Parliament an update on the timescale, should there be any change or further revision.

Stewart Stevenson: I have some brief questions on the Rosyth to Zeebrugge service. Before I ask them, I note that head E3 of schedule 5 to the Scotland Act 1998, which is on marine transport as a reserved matter, refers to

"Financial assistance for shipping services which start or finish or both outside Scotland."

Given that constraint, what has the Government been able to do, working with DFDS, on retaining or restarting the Rosyth to Zeebrugge service? What other companies has the Government been working with?

Humza Yousaf: I will be as brief as possible. I was disappointed with the announcement from DFDS and I engaged with the company and its European head on the issue. Although he was apologetic about getting into the position, he said that the service was unsustainable, particularly given the fire that had taken place on the vessel, and that the vessel would now be out of service for months.

We have spoken to Forth Ports. It was upbeat and thinks that there are other routes that can be explored. I will continue those conversations with Forth Ports.

We have supported the route to the tune of many millions of pounds over the years. Previous Scottish Administrations have done so, too. We are restricted in what we can do for that particular route, because of state-aid rules and de minimis

funding. We will do whatever we can to get and exploit further routes between Scotland and the European continent. We have a number of grants, of which the waterborne freight grant is just one, that could help.

Richard Lyle: We want to phase out diesel and petrol cars by 2032, which is 14 years from now. The electric vehicle purchase scheme is an interest-free loan that is administered by the Energy Savings Trust and funded by Transport Scotland. How many people have benefited from that scheme up to now?

Humza Yousaf: I have that figure; I remember reading it in my brief last night.

As of 15 May, 505 electric vehicles have been supported through the low-carbon transport loan scheme. The scheme has been oversubscribed in the past year. In 2017-18, 497 applications with a total value of £15 million were received against a budget of £8 million. The oversubscription shows the scheme's popularity. The member will be aware of the announcements in the programme for government about the expansion of the uptake of electric vehicles. We are considering how to expand the scheme further.

Richard Lyle: You have just anticipated my next two questions. Following the line that Mr Greene was taking, I have previously asked you about chasing up housing associations and encouraging the Minister for Local Government and Housing to use the building programme to encourage builders to install charging points, as they have installed solar panels, telephone connections and wi-fi or whatever in the past. Where are we with that?

Humza Yousaf: The housing minister and I have a regular conversation about that. Without putting words in his mouth, I know that he is exploring the possibility of what can be introduced through planning legislation to ensure that developments—not just housing, but commercial developments—have the appropriate cabling infrastructure to allow for electric vehicle charging points.

Even without having that legislation in place, I have been pleased to see a number of commercial operators already commit to ensuring that every house that they build from now on will include that infrastructure. I still think that we should explore legislation, and Kevin Stewart is doing that.

Richard Lyle: It has been said that £15 million will be needed, but you have only £8 million. What will you press for in the next budget? That is a wee bit away, but if we want to encourage people to move from diesel and petrol cars to electric cars, we have to provide an incentive. What are you doing to provide that incentive?

Humza Yousaf: Watch this space. I do not have to wait until the next budget, because we can take forward some of the programme for government initiatives with our current budget. I expect that I will be able to make announcements in the not-too-distant future on the electric vehicle loan scheme, which will be extended and expanded where I can do that.

Richard Lyle: That might be my next car.

Humza Yousaf: I am delighted that Dick Lyle is doing his bit for decarbonising transport. I am also looking at two or three other measures above and beyond the loan scheme. Again, I just say watch this space, because we will be making those announcements in the near future.

The Convener: John Mason has a brief question and then I will go to John Finnie; I ask for brief answers to those questions.

John Mason: I think I saw that, in Perth, there are plans to introduce a filling station that would supply both electricity and hydrogen. Is the Government still open to hydrogen cars, as well as electric cars?

Humza Yousaf: Yes, without doubt. We are technology neutral. The market will dictate which way it goes. We have some hydrogen schemes already—there is the hydrogen bus scheme in Aberdeen, for example—and we are doing good work with hydrogen with the Orkney Islands Council on ferry vessels and potentially other vehicles and vessels, too. We are not putting all our eggs in one basket and we will see what the market dictates.

