

LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

Tuesday 2 September 2003
(*Afternoon*)

Session 2

£5.00

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LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

3rd Meeting 2003, Session 2

CONVENER

*Bristow Muldoon (Livingston) (Lab)

DEPUTY CONVENER

*Mr Andrew Welsh (Angus) (SNP)

COMMITTEE MEMBERS

*Dr Sylvia Jackson (Stirling) (Lab)

*Rosie Kane (Glasgow) (SSP)

*Mr Bruce McFee (West of Scotland) (SNP)

Michael McMahon (Hamilton North and Bellshill) (Lab)

*Paul Martin (Glasgow Springburn) (Lab)

*David Mundell (South of Scotland) (Con)

*Iain Smith (North East Fife) (LD)

*attended

THE FOLLOWING ALSO ATTENDED :

Caroline Lyon (Scottish Executive Legal and Parliamentary Services)

Jonathan Pryce (Scottish Executive Enterprise, Transport and Lifelong Learning Department)

Nicol Stephen (Minister for Transport)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Alastair Macfie

ASSISTANT CLERK

Euan Donald

LOCATION

Committee Room 3

Scottish Parliament

Local Government and Transport Committee

Tuesday 2 September 2003

(Afternoon)

[THE CONVENER *opened the meeting at 14:15*]

Interests

The Convener (Bristow Muldoon): I welcome members, and the minister and his team, to the third meeting in 2003 of the Local Government and Transport Committee. The first item is a declaration of interests. I welcome Rosie Kane to the committee and invite her to make a declaration of any interests.

Rosie Kane (Glasgow) (SSP): I have an all-day ticket and a healthy hatred of the M74. That is about it.

The Convener: Thanks very much.

Subordinate Legislation

Road User Charging (Classes of Motor Vehicles) (Scotland) Regulations 2003 (SSI 2003/282)

Road User Charging (Consultation and Publication) (Scotland) Regulations 2003 (SSI 2003/292)

14:16

The Convener: Under the second item of business, we begin with two instruments on which motions have been lodged. Both are negative instruments. The normal procedure is that, if no motion has been lodged, the committee will take no action on the instruments. However, motions have been lodged by David Mundell to annul the instruments; therefore, we have invited the Minister for Transport to give evidence on them.

Before we consider formally the motions that have been lodged by David Mundell, I invite the minister to make some introductory remarks on the two instruments. We will then question the minister and his officials on the instruments. At that point, the Executive officials may respond in any way that the minister and his team deem fit. However, once we move to the formal debate, only members of the committee and the minister will be able to participate. If the minister wishes to use his officials to give evidence, I suggest that he do so during the question-and-answer session.

The Minister for Transport (Nicol Stephen): It is a great pleasure for me to make my first appearance before the committee since my appointment as the Minister for Transport. I look forward to many more such appearances. Today's discussion is relatively straightforward and I am very happy to answer the committee's questions. Jonathan Pryce, John Brownlie and Caroline Lyon are here from the Scottish Executive to answer any technical questions. They are the officials who have been most directly involved in the preparation of these statutory instruments.

The instruments are technical and follow on from the decision by the Parliament to pass the Transport (Scotland) Act 2001. Members who were directly involved in that process will remember that the act enables local traffic authorities—local councils—to introduce road user charging schemes where they wish to do so and where there is clear evidence of community support for the schemes. It is for local traffic authorities to decide whether they wish to introduce such schemes; they would not be required to do so.

The Road User Charging (Classes of Motor Vehicles) (Scotland) Regulations 2003 (SSI 2003/282) are probably the more technical in nature. They have various references to cubic centimetres, kilowatts and maximum mass, and definitions of quadricycle, trailer, semi-trailer and unladen mass, as members will see from the introduction. The regulations follow on from a European Community directive on such matters. They are consistent with legislation in England and Wales, and simply describe classes of vehicles in respect of which charges can be imposed. If a vehicle falls outwith all those classes, a charge cannot be imposed on it.

The Road User Charging (Consultation and Publication) (Scotland) Regulations 2003 (SSI 2003/292) govern consultation. They are routine regulations that will ensure that a local authority consults widely on any proposed charging scheme. The regulations merely set out the framework within which a local authority that wishes to implement a charging scheme must operate. It is up to individual local authorities to decide whether they wish to proceed with a charging scheme, but if they do, and if these regulations are passed today, they will be required to consult prior to proceeding with any such scheme, on the basis described in the regulations.

Any charging scheme will require to be contained in an order, and any order will require confirmation by the Scottish ministers. Clearly, we would aim to have extensive involvement and on-going dialogue with any local authority that sought to implement such a scheme. I hope that that is helpful and I am happy to take questions.

The Convener: I have one question, but I will allow other committee members to come in first.

Dr Sylvia Jackson (Stirling) (Lab): As a former physics teacher, as well as chemistry teacher, I say that cubic centimetres and kilowatts are not to be worried about, but that is by the by.

Do the regulations on consultation and publication mean that if some consultation has already taken place it cannot be used as part of the consultation process and that the consultation will have to be started again? Will the consultation have to follow exactly the procedure that is laid out in the regulations?

Caroline Lyon (Scottish Executive Legal and Parliamentary Services): The regulations have to be followed. If any consultation has already taken place, that consultation will simply form part of informal consultations on any proposed charging scheme, but when the scheme itself is presented, we expect that charging authorities will follow the regulations on consultation.

Dr Jackson: I may not be clear about the regulations, but does a consultation have to be on

a specific scheme? Is it the case that the consultation cannot be about a general scheme, after which something slightly different is implemented?

Caroline Lyon: There are different stages of consultation, but it is generally on the scheme that the charging authority will bring forward thereafter.

Jonathan Pryce (Scottish Executive Enterprise, Transport and Lifelong Learning Department): It may be fair to say that it is possible for the scheme to be made with amendments, when it comes to the final process.

Caroline Lyon: Yes. The scheme that is consulted upon may not necessarily be the final scheme. It will form part of a process that the final scheme will follow.

Mr Andrew Welsh (Angus) (SNP): The different types of vehicles to be charged are listed in great detail, but what about the travellers? Is any allowance made for specially adapted vehicles? Will there be any exemptions for disabled persons who have to drive into Edinburgh?

