

GLASGOW AIRPORT RAIL LINK BILL COMMITTEE

Thursday 22 June 2006

Session 2

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GLASGOW AIRPORT RAIL LINK BILL COMMITTEE

† 9th Meeting 2006, Session 2

CONVENER

*Margaret Jamieson (Kilmarnock and Loudoun) (Lab)

DEPUTY CONVENER

*Marlyn Glen (North East Scotland) (Lab)

COMMITTEE MEMBERS

*Mr Andrew Arbuckle (Mid Scotland and Fife) (LD)

Michael Matheson (Central Scotland) (SNP)

*Mr Brian Monteith (Mid Scotland and Fife) (Ind)

*attended

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 6

† 7th and 8th Meetings 2006, Session 2—held in private.

Scottish Parliament

Glasgow Airport Rail Link Bill Committee

Thursday 22 June 2006

[THE CONVENER opened the meeting at 13:00]

Glasgow Airport Rail Link Bill: Consideration Stage

The Convener (Margaret Jamieson): I welcome the press and public to the ninth meeting this year of the Glasgow Airport Rail Link Bill Committee and remind members to switch off mobile phones and pagers. I have received apologies from Michael Matheson, who is on paternity leave.

The first agenda item is an overview of the consideration stage and a consideration of the grouping of objections. This is the committee's first meeting at consideration stage, following yesterday's decision by the Parliament that the bill's general principles be agreed and that it should proceed as a private bill. There was rare consensus during the debate on our report, particularly on our recommendations on Glasgow crossrail, and I think that we can be justifiably pleased with the reception of our work.

The only paper for consideration today—GARL/S2/06/9/1—provides an overview of the procedures that apply at phase 1 of consideration stage and requires the committee to decide on many matters. I do not propose to go into detail about procedure, as it is clearly set out in the paper. The clerks have also briefed objectors and the promoter to explain the process.

Our main task today is to discuss and agree the groupings that are set out in annex 1 of the paper. I remind members that under standing orders the committee has the power to group objections that it considers to be the same or similar and the paper sets out the criteria under which the 42 outstanding objections were grouped.

Groupings are important because they provide a structure for the provision at consideration stage of any further written and oral evidence, which will be provided through the lead objector appointed for each group. The paper indicates who the lead objectors could be.

I invite members' comments on the groupings.

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): I am very happy with them.

Marlyn Glen (North East Scotland) (Lab): I, too, am content with the groupings.

The Convener: The committee has agreed the groupings.

After today's meeting, the clerk will write to all objectors to confirm the groupings and to indicate the lead objectors for each group. Objectors who are unhappy about the groupings or the nomination of lead objector for each group must have a right of reply. As the clerk has already discussed possible groupings with objectors, I do not expect to receive many further comments. Nevertheless, we must be prepared. Do members agree that objectors who are not content with their groupings be given until 27 June for a right of reply?

Members indicated agreement.

The Convener: Do members agree to delegate any further decisions on final groupings to me as convener?

Members indicated agreement.

The Convener: Do members agree that, if groups cannot agree on lead objectors, the power to appoint lead objectors be delegated to me?

Members indicated agreement.

The Convener: I welcome Brian Monteith to the meeting.

The first task for lead objectors will be to provide witness statements. Everyone involved in the process wishes to make progress on the scrutiny of the bill, and I want to establish a timetable for further written evidence that allows us to make such progress while being fair to all parties. The following dates for the provision of written evidence were informally communicated to everyone involved several weeks ago.

Do members agree that witness statements be requested from each lead objector by 5 pm on Monday 3 July?

Members indicated agreement.

The Convener: Do members agree that the promoter should respond to each of the relevant witness statements by 5 pm on Monday 17 July?

Members indicated agreement.

The Convener: Do members agree that the relevant lead objectors should provide rebuttals to the promoter's responses by 5 pm on Monday 7 August?

Members indicated agreement.

The Convener: Do members also agree that those deadlines should not be extended?

Members indicated agreement.

The Convener: Members are aware that the process during the first phase of the consideration stage is quasi-judicial in nature, so it is important that clear, enforceable guidelines are put in place. With that in mind, I ask members to agree that objectors who do not provide witness statements by the stated deadline will not be able to take any further part in proceedings or to make any further comment on the bill and that if the promoter or the lead objectors do not provide written evidence by their deadlines, they will not be able to provide any further evidence on the issues in question. Is that agreed?

Members indicated agreement.

The Convener: This is an appropriate time to inform members that the Scottish Parliamentary Corporate Body has appointed an independent assessor to assist the committee at consideration stage. The assessor is Professor Hugh Begg, who has considerable experience as an independent reporter. The paper sets out exactly what the assessor's role will be. After considering all the written and oral evidence that is submitted, he will report to the committee accordingly. We will be in a position to know who should submit oral evidence once all the written evidence has been received. I am keen to ensure that several witnesses do not provide oral evidence on exactly the same topic, or on topics that are very similar. On that basis, does the committee agree to delegate to me, on the recommendation of the assessor, the final decision on which witnesses should be invited to provide oral evidence on behalf of the promoter and each group?