John Finnie: I have a couple of quick questions about the northern isles ferry services and the ferry procurement policy, which I think was alluded to earlier—actually no, it was not; I beg your pardon. The policy is yet to be announced, but last month the Scottish Government funded CMAL's purchase of three of the northern isles vessels. Is that not a bit premature?

Humza Yousaf: No. We should try not to conflate the two. I can understand how it might look like that, but there were two reasons for purchasing the vessels. First, the lease expiry was coming up and we wanted to secure the vessels for that, whether the contract is tendered or directly awarded. Secondly, it is a spend-to-save measure. I cannot go into the exact detail, because it is commercially confidential, but we are saving millions of pounds by purchasing those vessels rather than entering into longer-term leasing arrangements, and that saving is directly funding the RET scheme. It is a spend-to-save measure, but it does not pre-empt whether I directly award or tender the northern isles ferry service.

John Finnie: That is good news. I have another brief question; I have asked you it twice now in the chamber, minister. Have you given thought to ferry procurement? Well, I know that you have given it thought, but have you come to a conclusion about involving CalMac and, importantly, the trade unions in the ferry procurement policy? That would be a very positive step, if you will take it.

12:00

Humza Yousaf: Yes—I have committed to include both CalMac and the trade unions. That is a very sensible and reasonable step for the member to propose.

First, I need to come to a final decision on whether to procure or tender on the northern isles ferry service. I went up to Shetland and Orkney a few weeks ago and spoke to stakeholders, including the unions and councillors. I will come to a final conclusion on the matter later this month—the member will not be waiting for weeks and weeks. Once I have done that, we will engage with unions, stakeholders and the public about their expectations for the specifications of the future NIFS contract, whether it is directly awarded or not. The clear message that has come forward so far from stakeholders is on capacity. The number 1 issue is how we can increase capacity for freight and passengers.

Gail Ross: The 18-month extension to the procurement was announced in February 2017. Why was such a long extension required? You have talked about capacity, which is very relevant at the moment. Will you agree to look at a proposal from Pentland Ferries to extend the current route from Caithness to Orkney to a Caithness to Shetland route?

Humza Yousaf: There were a couple of things that led to the need for the 18-month extension. If we go down the tendering route, all the processes that we will need to go through, such as pre-qualification, the invitation to tender and so on, will need a period of time. Therefore, without the 18-month extension there would be a real danger of the service finishing and there being no service. The extension lasting for 18 months is a worst-case scenario, but time is very tight; that is why I need to come to a conclusion by the end of the month. Even if we go down the route of a direct award, it will still take time to satisfy the Teckal exemption and so on.

On the member's second question, I am in regular dialogue with Pentland Ferries on the roll-out of the road equivalent tariff. I spoke to Mr Banks and his family a couple of days ago, but they did not raise that proposal because we were talking about a different matter. If the member, Andrew Banks or, indeed, any operator wishes to

talk to me about expanding services they can do so. However, it is worth noting that no other routes other than the Aberdeen routes and the Scrabster to Stromness route—which Gail Ross is aware of—are in our current contract. If there was a conversation, we would need to look at the budgetary implications, but I have not been approached by Pentland Ferries on that issue.

The Convener: Thank you very much, minister. That brings us to the end of this part of the meeting.

12:03

Meeting suspended.

12:08

On resuming—

Parking (Code of Practice) Bill

The Convener: Item 2 is on the Parking (Code of Practice) Bill, which is UK Parliament legislation. It relates to the committee's consideration of a legislative consent memorandum that was lodged by Fergus Ewing, the Cabinet Secretary for Rural Economy and Connectivity. The LCM relates to the Parking (Code of Practice) Bill, which is currently being considered in the House of Commons. As the lead committee, we are required to reflect on the memorandum and consider whether we are content with its terms. We will then report our findings to Parliament.

I welcome back, from the Scottish Government, Humza Yousaf, the Minister for Transport and the Islands; George Henry, the head of road policy; Anne Cairns, a solicitor; and Sharon Wood, the senior road policy officer.

Minister, would you like to make a brief opening statement?

Humza Yousaf: Yes, thank you, convener—I got the emphasis on “brief”.

I am grateful for today's opportunity to address the committee on the motion that was lodged by the cabinet secretary. As the committee knows, the UK Parking (Code of Practice) Bill was introduced in the House of Commons on 19 July and will shortly begin its Westminster committee stages. The bill aims to regulate the practices of the private parking industry via the single code of conduct. It will replace the system of self-regulation that operates in the private parking industry with more effective regulation that balances fairness to the motoring public with the rights of landowners to manage their land.