Caroline Lyon: There is a difference between the classes of vehicles that can be charged and exemptions from charges. Separate regulations will be made on exemptions, and charging schemes themselves can also contain provision for exemptions. The types of vehicles to which you referred may form an exemption, either through regulations that are made or through schemes themselves.

Nicol Stephen: That is an important point.

There will probably be four further sets of regulations—four further statutory instruments—to enable any local authority that so wishes to proceed with road user charging. We therefore have the exciting prospect of being back here again to discuss those regulations in due course. The regulations that we are considering today are the ones that are required for any local authority that wishes to proceed with a scheme in the near future.

Mr Welsh: I hope that you would return for a good purpose.

Nicol Stephen: Indeed.

David Mundell (South of Scotland) (Con): It is the case—is it not, minister?—that neither of these sets of regulations would be required for the City of Edinburgh Council to carry out the referendum that it has proposed.

Nicol Stephen: As I understand it, the City of Edinburgh Council intends to proceed further with a road user charging scheme. All that we are doing is enabling the scheme to proceed in terms of the 2001 act. If any local authority wished to go

beyond the regulations that are set down here, it would be entitled so to do. We do not require there to be a referendum before a scheme proceeds but, if any local authority wished to conduct such a referendum, it would be up to that authority.

David Mundell: The regulations are not required to facilitate that referendum.

Nicol Stephen: That is correct.

David Mundell: My second question is therefore on the timing of the introduction of these and any subsequent regulations. As you said in your opening remarks, reaffirming what Mr McConnell said on 13 June 2002, the Executive will support tolls only if there is clear public support. The City of Edinburgh Council has not held a referendum. Unless you tell us differently, it is the only local authority to have expressed an interest—so why is there a need to introduce the regulations now, before we have had a clear demonstration of public support for the measures?

Nicol Stephen: The regulations have not been introduced with any particular scheme or authority in mind. We are simply proceeding, following the 2001 act, to introduce statutory instruments to enable any authority that wishes to proceed with such a scheme to do so. The opposite question could be asked: why have we not introduced the regulations sooner? Clearly, it has taken time to prepare the regulations and we have introduced them at what we believe is an appropriate time.

David Mundell: But why now, when there is no clear demonstration of public support for the introduction of tolls? This visit of yours to the committee, and the other visits that you predict will take place in the future, could be a complete waste of our time and your officials' time.

The Convener: We are heading towards a debate; we should stick to questions to the minister.

David Mundell: I am simply trying to eke out a reason for introducing the regulations now.

Nicol Stephen: I signed the first statutory instrument on 5 June 2003, so we did not decide today to do this. Clearly, a period of preparation was required following the passing of the 2001 act and its achieving royal assent. The time scale is perfectly normal. No member of the committee should read anything into the timing. We are simply enabling any local authority that wishes to proceed with road user charging to do so and to do so within a reasonable time scale.

Jonathan Pryce: Until the regulations are in place, a local authority cannot publish a draft charging order setting out the kind of scheme that it has in mind, and it cannot go through the formal consultation process so that its proposals are discussed fully. Until the local authority can set out

its proposals, it will be quite difficult for it to measure whether it will receive clear public support. The regulations are needed in order for that to be done. They will help with any information and discussion process that local authorities might wish to go through.

14:30

David Mundell: This might be straying into the debate, but I would like to ask the minister if there is anybody in the Executive who will say on the record that they are in favour of the introduction of tolls.

Nicol Stephen: It is clear that, in passing the Transport (Scotland) Act 2001 and in gaining wide support in the Parliament for its proposals, we are anxious to support any local authority that wants to proceed with such a scheme. That is the reason for the enabling statutory instruments. We would not come forward with the instruments if we were hostile to all such proposals. Where there are proposals for an appropriate road user charging scheme and where there is clear evidence of community support for those proposals, I envisage that the Scottish ministers would give their consent.

Mr Bruce McFee (West of Scotland) (SNP): Let me take the minister back to the subject of exemptions, which was glossed over earlier. In particular, I wish to ask about exemptions relating to motorists who are disabled. Are you telling us that it is entirely at the discretion of the local authority whether exemptions would apply to disabled motorists in any scheme that it might pursue?

Nicol Stephen: There will be regulations in the future, which I think might touch on exactly that question.

Jonathan Pryce: The further regulations that are to be introduced will specify a national minimum level of exemption, which will ensure that certain classes of vehicle will automatically be exempt. On top of that, it is possible for the charging authority—that is the local authority—to include other classes of vehicle that it will specify as exempt. There are two levels.

Mr McFee: Given that, and given what you have said about there being further regulations, could you give us some examples of areas of exemption for which you intend to legislate, as opposed to concessions offered by local authorities? If disabled drivers constitute one category, for example, could you expand on that and indicate what else you have in mind in that regard?

Jonathan Pryce: Emergency vehicles, for example, would be likely to be subject to a minimum level of exemption.

Mr McFee: Is it the current thinking that those drivers who are registered as disabled will be exempt from charging schemes nationwide?

Jonathan Pryce: The regulations have yet to be published in draft. They will be consulted upon. Having said that, we envisage that blue badge holders would be subject to a national minimum exemption. I reiterate, however, that we have yet to consult on that.

Mr McFee: I will take that as a definite maybe.

Nicol Stephen: It is close to a yes, I think.

Mr McFee: Okay—we will wait and see what comes through.

What guidance has been given to local authorities on the evaluation of evidence, given the fact that there is no requirement to hold a referendum or to gauge public opinion by some other method? If, for example, 50 representations are received, 26 for a proposal and 24 against it, would that be a mandate for proceeding with the proposal?

Nicol Stephen: That is exactly the issue that we are setting out in the consultation regulations. As is the case with our approach to exemptions, which we have just explained, it is clearly up to a local authority to decide whether it wishes to go further than the formal consultation process that is described in the statutory instrument. An authority's evaluation of the consultation and the consultation documentation would all be passed to the Scottish ministers before final approval was given to any scheme. As I have just explained, the ministers would approve such a scheme only if they felt it to be appropriate and if there was clear evidence of community support for it.

Mr McFee: How is such clear evidence gauged?