Members indicated agreement.

The Convener: I think that we should indicate to the assessor that we expect him to prepare and circulate a detailed timetable for oral evidence-taking meetings to the promoter and the objectors in advance of the hearings. Do members agree?

Members indicated agreement.

The Convener: Paragraph 33 of the paper sets out the ways in which oral evidence could be restricted—for example, if witnesses repeat written evidence or raise new evidence. Do members agree that to ensure that meetings run effectively, we should indicate to the assessor that, when appropriate, he should limit oral evidence in the ways suggested?

Members indicated agreement.

The Convener: It would be worth while for the assessor to be able to question witnesses at any stage of their evidence giving, if that would be appropriate. I also expect that during oral evidence he will specify a maximum time for closing statements, which may be around five minutes. Do members agree?

Members indicated agreement.

The Convener: In general, we would expect the assessor to maintain a relatively informal atmosphere during the oral evidence-taking hearings, given that objectors may be appearing as laypeople with limited technical knowledge. That would be subject, of course, to the need to examine all the evidence in an open and fair manner. Given that we have not yet received any further written evidence at consideration stage, it is difficult to be exact about how many oral evidence-taking meetings will have to be held. However, I expect the promoter and the objectors to make serious efforts to discuss objections and anticipate that many of the objections will be resolved without the need for oral evidence to be taken. I will monitor closely the promoter's performance in that regard.

I anticipate that oral evidence-taking meetings will begin in late August and will continue through the first week of September. The meetings will be held in Renfrewshire Council's civic suite in Paisley and, once again, I thank Renfrewshire Council for all its assistance.

Do members agree that the assessor should produce a report within three weeks of the date on which the final oral evidence-taking session is held and that the formatting of the report should be consistent with the committee's established report template?

Members indicated agreement.

The Convener: The appointment of an assessor at the consideration stage is a first for any private bill committee of the Scottish Parliament, and we have thought hard about the role of the assessor and all the duties that we expect him to carry out. However, I think that it is wise to indicate to the assessor that he may take such other reasonable actions as he considers would be necessary for the fair and proper conduct of the hearings and to allow him to consider and report on the evidence. Do members agree?

Members indicated agreement.

The Convener: I make it absolutely clear that the committee would expect the assessor to act in a manner that is consistent with the Parliament's established procedures and in accordance with the requirements of the Human Rights Act 1998 and the European convention on human rights.

Members may be relieved to hear that there are only two further decisions to make today, both of which relate to site visits. The assessor should undertake a site visit before the oral evidence-taking hearings, so that he can gain a location-specific understanding of the works in the bill. That would involve visiting various properties and areas

of land that could be affected by the bill and meeting the relevant objectors.

I make it absolutely clear that the visit would be purely for fact-finding purposes and that objectors would not be able to provide any evidence to the assessor. If members agree to the assessor undertaking a site visit, he should be accompanied by a member of the clerking team to ensure that objectors do not attempt to lobby him in any way. Furthermore, it would be useful to invite a representative of the promoter on the visit, which may help with access, for example, at Glasgow Central station. The promoter would not be able to lobby or provide any evidence to the assessor either.

Do members agree that we should indicate to the assessor that we expect a site visit to be carried out in the way in which I have outlined?

Members indicated agreement.

The Convener: With the committee's agreement, the visit should be undertaken on a date that is convenient for the assessor towards the end of August.

Finally, do members agree that the committee should also undertake a further site visit that is separate from that being undertaken by the assessor but follows the same guidelines?

Members indicated agreement.

The Convener: We can undertake that visit either in August or after the oral evidence-taking meetings with the assessor. Exact dates can be confirmed later. When would members like to make that visit?

Mr Arbuckle: I would prefer us to make our visit after the oral evidence-taking sessions. If issues come to light during those sessions, we can pick those up. If we made our visit before the sessions, we would not be able to do that.

Mr Brian Monteith (Mid Scotland and Fife) (Ind): I agree with Andrew Arbuckle.

Marlyn Glen: Yes, that would be helpful.

The Convener: Okay. We will wait for the assessor's report before we undertake our site visit.

I thank all members for their participation today. I confirm that the clerk will write to the promoter and to objectors to confirm the committee's main decisions today. We cannot, of course, be exact about when the committee will next meet, as that depends on our receiving the assessor's report. However, I expect that we will meet sometime in October—before the recess, I hope.

I remind members that, although the consideration stage is concerned with examining

the detail of the bill and the objections to it, we can also take further evidence on matters outstanding from our preliminary stage report. Depending on the information that we receive from the minister and the promoter, we may decide to invite them for further questioning.

Mr Arbuckle: On behalf of the committee, I thank the clerk, Terry Shevlin, who is going off to pastures new—or rail tracks new. He has been very helpful.

The Convener: Yes. I am sure that we all agree with that and wish Terry all the best.

Meeting closed at 13:14.

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