Some of the provisions in the bill are reserved. However, the majority fall within the legislative competence of this Parliament; therefore, an LCM is required. It is perhaps worth concentrating specifically on the areas covered by the motion. I will happily address any other queries during questioning.

The LCM covers two areas: the development of the parking code of practice and the delegation of functions. We think that the development of the code of practice is of most significance to the general public. It will improve the operation and management of private parking facilities by regulating how operators enforce parking matters. The code is expected to set out good practice and guidance on the handling of appeals against parking charges imposed by, or on behalf of, private parking operators.

Currently, private parking operators can charge for parking only if they are members of an accredited trade association such as the British Parking Association or the Independent Parking Community. To maintain access to keeper data, operators must adhere to the trade associations' codes of practice. Such codes of practice are developed within the industry; however, audits undertaken between the trade associations and the Driver and Vehicle Licensing Association have identified inconsistent and perhaps questionable activities by some operators.

On the delegation of functions, the UK and Scottish Governments do not have a say in the development or maintenance of the codes of practice that are currently used. Sir Greg Knight's bill addresses that issue directly and includes measures to allow the secretary of state to enter into an agreement with another public authority to perform any of the functions, including altering the code.

Extending that provision to Scotland will enable Scottish ministers, in agreement with the secretary of state, to alter the code in the future if there are specific issues affecting Scotland that the code has not already addressed—although, as I indicated, consistency of approach throughout Scotland, England and Wales is the fundamental aim of this work.

I will conclude on issues that are outwith the bill. As you know, Murdo Fraser's recent proposal is similar to Sir Greg Knight's proposal, although there are differences. The first of those differences relates to keeper liability, which currently does not apply to private parking in Scotland. The second is on the issue of having a single independent appeals body. To save time, it is fair to say that I am open minded about looking at those proposals, and I am considering how to take them forward with Murdo Fraser. My officials George Henry and Sharon Wood have been involved in discussions with Murdo Fraser, and we hope to take them forward as constructively as we can.

The Convener: Thank you, minister, for your opening statement and for prompting me to welcome Murdo Fraser to the committee, which I should have done at the outset of the item—I apologise for not having done so. There are several questions about the LCM.

Mike Rumbles: I hope that you do not consider my questions about this topic to be out of touch, minister. What are the differences between Scotland and England in respect of private companies requesting information from the DVLA? Should people expect a Government agency to keep their information private and not sell it on to private companies?

Humza Yousaf: There are differences in the law between Scotland and England and Wales, which the LCM seeks to resolve. Although the law on private parking charges is similar in practical terms, Sir Greg Knight's bill and the LCM aim to provide consistency for the benefit of motorists and parking operators. The main differences concern the keeper's liability for charges. That liability exists in England and Wales, whereas in Scotland, in order to recover charges, it is necessary to establish who entered the contract with the parking operator. In practice, that means who parked or drove the vehicle. Keeper liability is an issue.

I am also aware of the current context of data protection and data security being enhanced. In that regard, Mike Rumbles is absolutely in touch with the public mood—as he often is. It is important for us to consider that context in discussions on keeper liability. There are serious questions about how individuals can be protected while landowners, trade associations and others have the right to find out who, in some cases, broke their contract and is therefore liable for penalties. There is a fine balance to be struck, which is why I am happy to take forward any issues around keeper liability as constructively as possible.

12:15

Mike Rumbles: In Scots law, there is a private contract between an individual and a company, yet that company is able to ignore data protection laws and ask the DVLA for information on the individual citizen that is held by the Government. It strikes me that that is not correct. Do you believe that that is the case? If we approve to the LCM, will we be allowing that to happen in this age of data protection?

Humza Yousaf: I will ask my official George Henry to give a more detailed answer. The LCM does not address keeper liability—we will have to address that issue separately, and we will be happy to do that constructively with Murdo Fraser and others who have an interest in it. Data protection will be a part of that discussion, but the issue is not covered by the LCM.

George Henry (Scottish Government): Only car park operators that are members of an accredited trade association can obtain keeper liability information as part of their process. Under the proposed code of practice, people will need to abide by all the existing data protection laws; therefore, data protection should not be an issue with the proposed code of practice.