Nicol Stephen: It has got to be gauged on the basis of the consultation, and whether there has been full and proper consultation. Ultimately, it is a matter of judgment. Provided that that judgment is exercised reasonably and could not be challenged by the courts, it is a matter for the Scottish ministers. There are still opportunities for the Scottish ministers to make decisions in relation to all this, and their decisions would have to be fair, reasonable and appropriate because of the statutory framework.

Mr McFee: So, within the law, the local authority is the arbiter. Indeed, the local authority is solely responsible for evaluating the evidence—apart from the potential for you to call this in and say, "No, Edinburgh, you're not having it."

Nicol Stephen: Following the consultation, the first stage would be for the local authority to decide that it still wanted to proceed with a scheme. If it did, it would put the scheme

proposals before Scottish ministers, together with evidence of the consultation. The ministers' approval would be required before the scheme could finally be introduced.

Rosie Kane: In some cities, many years of poor planning have forced a lot of people to become car users. I wonder whether the exemption could be extended to hospital workers, teachers, social workers and others like them who may have to go in and out of the city. Could they be exempt also?

Nicol Stephen: I would be very surprised if the exemption could be extended to all of them. However, there may be some categories for exemption. Jonathan Pryce referred to emergency vehicles, and it may be that certain workers who use their vehicles for purposes that are similar to those of emergency vehicles could be exempt. Such issues must be considered. I will take away your suggestion and consider it as constructively and favourably as I can. Nevertheless, you must understand that exemptions of entire categories of public service workers would undermine the operation of the entire scheme. If all teachers, social workers, nurses and doctors were exempt, where would the line be drawn?

Rosie Kane: They could be exempt during their working day.

Nicol Stephen: As you say, many such people travel to work at peak periods during an ordinary working day. It would be difficult to justify exempting them all, but that is just a personal opinion. It would be for the local authority to suggest such additional exemptions beyond our national minimum if it felt that it could make a strong case for the scheme still being effective in achieving the main objective of relieving congestion.

Rosie Kane: Better public transport would relieve congestion. If a medical worker lived in Glasgow and worked in Edinburgh, they would be disadvantaged because they would be charged in Edinburgh although not in Glasgow. The scheme would have to be national to make it fair. I live in Glasgow and work in Edinburgh.

Nicol Stephen: Part of our approach to public transport is to try to encourage people to use alternative forms of transport and not to depend on their cars, especially in congested urban areas. We must also invest more in public transport. This is by no means a single-policy strategy; we must also invest to improve bus services, rail and public transport across the board. I agree with that completely. However, we would encourage people wherever possible to minimise the distance that they travel to work, through the development of our planning and economic policies. That is not to say that we would restrict people from travelling to work; we would not ban people from living in

Glasgow and working in Edinburgh, or vice versa. Nevertheless, I am sure that everyone would agree that it would be to everyone's advantage if we could avoid long-distance commuting being forced on people or people feeling that commuting was necessary in order to get a job and if we could encourage more people to commute by public transport rather than by car.

Rosie Kane: Do you agree that it was short-sighted of Glasgow City Council to put in place facilities such as Buchanan Galleries, with thousands of car parking spaces becoming available in recent years, if it is possibly going to hammer people with road tolls?

Nicol Stephen: I would be straying a long way from the regulations if I were to start commenting on the provision of parking places in Buchanan Galleries. No doubt, the planning regulations at the time would have had to be complied with. All that I can say is that our current policy very much emphasises shifting investment towards public transport and giving people better bus and rail links into our city-centre areas. That is the sensible way ahead. However we do it, encouraging more people to take more cars into our city centres is a road to nowhere and is no solution at all. We need to take another route and find another way. The regulations are part of that but, as I have emphasised, they are only one part of it.

The Convener: I notice that regulation 3(1)(h) of SSI 2003/292 specifies the bodies that shall be consulted as

"such other organisations representing persons or individuals likely to be affected by any provision in the proposed charging scheme as the charging authority thinks appropriate."

Does the Executive believe that such consultation must include all local authorities surrounding the area to which the charging regime is to apply? For example, the City of Edinburgh Council's proposal is for a charging regime that would operate just inside its boundaries. Would the Executive expect the City of Edinburgh Council to consult those local authority areas that surround its boundary?

Nicol Stephen: I do not think that I can impose an interpretation on regulation 3(1)(h), when that regulation states quite clearly that the charging authority should consult such organisations as it thinks appropriate. It would be wrong for me to try to use regulation 3(1)(h) to encourage local authorities to include neighbouring or affected local authorities within that category. All that I can say is that I would expect that, in the normal course of consultation, local authorities would involve neighbouring authorities and authorities that are directly affected. I am sure that any local authority that is considering proceeding with such a scheme would respond positively not only to my views but to those of all of us who are seated

round this table. I would think that all committee members would want neighbouring and affected local authorities to be involved.

Jonathan Pryce: The issue is covered explicitly in the table as well.

Nicol Stephen: In column 1 of the table.

The Convener: Again, the table refers to situations in which a scheme

"appears to the charging authority to be likely to affect traffic on a road".

If the Executive believed such an interpretation to be unreasonable, would it refer the consultation back to the authority?

Nicol Stephen: I can certainly guarantee that, if any local authority felt that it had been excluded from the consultation, I would be happy to receive, at the final stage of the process when the Scottish ministers are involved, any representation from any local authority or other organisation that felt excluded. However, the process is intended to be inclusive. The reason for the regulations is to try to ensure that all local authorities, organisations and individuals who could be affected by such a scheme are properly consulted and fully involved before proceeding.

The Convener: Thank you, minister.

I think that we have now exhausted the questions. The procedure allows us to have a debate of up to 90 minutes on each of the instruments, but I am sure that nobody is particularly keen on the prospect of three hours of debate. I suggest that we have one debate on the two instruments. Members who want to comment on either of the two instruments should do so during their contribution to the debate. If David Mundell or any other member wants to press on to a vote, we will have to have separate votes on each instrument, but it will be helpful to us all if we just have one debate. Do members agree?

Members indicated agreement.

The Convener: I invite David Mundell to move motion S2M-274 on SSI 2003/282. You will have the opportunity to move and speak to the other motion later.

14:45

David Mundell: I will move that motion. Can you clarify that, at the end of the debate, the minister will respond and I will also have an opportunity to respond to the minister?

The Convener: Yes.

