



OFFICIAL REPORT
AITHISG OIFIGEIL

Pow of Inchaffray Drainage Commission (Scotland) Bill Committee

Wednesday 24 October 2018

Session 5



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Pàrlamaid na h-Alba

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**POW OF INCHAFFRAY DRAINAGE COMMISSION (SCOTLAND) BILL COMMITTEE
8th Meeting 2018, Session 5**

CONVENER

*Tom Arthur (Renfrewshire South) (SNP)

COMMITTEE MEMBERS

*Mary Fee (West Scotland) (Lab)

*Alison Harris (Central Scotland) (Con)

*attended

CLERK TO THE COMMITTEE

Nick Hawthorne

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament

Pow of Inchaffray Drainage Commission (Scotland) Bill Committee

Wednesday 24 October 2018

[The Convener opened the meeting at 12:00]

Pow of Inchaffray Drainage Commission (Scotland) Bill: Consideration Stage

The Convener (Tom Arthur): Good morning, and welcome to the eighth meeting in 2018 of the Pow of Inchaffray Drainage Commission (Scotland) Bill Committee. The only item on our agenda today is to consider the bill at consideration stage. We will consider 15 amendments, which have all been lodged in my name on behalf of the promoters. In addition, we are formally required to agree each provision of the bill at the appropriate point. Only members of the committee are permitted to participate in proceedings.

Members should have with them the bill, the marshalled list of amendments and the groupings. In each debate on a group of amendments, I will speak to and move the lead amendment in the group. I will invite other committee members to contribute if they wish before I put the question on the lead amendment. With other amendments, I will move the amendment formally and then put the question.

Section 1 agreed to.

Schedule 1 agreed to.

Section 2—The Commissioners

The Convener: Amendment 1 is grouped with amendments 2, 3 and 14. These amendments concern the number of commissioners and the areas represented. They respond to concerns, which were raised during the committee's deliberations, that the bill provides for insufficient representation for the Balgowan estate. Amendment 1 increases the total number of commissioners from seven to nine, and amendment 2 increases the number of Balgowan commissioners from one to three. Consequent to that increase, amendment 3 increases the number of new appointments to the commission, following commencement of section 2 of the bill, from four commissioners to six. Amendment 14 increases the quorum of a meeting of the commission from three commissioners to five.

I move amendment 1.

Alison Harris (Central Scotland) (Con): These amendments enhance accountability and representation over the whole area, and I certainly support them.

Mary Fee (West Scotland) (Lab): I agree.

Amendment 1 agreed to.

Amendment 2 moved—[Tom Arthur]—and agreed to.

Section 2, as amended, agreed to.

Sections 3 and 4 agreed to.

Schedule 2—Commissioners

The Convener: Amendment 11 is grouped with amendments 12, 13 and 4. The bill as introduced contains some dubiety as to the status of a commissioner who ceases to be a heritor, or a heritor's representative where the individual represented ceases to be a heritor. The committee took the view that it may therefore be possible for an individual to retain the position of commissioner even if they, or the individual whom they represent, cease to own benefited land. Amendments 11 and 13 therefore ensure that the commission must terminate the appointment of a commissioner where the commissioner, or the individual who is represented by the commissioner, has ceased to be a heritor.

A second issue concerning the termination of a commissioner's appointment, which the committee considered, was the lack of mechanism available for heritors to dismiss a commissioner for their particular section. Amendments 12 and 4 therefore make provision for heritors to call a meeting whereby a commissioner's appointment may be terminated on the vote of a simple majority of heritors attending from a particular section.

I move amendment 11.

Mary Fee: The issue of accountability has been raised a number of times during our deliberations on the bill, and there has been a strong feeling that it must include some kind of mechanism that would allow heritors to terminate a commissioner's appointment. These amendments are very sensible; they strengthen accountability in the bill, and they will give heritors the right to terminate a commissioner's appointment. I fully support them.

Amendment 11 agreed to.

Amendments 12 and 13 moved—[Tom Arthur]—and agreed to.

Schedule 2, as amended, agreed to.

Section 5—First appointments of Commissioners

Amendment 3 moved—[Tom Arthur]—and agreed to.

Section 5, as amended, agreed to.

Section 6 agreed to.

Schedule 3—Meetings of the Commission

Amendment 14 moved—[Tom Arthur]—and agreed to.

Schedule 3, as amended, agreed to.

After schedule 3

The Convener: Amendment 15 is grouped with amendments 5 and 10. The bill as introduced makes provision for the preparation of annual budgets and the levying of assessments, but an area of concern for the committee was the lack of provision for an appeal process or referral to an independent review. Amendments 15 and 5 seek to address those concerns through the introduction of new schedule 3A and the modification of section 10.