Mike Rumbles: I am confused. If I give my details to a Government agency, I expect that Government agency to keep those details

confidential. However, I understand that the DVLA charges others for such information. It strikes me that that is not protecting our data.

George Henry: As things stand in Scotland, when the driver of a vehicle enters a car park, they are entering into a contractual agreement with the landowner, and the terms and conditions should be clearly defined.

Mike Rumbles: It is a private arrangement, is it not? Therefore, why is the Government selling the information that it has about individual citizens?

Humza Yousaf: I will make a couple of points. First, we do not have keeper liability in Scotland. If we decide to have keeper liability, all those data protection considerations should and will be taken into consideration. George Henry is absolutely right. It is only right that, if someone who enters into a contract with an operator that is a member of an accredited trade association breaks or violates that contract, the operator can obtain information on who did that, within the confines of data protection law. How else could they find out who was driving the vehicle?

Nevertheless, the member is absolutely correct in suggesting that there is a balance that the Government must get right. That would be part of the consideration if we chose to have keeper liability, but it is important to make the point that that is not what the LCM is addressing.

Mike Rumbles: Does the UK Government make a profit—and, therefore, will the Scottish Government make a profit—from selling that information on?

Humza Yousaf: I will ask my officials to answer that question. I am not entirely sure whether the UK Government or the DVLA would do so, because that function is not under my control.

Sharon Wood (Scottish Government): The Scottish Government would not make a profit on that. The DVLA is a reserved agency of the UK Government.

Mike Rumbles: Would there be any consequential from that? It is a serious question. We are talking about giving the UK Parliament consent to pass a law as a result of which the Government will make money from motorists. I am struggling here.

The Convener: Other members have questions. Do you have another question? You suggested that you might.

Mike Rumbles: I will leave it there.

The Convener: Maybe the answers that are given to the other questions will help you.

John Mason: This is a more overarching question. Should we proceed via an LCM or

should we have our own legislation? Our briefing says:

“the Bill makes provision on devolved matters, with only a few clauses relating to reserved matters.”

It sounds as though the bill deals largely with devolved areas. We are also told that, at the moment,

“The private parking sector is largely governed by contract law.”

I understand that contract law in Scotland is slightly different from contract law south of the border. Given those points, would it not be better for us to introduce our own legislation in the area? Why should we approve an LCM?

Humza Yousaf: There are a couple of reasons for that. First, having consistency between the approaches that are taken in England and Wales and in Scotland merits agreement to the LCM. There is logic and sense in having consistency in the code of practice.

Secondly, the bill is already making its way through the Westminster Parliament. Given that our own parliamentary timetable is constrained—I know that, having taken a couple of bills through the Parliament—I do not think that we need to duplicate that work.

Where there are issues that Sir Greg Knight’s bill does not address, Murdo Fraser’s bill is helping to fill the gaps. As I say, I am more than happy to work constructively on that. There is sense and logic in having a code of practice that is consistent between England and Wales and Scotland.

Richard Lyle: Will the bill prevent wheel clamping or exorbitant charges, or would we need Murdo Fraser’s extra amendments to the law to ensure that those things do not happen to unfortunate motorists?

Humza Yousaf: The code will not cover your latter point. I will ask for some technical advice from my officials about wheel clamping, but my understanding, from my reading on the matter, is that we have laws against wheel clamping in Scotland, so it should not exist in practice.

I look to my legal experts to ensure that I am correct on that. They are nodding their heads, so it seems I have got that right.

The Convener: Yes—it looks as though your officials agree.

Richard Lyle: Am I right in saying that the police, insurance companies and some read-only car parks have access to the DVLA to get people’s personal data through their car registration numbers? People can tell me over the phone what colour my car is and what type of car it is because I have given them my registration number.

Everybody now has access to DVLA information. Am I right?

Humza Yousaf: It is not everybody.

Richard Lyle: Well, it is most people.

Humza Yousaf: I am not sure how you would define that. The point is that they would have to be a member of an accredited trade association—the BPA or the IPC. There are data protection measures in place.

I go back to the point that I made to Mike Rumbles: there are, rightly, questions about data protection and how widely data is shared. Any consideration that we give to extending keeper liability to Scotland would have to take all those matters into consideration.