David Mundell: I have lodged motions to annul both SSI 2003/282 and SSI 2003/292 because I believe that the instruments are unnecessary at

this time. The minister's evidence has confirmed that it is not necessary for either set of regulations to be passed for the City of Edinburgh Council to carry out the referendum that is proposed.

We are constantly being told that we will not have tolls without a clear demonstration of public support. It is difficult to find politicians who will go on the record and say that they are in favour of tolling, but that might not be the case today, which would be helpful because it is important that we do not build up momentum towards road charges—as the introduction of these statutory instruments would do—without retaining the commitment that tolls would be introduced only with public support.

It will come as no surprise to any member present that I and my party absolutely oppose the introduction of road user charging. We have made that very clear. We believe that motorists in Edinburgh and elsewhere in Scotland already pay sufficient taxes through personal taxes, local rates and, of course, fuel duties, which more than meets the requirements to maintain and improve our road system. There is not a single piece of evidence to suggest that the introduction of a charge at the suggested levels would make any significant difference. All the evidence indicates that only significant charges could start to have any effect at all, but it is clear that the proposed charge for Edinburgh would be little more than an additional tax on its citizens.

The London example, which has been tried recently, is touted by those who are in favour of tolling, such as the minister's colleague, the Liberal Democrats' Westminster spokesman on transport, Mr Don Foster, who said that congestion charging in central London has already proved to be a great success and that

"Now ministers must work with councils across Britain to identify congestion hotspots and introduce similar schemes"

as soon as possible. That might reflect Mr Foster's clear commitment to tolls but it does not reflect the facts in London, where enormous congestion has started to build up in the periphery of the congestion-charging area. Now that congestion charging is in place in central London, the public will face enormous hikes in charges for buses and possibly for the underground. There is certainly no evidence that money is flowing in to produce the improvements that are promised by such a measure. It is important that, by rejecting the instruments, the committee go on the record to say that tolling measures are unacceptable without clear public support.

We have heard that there is to be a referendum in Edinburgh—at least, that is what the City of Edinburgh Council says. That referendum will apply to Edinburgh residents only. It will not apply to my constituents in the Borders, to Mr Smith's

constituents in Fife or to the convener's constituents. That is partly because the City of Edinburgh Council knows what the response would be from those who live outwith Edinburgh. It has already gone through the pretence of a consultation—which even the minister's colleague, Margaret Smith, described as a ridiculous sham—to try to demonstrate that there is in Edinburgh a modicum of support for tolls. However, the election of my leader, Mr McLetchie, in the Edinburgh Pentlands constituency in a contest with the then Minister for Enterprise, Transport and Lifelong Learning, demonstrated that there was no public support for tolls.

If we pass the regulations today, we will make no progress; however, we will allow the momentum of those who are secretly in favour of tolls, but will not come on the record to say so, to keep moving the matter forward. It needs to be stopped in its tracks.

When I read election manifestos, I am pleased to see that some parties—in particular the Scottish National Party, despite cruel words that were said about it in the chamber when the issue was last discussed—have seen the light. The SNP's local government manifesto said:

"The SNP reject the current proposals by the Labour-LibDem coalition for road tolls and believe that a major improvement in public transport is a prerequisite of any type of congestion charging."

I will be pleased to have the SNP's support in rejecting the regulations.

Needless to say, that was not the case in the Executive parties' manifestos. The Labour party said that it would consider congestion charging, and the Liberal Democrats said that they would

"Maintain the right of local authorities to use congestion charging",

neither of which statements means anything—exactly what is intended.

Today, we can vote on the issue and make it clear to the Parliament that the committee will hold the Executive to account and that, unless there is clear public support for congestion charging, we will not sanction it.

I move,

That the Local Government and Transport Committee recommends that nothing further be done under the Road User Charging (Classes of Motor Vehicles) (Scotland) Regulations 2003 (SSI 2003/282).

Nicol Stephen: David Mundell spoke about seeking to annul the regulations on the basis that they are not necessary. Few actions of the Parliament are strictly necessary. We do things because we believe in them, because we support them and because we think that it is important to seek to make progress. It is not necessary to

invest more in public transport, to try to tackle Scotland's congestion problems or to enable congestion charging, but we believe that road user charging is the right way ahead under the Transport (Scotland) Act 2001. There was widespread support for the act at the time it was passed; the regulations simply deliver on the commitment that was made in 2001 to enable local authorities to proceed with road user charging if they so wish. It would be wrong of the Parliament or its committees to seek to delay or undermine the decision of the Parliament to proceed with the provisions of the 2001 act. We are simply progressing the regulations in a straightforward and appropriate administrative way. Based on our current estimates and work that has been done within the department, six statutory instruments in total will be required to allow any road user charging scheme to proceed.

David Mundell also said that there was doubt about the view of the Executive, or of individual MSPs, in relation to the issue. I would like to put my view quite clearly on the record; I can state it very plainly. I would proceed to approve an appropriate road user charging scheme if I believed that there was clear public support for it. That is the view of the Executive and it is important that we make that as plain as possible.

It is important for any local authority that wishes to proceed to consult on such a scheme in order to have a full public debate and consultation on the issue. It would be inappropriate to have that public debate and consultation without the appropriate draft charging order's being available. One of the statutory instruments that is before us today will allow any local authority to proceed to publish a draft charging order. In my view, any referendum, consultation or debate should be well informed. If David Mundell is successful today, that will not be possible, so it is important that we proceed with the instrument.

In my view, any road user charging scheme must, first and foremost, tackle congestion but, as Rosie Kane pointed out, it is not the only way to tackle congestion, and I believe firmly in all the other methods of investing in public transport, which I am sure she would support. However, we must recognise that road user charging is one option for tackling congestion and that appropriate road user charging can deliver real benefits in terms of reduced traffic levels. We know that, we have seen that and we have examples of that not only from other parts of the UK, but overseas.

Costs to business and industry caused by delays and congestion can be reduced, costs to communities and to individuals can be reduced and real, sustainable solutions to transport problems can be provided. We have stated repeatedly that there must be fair treatment of

those who pay the charge, and there must also be fair treatment for those who benefit from the scheme. We should remember that some clear winners will flow from any such scheme. The problems—environmental as well as economic—that are currently caused by congestion deserve to be considered and tackled.