The combined effect of the amendments is to place a duty on the commission to consider heritors' representations on the budget. Furthermore, they provide a mechanism for the budget to be referred to an independent review process. That can be effected either through formal notification to the commissioner by 10 or more heritors or when the budget exceeds the budget review threshold. Under the bill, the threshold would be set at £60,000 for the first year and then adjusted annually by the percentage increase in the retail prices index of the previous year.

Amendment 10 provides for a definition of RPI in section 27, which relates to interpretation.

I move amendment 15.

Alison Harris: I agree with these amendments. It is essential for annual budgets and assessments to be prepared, and this allows for accounting to be done correctly. It is also correct for the bill to ensure the involvement of an independent process and that the commissioners have a duty in that respect. These amendments are therefore essential to the bill.

Amendment 15 agreed to.

Section 7—Heritors' meetings convened by the Commission

Amendment 4 moved—[Tom Arthur]—and agreed to.

Section 7, as amended, agreed to.

Sections 8 and 9 agreed to.

Section 10—Calculation of annual assessments

Amendment 5 moved—[Tom Arthur]—and agreed to.

Section 10, as amended, agreed to.

Schedule 4 agreed to.

Sections 11 to 14 agreed to.

Section 15—Land plans

The Convener: Amendment 6 is grouped with amendment 7. A central theme of the committee's consideration of the bill has been transparency and accessibility, and amendments 6 and 7 seek to simplify access to the land plans and the register of heritors respectively. As introduced, the bill obliges the commission to share the aforementioned documents only to current heritors, but, under these amendments, the land plans and the register of heritors will be made available to non-heritors. That measure will be of benefit to prospective heritors, estate agents and the legal profession. The amendments also ensure that both sets of documents will be made available electronically.

I move amendment 6.

Mary Fee: As you have said, convener, one of our main concerns in our deliberations on the bill has been to improve openness and transparency, and although the amount of detail in these amendments might be quite small, they are nevertheless extremely important in increasing both aspects. Making the land plans freely available will ensure that everyone can see who the heritors are, and people will be able to check them in a number of ways. The amendments are therefore crucial to improving transparency in the bill.

Alison Harris: I absolutely agree. The amendments definitely increase transparency, accessibility and openness.

Amendment 6 agreed to.

Section 15, as amended, agreed to.

Section 16—Register of Heritors

Amendment 7 moved—[Tom Arthur]—and agreed to.

Section 16, as amended, agreed to.

Sections 17 to 19, schedule 5, sections 20 to 24, schedule 6 and sections 25 and 26 agreed to.

Section 27—Interpretation

The Convener: Amendment 8 is in a group on its own. This short amendment changes a reference to the first year of assessment from 2018 to 2019, updating the bill to reflect the first full assessment year under the bill's provisions, should the bill be agreed to by Parliament.

I move amendment 8.

Amendment 8 agreed to.

The Convener: Amendment 9 is in a group on its own. This short but important amendment updates the definition of "land plans" in section 27 to reflect the revised set of land plans that were lodged with Parliament at consideration stage. It is disappointing that inaccurate land plans were initially lodged with the bill, leading to a protracted legislative process, but it is to be welcomed that the bill's promoters have reflected on concerns that were raised and have now provided revised land plans.

I move amendment 9.

Mary Fee: Concerns were raised almost at the very beginning of our deliberations about discrepancies in and the validity of the land plans. We understand that this is a very historical piece of legislation—indeed, I think that the land plans that were used were from 1846—and the promoters have undertaken extensive work to ensure that the plans are accurate. I therefore fully support amendment 9.

Alison Harris: I absolutely agree.

Amendment 9 agreed to.

Amendment 10 moved—[Tom Arthur]—and agreed to.

Section 27, as amended, agreed to.

Sections 28 and 29 agreed to.

Long title agreed to.

The Convener: That ends the consideration stage of the bill. It will now progress to its final stage, when it will be considered by Parliament in the chamber. Are members content for me to lodge a motion on behalf of the committee that the Parliament agrees that the bill be passed?

Members *indicated agreement.*

The Convener: It is with heavy heart that I say that this is expected to be the committee's final meeting, and I thank everyone who has assisted the committee in its deliberations and who has made a contribution over the past 18 months. In particular, I thank the promoters and agents, the objectors, all who submitted evidence and all members of the committee. I also thank the Scottish Government, particularly the minister Paul

Wheelhouse. Finally—and, in many respects, most important—I want to say that I personally owe a huge debt of gratitude to the clerks, who have done a tremendous job, and I thank them.

With that, I close the meeting.

Meeting closed at 12:15.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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