For what it is worth, I think that the points that Mike Rumbles made earlier relate to things that we will have to consider, as do those that Dick Lyle makes. People are understandably more nervous about giving out their data than they have been in the past. We know about the General Data Protection Regulation and other data protection measures. Those are issues for consideration, but there are already checks and balances in place that I am generally content with, although I would need to look at them in more detail if we intended to extend keeper liability—a policy of which I am supportive.

Stewart Stevenson: Cars are the only vehicles for which ownership details are not published—they are for aircraft and ships. Also, I can buy anybody’s birth, death or marriage certificate. Therefore, I do not get this one.

My question is on section 6 of Sir Greg Knight’s bill. I have no great issue with the bill as a whole. In essence, section 6 simply allows the powers that are granted under the bill to be devolved to the Scottish ministers. The bill does not affect executive or legislative competence; it is simply about a code of conduct. However, it allows the secretary of state to cancel that delegation to the Scottish ministers at any time. Is the Government comfortable with that provision, or is that a standard provision of administrative devolution?

Humza Yousaf: I look to our legal expert, Anne Cairns, to answer that question. The conversations with the UK Government on the bill—particularly those that I have had with the Department for Transport—have been very constructive. Nevertheless, Stewart Stevenson is absolutely right to point out that the provisions would enable Scottish ministers, in agreement with the secretary of state, to alter the code if there were specific issues affecting Scotland. We would expect that to be done in the spirit that I have described.

It is appropriate for me to defer to our legal adviser, Anne Cairns, on the legal aspects.

Anne Cairns (Scottish Government): The bill enables the secretary of state to delegate the functions not only to the Scottish ministers but to other public authorities. You are correct in saying that section 6(4) allows the secretary of state to cancel the agreement at any time, but I imagine that there would be consultation with the Scottish Government on the matter before any such step was taken. It seems to me that it would be more appropriate for those functions to be cancelled if they had been delegated to another public authority.

Humza Yousaf: We are involved in the working group, which Sharon Wood attends regularly, and there is currently good conversation and consultation with the UK Government about what the code of practice should look like. That does not future proof the relationship, but I believe that, in the delegation of functions, we would be treated as a constructive partner

Murdo Fraser (Mid Scotland and Fife) (Con): The issue is of considerable interest to many of my constituents. I have dealt with many hundreds of cases involving individuals who have been hit with unfair penalty notices, and I know that other members will have had similar cases. It is an issue not just in Scotland but UK wide, which is why it makes sense for us to have a UK-wide code of practice.

I recently concluded a consultation on the proposed member's bill that covered five elements. The first element was the capping of penalty charges; the second was better regulation of the signage in car parks; the third was the regulation of the appearance of penalty charge notices; the fourth was the creation of an independent appeals system in Scotland; and the fifth concerned keeper liability, to which the minister has referred. In February, I met Sir Greg Knight at Westminster to discuss his bill. From my reading of it, it seems that a code of practice could cover at least three of the elements that I have outlined. I would be interested in hearing the minister's thoughts on how far a code of practice would go and how broad its scope would be in addressing those concerns.

Humza Yousaf: The approach that Sir Greg Knight has taken would give us a consistent framework across England, Wales and Scotland, which I support. Of the five issues on which Murdo Fraser consulted, the only two that we would have to pursue, in consultation and conversation with Mr Fraser, concern an independent appeals process and keeper liability. Sir Greg Knight's bill addresses the other issues that Murdo Fraser seeks to address.

I am open minded on, and favourable to, having both an independent appeals process and keeper liability. We can work on those issues. Approving the LCM would be a good step towards getting some of the other issues addressed and moved down the line relatively quickly. As I said, we are already having a constructive conversation on the other two issues, and we should continue in that vein.

Murdo Fraser: Thank you, minister. I should have said that I thank the minister and very much acknowledge the constructive engagement from him and his officials on the matter. I hope that we will meet in the near future to discuss the next steps.

The Convener: There appear to be no more questions. Are members content to recommend that the Parliament agree to the motion and approve the legislative consent memorandum?

Members *indicated agreement.*

The Convener: I thank everyone, including the minister and the witnesses, for their attendance. That concludes today's committee's business.

Meeting closed at 12:29.

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