We have emphasised that a range of public transport improvements must be in place before a charging scheme is introduced, although it is also important to emphasise that further improvements should proceed after a scheme is introduced. It should not be a question of reaching a minimum level of public transport provision before road user charging is introduced and then leaving it there. In my view, the funding from that road user charging should be reinvested in even better public transport. In that way, we can help to encourage the shift from car use to bus, rail and other forms of public transport.

The regulations set out the framework to implement the principle that Parliament has agreed. They are merely routine enabling regulations to ensure, among other things, that a local authority consults widely on any proposed charging scheme. I therefore find it surprising that any member should move against the regulations, which I hope are agreed to today.

The Convener: Andrew Welsh, Iain Smith, Bruce McFee and Sylvia Jackson have indicated that they would like to contribute to the debate.

15:00

Mr Welsh: I note that the Tories are against all taxes unless they introduce them; when they were in power they certainly did that. The regulations that we are considering today are enabling instruments under an act that is already law, and are therefore about the practice rather than the principles of road user charging. I would like briefly to draw some concerns to the minister's attention and I hope that I will get some answers.

I note that the Executive is relying on congestion charging to pay for £68 million worth of funding, albeit over a number of years, for improvements in Edinburgh's transport system. How realistic is that figure? What guarantee can the minister give that once that door is kicked open, all Edinburgh's car users will not be regularly hammered by large hikes in such a new tax method? He is introducing a scheme that could have a dynamic.

Local authorities are not, and never have been, adequately funded for the massive range of services that they provide daily. What reassurance can the Executive give that motorists will not face ever-rising charges under the regulations? How can the regulations guarantee that the revenues that are raised will be used only for transport

improvements? The minister mentioned that, but did he say how he will ensure that that will happen?

I welcome the statutory provision for consultation if congestion schemes go ahead, but I hope that such consultation will be genuine consultation rather than simply a method of pushing through schemes to raise finance by using motorists. Edinburgh is the nation's capital city. It is a centre for motorists from throughout Scotland and from outside our borders; therefore, consultation must involve as wide a group of users as possible. The minister mentioned talking to neighbouring local authorities. Will he assure us that he will also talk to citizens in those authority areas? What steps have been taken to gauge opinion outside the city of Edinburgh and among regular commuters to the city?

I note from the list of bodies that have been consulted that there appears to have been no small-business input. The Confederation of British Industry was consulted and responded, but what input was received from the small-business sector? What estimates does the minister have of the effects of city congestion charging on Edinburgh city-centre businesses?

The Convener: The minister will have the opportunity to respond to what members have said at the end of the debate.

Iain Smith (North East Fife) (LD): I agree with Andrew Welsh that the debate is not about whether road charging should go ahead in Edinburgh or whether it is fair in principle. The debate is about whether specific regulations should be implemented under an act that the Parliament has passed in the past four years. That act is the law of Scotland and has already been agreed.

Local authorities have responsibility for the details of road user charging schemes. I support the fundamental principle that the Parliament should enable local authorities to make decisions about how they should operate services and provide solutions to problems that affect their areas. Road charging simply gives another tool with which local authorities can address specific concerns about transport issues that affect their areas.

David Mundell talked entirely about roads. It is important to recognise that road charging is a means of improving public transport and of reducing the need for private cars to use roads to get in and out of cities, places of work, hospitals, shops and so on. The issue is about trying to reduce such traffic.

It is interesting that David Mundell spoke about politicians' support for tolling. Iain Duncan Smith—I think that that is his name; I believe that he is the

leader of the Conservative party—has said that he would support road tolling for new roads. However, I do not support that. I support road tolling to improve the availability of means of transport other than cars for my constituents.

On the regulations, it is important that details are specified before formal consultations are carried out under any consultation scheme, whether such a scheme is a referendum or other means of consultation. It is important that people are aware of what any road user charging scheme would mean and not just of general principles. People should know the details of how a scheme would impact on them before any consultation is carried out.

It is vital that the regulations, which are required by the Transport (Scotland) Act 2001, are published and made available before any formal consultations take place. In that context, I hope that the other regulations to which the minister referred will also be available, particularly those concerning exemptions, as it is important that people are aware of what exemptions there will be. People should not end up having debates about whether this or that is in the regulations while there is consultation. I hope that the minister will reassure us that the other regulations will be published reasonably timeously so that the full picture is available before any consultations are carried out.

It is important that we get a clear indication from the minister that consultation will extend to the residents of areas outwith the local authority that is involved. By and large, residents of areas outwith Edinburgh, rather than residents of Edinburgh, will be affected by road user charging in Edinburgh. My constituents in North East Fife might be obliged to drive into Edinburgh because public transport is not good enough. They, rather than people who live in the centre of Edinburgh, will be affected by road user charging in Edinburgh.

It is important that any such consultation should be extended to give my constituents the opportunity to express their view on whether they are willing to pay the additional charges in order to have the investment that we need in our public transport network. That investment should mean that they no longer have to drive into Edinburgh because public transport will allow them to get to their destinations in reasonable comfort and time. I hope that we will receive assurances on those points.

In lodging his motions to annul the regulations, David Mundell is trying to make cheap political points. I stress that, although his party's leader won the Edinburgh Pentlands constituency on the "No to road charging" ticket, the Conservatives did not win the City of Edinburgh Council elections on that ticket, although their campaign was based on

it. I do not think that the Conservatives have a mandate from the people of Edinburgh on the issue. If David Mundell's party supported proportional representation, that would help to ensure that the City of Edinburgh Council, when it considers the matter, reflects properly the views of the people of Edinburgh. Otherwise, the measure might be forced through by a minority administration. I am sure that the minister will take that into account when he considers any application from the City of Edinburgh Council.

The regulations are not about Edinburgh's charging scheme, nor are they about the principle of road charging; they put in place the technical measures that are required to allow any local authority that wishes to pursue the matter to be able to do so. Therefore, we should reject the motions to annul the regulations.

Mr McFee: Heaven forbid that any politician should try to score cheap political points. I hope that none of that goes on in the Scottish Parliament.

I agree with Andrew Welsh that there are a number of questions that the minister should answer. I will deal with the points that David Mundell raised because there seem to be a couple of myths going round. First, there is the myth that annulling the two statutory instruments will stop charging dead in its tracks. That is clearly nonsense. What is being put in place is a framework for consultation which, I believe, is necessary if any local authority considers road charging.

Secondly, I am amazed by the Tories' argument against road charging and tolls. I used to go to a wee village called Tarskavaig in Sleat on Skye. It will come as great relief to the folk on Skye that the Tories are against tolls, because those folk are paying a fortune in tolls. Only two years ago, every single Tory in the Scottish Parliament, including the deputy leader of the party, who lives next to the Erskine bridge, voted to reintroduce the Erskine bridge tolls, despite massive local opposition. If the Tories have undergone a policy conversion and now say that we should have no tolls of any description, I look forward to the day when I do not need to pay 60p to go to Dumbarton, as do thousands of other people, including the low-paid workers whom Rosie Kane mentioned, who have to pay that charge every day when they go to work.

In essence, the issue is about who takes the decision. Is the decision best taken by people who sit in ivory towers in Edinburgh, or is it best taken by local authorities in consultation with the local people who suffer daily from the effects of congestion? I do not think that there are too many places near where I live on which tolls would have any effect, other than to close some businesses,

but I acknowledge that there might be other areas in which people have different opinions. In such areas, with the right scheme—one that is not simply a cash cow—some form of charging might be either necessary or desirable. I am prepared to trust the people in such areas to take the decision. The discussion is fundamentally about whether we trust people to make decisions about the area in which they live.

Dr Jackson: I will try not to go over too many of the points that have already been made.

David Mundell said that the regulations are unnecessary because we could use a referendum. Referendums are sometimes useful, but on a matter as important as this—members have commented on the different sectors within a particular area that must be consulted rigorously—the regulations represent the best way to go forward. As Iain Smith and Andrew Welsh said, at this stage it is not a matter of principle. The Transport (Scotland) Act 2001 has been passed and we are talking about regulations that flow from it. I therefore disagree with David Mundell on several points.

Sustainable development and environmental conservation are big issues. It is important that we start to do something, at least in the short term, to get away from the evils of pollution. The other side of the issue is the delays that congestion brings about—those must have an impact on business. I am sure that David Mundell would argue from the other side that the introduction of charges would hinder business. The business aspect of the discussion has two sides.

I agree with Andrew Welsh that the business community was not listed. That is an important point. I was also taken by the points that were made by Don Foster—another science teacher who will be familiar with kilograms and cubic centimetres from a past life. He made the point that although congestion charging is having a big impact in the centre of London, there is concern on the periphery. Such issues must be examined: if we take Edinburgh as an example, people will deposit their cars in places such as Linlithgow and will try to get into Edinburgh using public transport. That would have to involve people in neighbouring authorities.

A bigger issue is that we must receive reassurance, which I am sure the minister will give, that the Scottish Executive will use the investment to ensure that charging is a short-term measure and to educate people to leave their cars and use the rail and bus networks. Andrew Welsh made the important point that we must ensure that we do not set in motion a dynamic whereby councils see the scheme as a way of getting money.

Rosie Kane made the important point that there must be people who could feel the impact of such a scheme because the public transport system where they live is not very good, or because they might have to cross back and forth through a system where they have to pay a congestion charge several times a day. Lessons will have been learned from south of the border and those can be taken on board, but that point must be kept in mind during the consultation.

15:15

Rosie Kane: I am a wee bit irritated because although the Scottish Socialist Party opposes road tolls and road charging, David Mundell never gave me a mention. We oppose them for the reasons that I stated earlier, which relate to the fact that the poorest people will probably pay most. I am sure that if the road tolls were going to be in Pollok, David Mundell would go himself and put them in place. The poorest people will pay the most; those are the people who live in areas such as Pollok and who have over the years been forced into cars and away from public transport as a result of the knock-on effect of the lack of investment in public transport and the construction of the M77 motorway, which we predicted would lead to a very busy city centre. That is what we now have in Glasgow. We are now talking about charging in Glasgow city centre; Glasgow City Council is opposed to charging, but it might go down that road—if members will pardon the pun.

At the same time, we are talking about constructing the M74 northern extension, which will carry 110,000 cars a day. However, the Executive cannot have it both ways: it cannot say, on the one hand, "We are doing everything we can to reduce traffic," and on the other hand, "We are going to build more motorways." Motorways increase traffic and force people into cars. The situation is made worse, of course, by ridiculous advertisements on television that say, "No matter how poor you are, we will sort out your finances so you can get a car. We'll take your house in five years, but we'll give you a car in the meantime."

We have to deal with all the reasons why people use cars in the first place. We cannot spend 10 years getting people into a situation in which they have to use cars and then hammer them for doing so.

As much as I would welcome a consultation process that would allow people to consider the proposals and offer input, I suspect that—as with other consultation processes of which I have experience—people will not be fully included, located or brought into the discussion in the way that they should be. Therefore, I have concerns about consultation and implementation in the future. I will not say that I am on David Mundell's

side. I am not: his folk can afford the charges and will continue to be able to drive while other folk will be excluded from getting to various places or will be made skint through doing so.

I am concerned about the possibility that the consultation will not be adequate and I am concerned about road charges in general, so I am deeply worried about the proposals in the long term.

The Convener: As the convener of the committee, I do not want to hog the floor too much, but I would like to respond to a few of the comments that have been made.

On a side issue, Sylvia Jackson will be glad to know that, in spite of my not being a science teacher, last night I helped my son with his physics homework with an explanation of newtons and kilograms. My understanding of physics is still progressing.

We have broadened the debate away from the two statutory instruments. They are designed to take forward legislation that the Parliament passed after all parties voted for it—including the Conservatives, at the end of the day. The first of the instruments is completely technical and the second sets out the degree of consultation that the Scottish Executive expects of local authorities that introduce a scheme. The two statutory instruments form an essential part of determining whether a scheme that is being introduced is reasonable and has public support, which is the sort of process that David Mundell wants to be in place before any scheme is approved. Any scheme that is introduced will be subject to the tests that the Scottish Executive will apply in accordance with the instruments.

Today's debate has consisted of posturing and rerunning the battles of a couple of years ago, but I will take time to respond to some of the points that Rosie Kane and David Mundell raised.

It is already the case that, in congested cities such as Edinburgh, the cost of bringing a car in and out of the city is rising dramatically as the market ensures that car-parking charges rise. If Edinburgh does not introduce a congestion charging scheme, I predict that the level of car-parking charges will continue to rise and that, ultimately, that will deter people from bringing their cars into the city. The only people who will not be affected will be those who have access to free parking places. Further, most of the funds raised from such a situation will go to the private sector instead of being made available to be invested in improving public transport. That would be the result of David Mundell's approach of leaving everything to the market. I reject that approach and so does the Executive.

I accept some of Rosie Kane's points about cost, but she failed to address the fact that many

of the communities that are worst affected by congestion—whether it be because of the environmental impacts or accidents—are, as I am sure she is aware, among the poorest communities in our cities. If we can reduce the number of cars that come into our big cities and invest to improve public transport, so that people's access to employment is improved, some of the poorest communities and people in our society could benefit. I ask members to keep that in mind when considering the matter in the future. It is not a simple, black-and-white conclusion that the poorest communities will be the biggest losers from the proposal.

We are considering a technical set of instruments. If and when the City of Edinburgh Council or any other local authority presents its proposals, we will be able to consider them on their merits and based on the consultation that will have taken place. I echo Iain Smith's comments that the consultation should cover a broader area than just the area of the authority that will introduce the measures.

I think that the instruments deserve support. I invite the minister to make his concluding remarks.

Nicol Stephen: Before responding to the detailed questions and points that were raised, I express my view that the important issue to judge is whether the proposal to annul represents a genuine policy conversion on the Conservatives' part, or whether it is an example of unprincipled populism. Are the Conservatives genuinely on the road to Damascus, or is it that they know that fresher in the memory of most Scots is the road to Skye and how expensive it is? Of course, the Scottish Executive is determined to do something about that situation, but we are also determined to do something serious about tackling congestion in some of our most urban areas.

Members asked many detailed questions that related specifically to the Edinburgh proposals. It would be unfair to respond to those questions in detail, because clearly it is for Edinburgh to produce such proposals, if it wishes to do so, in due course. I think that Andrew Welsh raised a number of detailed questions in that regard. His questions are fair and need to be given appropriate answers. Reassurance must be given on the sort of issues that he, Iain Smith and others raised.

Giving appropriate answers to such questions will be crucial in getting the public support that we want. If a scheme is not well thought through and well founded, it is unlikely to get the public support that, I believe, is so crucial. For example, small businesses and city-centre traders should be consulted and funding should be appropriately ring fenced.

As members will recall, paragraph 5 of schedule 1 to the Transport (Scotland) Act 2001 imposes a requirement to ring fence funding from any road user charging. Therefore, there is already protection and a clear policy intent that funding should be used to improve public transport and the communications network in a particular area, as Bristow Muldoon said. Those would be vital elements of any scheme.

If, in due course, there were an increase in a road user charge, that would normally be by reference to the retail prices index. If that were not the case, there would have to be an official variation order, which would require the approval of Scottish ministers. That is a built-in protection in relation to the charges.

My clear view is that not only the local authority that promotes or proposes a road user charging scheme should be involved in the consultation process, but any local authority that would be affected by it. The proposing local authority obviously has a responsibility and a duty to reflect the views of the local people whom it and its councillors are elected to represent. However, any person should be able to make direct representations to the local authority that is promoting the scheme. Therefore, if somebody lives in Fife, the Borders or West Lothian, for example, they should have the opportunity to make direct representations to the local authority that is carrying out the consultation process. Those representations should be formally considered and made known to Scottish ministers as part of the process. We want a balanced view of the opinion of all those whom a scheme involves or affects.

Those are my commitments. On that basis, I hope that those who want the Transport (Scotland) Act 2001 to be implemented, to allow the proposals to be activated by any local authority that wishes so to do, will support the instruments, which require to proceed.

An informed public debate requires the draft charging orders to be made available under the statutory instruments. For those who want consultation and debate on a referendum to be properly conducted, having a draft charging order is crucial, because a scheme's detail should be worked up. It is vital that the questions that members have asked are clarified in a consultation and that strong and clear answers are given. If we do not proceed to pass the statutory instruments, such consultation will not be possible, and the informed debate that is important to gain support for such schemes will not happen.

The instruments are an important part of giving effect to the Parliament's clear policy intention. In 2001, the Parliament wished to proceed with the proposals, which had widespread support. The

statutory instruments deserve the committee's support.

The Convener: I invite David Mundell to conclude by responding to the debate and to say whether he wishes to press or withdraw the motion.

David Mundell: I will press the motion to a vote, because the debate has not allayed my concerns. The debate was not about political posturing; it was about whether the committee will hold the Executive to account for its statement that it would support the introduction of tolls if they had clear public support. Public support is not clear. The City of Edinburgh Council is the only council that has said that it will consider the measures, and it has not proceeded with its referendum. I do not believe, and the council has not suggested, that its referendum will go into the level of detail of asking people whether a quadricycle with 30cm³ cylinder capacity should incur a toll. That will not be the nature of the debate.

The debate can be well informed, as have been debates in the Parliament. In debate on the Transport (Scotland) Bill, the Conservatives made it clear that they opposed tolling by voting against the section that proposed it. A referendum debate will not go into the level of detail that I described, so the regulations are unnecessary.

We have spent a long time in debate but, as ever, we have not found people who will say on the record that they support tolling. That is for many of the reasons that Rosie Kane gave, because tolling only works if it hurts. If the cost hurts people and puts them off getting into their cars, it affects behaviour. However, it does not affect behaviour if it does not hurt. That is the clear evidence from all schemes that operate elsewhere.

Iain Smith was not listening—he does not usually listen to me—because I mentioned buses in central London, which are a good example of the folly of the measures. A large increase in bus fares in central London is proposed now that tolling is in place. There is no guarantee of a linkage between the introduction of tolling and improved or reduced-cost public transport.

Andrew Welsh gave a list of fears, which the minister did not deal with in detail. That is because, as was suggested by Andrew Welsh's colleague Mr MacAskill, who dressed up as Dick Turpin and said that introducing tolls in Edinburgh was highway robbery, the Executive has no answer to those questions.

The introduction of tolls is iniquitous. The committee can do something about it by holding the Executive to its promise to go ahead only with public support, rather than to create a momentum that would allow tolls to be introduced by the back

door. The Executive should not try to convince the public that tolls are the only means of achieving transport improvements. That is not the case—there are alternatives.

I wish to press my motion.

15:30

The Convener: The question is, that motion S2M-274, in the name of David Mundell, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Mundell, David (South of Scotland) (Con)

AGAINST

Jackson, Dr Sylvia (Stirling) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McFee, Mr Bruce (West of Scotland) (SNP)
Muldoon, Bristow (Livingston) (Lab)
Smith, Iain (North East Fife) (LD)
Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Kane, Rosie (Glasgow) (SSP)

The Convener: The result of the division is: For 1, Against 6, Abstentions 1.

Motion disagreed to.

The Convener: That means that the Parliament will not be required to consider motion S2M-274, but we must report the fact that we have had a debate and a vote on the motion. Do members agree to that course of action?

Members indicated agreement.

The Convener: We had the debate on both motions at the same time. I invite David Mundell to move his second motion—motion S2M-275.

Motion moved,

That the Local Government and Transport Committee recommends that nothing further be done under the Road User Charging (Consultation and Publication) (Scotland) Regulations 2003 (SSI 2003/292).—[David Mundell.]

The Convener: The question is, that motion S2M-275, in the name of David Mundell, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Mundell, David (South of Scotland) (Con)

AGAINST

Jackson, Dr Sylvia (Stirling) (Lab)
Martin, Paul (Glasgow Springburn) (Lab)
McFee, Mr Bruce (West of Scotland) (SNP)
Muldoon, Bristow (Livingston) (Lab)

Smith, Iain (North East Fife) (LD)
Welsh, Mr Andrew (Angus) (SNP)

ABSTENTIONS

Kane, Rosie (Glasgow) (SSP)

The Convener: The result of the division is: For 1, Against 6, Abstentions 1.

Motion disagreed to.

The Convener: As motion S2M-275 has been disagreed to, we will report to the Parliament in the same way that we reported on motion S2M-274. Is that agreed?

Members indicated agreement.

The Convener: We thank the minister and his officials for their attendance and look forward to meeting him again in due course.

15:33

Meeting suspended.

15:37

On resuming—

The Convener: The rest of the agenda should not be too heavy so I hope that we can make swift progress. We have two negative instruments to consider, for neither of which a motion to annul has been lodged.

Accountability of Local Authorities (Publication of Information about Finance and Performance) (Scotland) Regulations 2003 (SSI 2003/286)

The Convener: The first instrument is the Accountability of Local Authorities (Publication of Information about Finance and Performance) (Scotland) Regulations 2003 (SSI 2003/286). The Subordinate Legislation Committee had some comments on the instrument but, having read them, I do not feel that there is anything for us to be concerned about. Do members agree that the committee has nothing to report on this instrument?

Members indicated agreement.

Iain Smith: I want to launch a campaign. I want the abolition of “(Scotland)” from the titles of Scottish legislation. I do not see why acts of the Scottish Parliament, or Scottish statutory instruments, require “(Scotland)” in their titles.

The Convener: I agree with you, but I am not sure that your campaign would get my support.

Iain Smith: I think that most parliamentarians would support it—and it would save a lot of time in committees if conveners did not have to say it.

Ethical Standards in Public Life etc (Scotland) Act 2000 (Devolved Public Bodies) (No 2) Order 2003 (SSI 2003/279)

The Convener: The second instrument is the Ethical Standards in Public Life etc (Scotland) Act 2000 (Devolved Public Bodies) (No 2) Order 2003 (SSI 2003/279). No member has lodged a motion to annul and nothing in the Subordinate Legislation Committee's comments would lead to a requirement to annul. Do members agree that the committee has nothing to report on the instrument?

Members indicated agreement.

Budget Process 2004-05

15:39

The Convener: Agenda item 4 is the budget process 2004-05. Members are invited to consider whether they wish to appoint an adviser or advisers to assist the committee in its consideration of the budget.

Members will be aware that we are restricted in the time that we will have for consideration of the budget for 2004-05 as a result of this year's election. Therefore, our consideration is likely to be curtailed. The suggestion in the paper is that, as it might be difficult for us to get an adviser with sufficient expertise in both transport and local government, we may wish to appoint advisers for each area. I seek members' comments on whether we should adopt that approach and make an application to the Conveners Group for such appointments or whether we should appoint just one adviser.

Mr Welsh: There are two specialised remits requiring specialist expertise. Therefore, I recommend the appointment of two advisers to secure the maximum amount of information to educate our work. The work load would be too heavy and detailed for one person; there should be two advisers to help us in our work.

The Convener: Is anyone otherwise minded?

Dr Jackson: Not at all. However, I want to ask about the deadline, which seems to be just six or seven weeks away. What might that mean for our timetable? I should think that it is pretty tight for both issues.

The Convener: I will ask Eugene Windsor to comment. The impact of the time scale will be that our comments on the budget will be more constrained than they would be in a normal financial year. We will be able to address that issue in the next parliamentary year.

Eugene Windsor (Clerk): If the committee approves the proposal in the paper, we will produce a list of names for members' consideration at the committee's next meeting on 16 September. The October recess should allow time for the advisers to do some work, and we would expect them to produce a draft report for the committee's approval immediately after the October recess. The timetable is tight, but we think that it is doable.

Dr Jackson: How much time will we have to debate the issues concerning transport and local government in the budget?

Eugene Windsor: We will have two sessions before the October recess and one session after it.

Dr Jackson: I suggest that we cover both areas in those sessions if we can.

The Convener: Is it agreed that we will seek to appoint two advisers and consider the matter in detail at the next meeting?

Members indicated agreement.

Draft Local Governance (Scotland) Bill

15:42

The Convener: At our away day we discussed whether, in consideration of the draft Local Governance (Scotland) Bill, it would be useful for us to arrange visits to take evidence from areas such as Northern Ireland and the Republic of Ireland, which already have the system of local government elections that we are considering introducing in Scotland. Members agreed that it would be a good idea for us to visit both those places to see how the single transferable vote system works. I seek formal committee approval for the visits. We will then submit a bid to the Conveners Group, detailing the cost. Is that agreed?

Members indicated agreement.

The Convener: That brings us to the end of the meeting. I thank committee members for their participation. At the start of the meeting, I forgot to say that we had received apologies from Michael McMahon, but I note that now.

Meeting closed at 15:43.

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