

# **LOCAL GOVERNMENT AND TRANSPORT COMMITTEE**

Tuesday 13 June 2006

Session 2

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# **LOCAL GOVERNMENT AND TRANSPORT COMMITTEE**

## **17<sup>th</sup> Meeting 2006, Session 2**

### **CONVENER**

\*Bristow Muldoon (Livingston) (Lab)

### **DEPUTY CONVENER**

\*Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

### **COMMITTEE MEMBERS**

\*Dr Sylvia Jackson (Stirling) (Lab)

\*Paul Martin (Glasgow Springburn) (Lab)

\*David McLetchie (Edinburgh Pentlands) (Con)

\*Michael McMahon (Hamilton North and Bellshill) (Lab)

\*Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

\*Tommy Sheridan (Glasgow) (SSP)

\*Ms Maureen Watt (North East Scotland) (SNP)

### **COMMITTEE SUBSTITUTES**

Colin Fox (Lothians) (SSP)

Mr Bruce McFee (West of Scotland) (SNP)

John Farquhar Munro (Ross, Skye and Inverness West) (LD)

Dr Elaine Murray (Dumfries) (Lab)

Murray Tosh (West of Scotland) (Con)

\*attended

### **THE FOLLOWING ALSO ATTENDED :**

George Lyon (Deputy Minister for Finance, Public Service Reform and Parliamentary Business)

Tavish Scott (Minister for Transport)

### **THE FOLLOWING GAVE EVIDENCE:**

Graham Fisher (Scottish Executive Legal and Parliamentary Services)

Julie Kane (Scottish Executive Finance and Central Services Department)

Ian Kernohan (Scottish Executive Enterprise, Transport and Lifelong Learning Department)

Laura McDermott (Dundee City Council)

Ann Sunderland (Scottish Executive Finance and Central Services Department)

Bob Sutherland (Angus Council)

### **CLERK TO THE COMMITTEE**

Martin Verity

### **SENIOR ASSISTANT CLERK**

Alastair Macfie

### **ASSISTANT CLERK**

Rebecca Lamb

### **LOCATION**

Committee Room 1

# Scottish Parliament

## Local Government and Transport Committee

*Tuesday 13 June 2006*

[THE CONVENER *opened the meeting at 14:01*]

### Petition

#### Home Safety Officers (PE758)

**The Convener (Bristow Muldoon):** I call today's meeting of the Local Government and Transport Committee to order. Welcome to the meeting.

The first item is further consideration of petition PE758, on home safety officers. Our witnesses are Bob Sutherland, community safety manager for Angus Council, and Laura McDermott, home safety projects officer for Dundee City Council. I am pleased that representatives of two local authorities have come along to express their views. Members may wish to note that we asked the Convention of Scottish Local Authorities to set out a generic local government position on the petition. A paper outlining COSLA's views was circulated along with the witnesses' submissions.

I will give the witnesses the opportunity to make some introductory remarks to the committee, after which I will open the floor to questions from members. Laura McDermott will have the opportunity to speak first.

**Laura McDermott (Dundee City Council):** Good afternoon. I am Laura McDermott, home safety projects officer for Dundee City Council. I have been employed by the council for 15 years as a home safety officer, with a full remit for home safety in the city of Dundee. I hope that this afternoon I will have a chance to explain the work in which I have been involved and why I am here on behalf of other Scottish home safety officers to discuss making home safety a statutory function.

**Bob Sutherland (Angus Council):** All local authorities would welcome any increased resources that may be made available to support and to develop further home safety solutions at local level. It is right that all councils should see home safety as a high priority within the overall concept of community safety, and that it should be facilitated through local community safety partnerships and community planning partnerships. However, in my view there is no need to impose statutory obligations on local authorities, such as the requirement to employ dedicated home safety officers. Authorities should

retain the flexibility to decide, along with their local partners, how best to develop solutions and proactive measures that meet their local needs.

I have no problem with the belief behind the petition—home safety should be seen as a priority issue. I also have no problem with home safety officers or with those authorities that see them as the most effective way of co-ordinating resources. However, not all local authorities see such officers as the best way of addressing the situation. I do not support the imposition of statutory requirements in that regard. Circumstances and local practice differ from area to area, and the priority needs in a largely rural authority may differ from those in a wholly urban community. A one-size-fits-all approach is, therefore, no guarantee of consistency and effectiveness.

**Michael McMahon (Hamilton North and Bellshill) (Lab):** Either individually or collectively, what estimates do you have of the costs that would be incurred by making the employment of home safety officers a requirement?

**Bob Sutherland:** We have not costed it fully, but I imagine that the cost of simply employing an individual at the appropriate level for such a post would be in the region of £30,000.

**Laura McDermott:** Local authorities employ home safety officers on the administrative and professional pay scale from AP3 to AP5. There is no additional budget for any projects or work that we undertake. I imagine that Mr Sutherland's figure is based on a home safety officer's salary scale. To allow officers to undertake projects and do certain work, the figure would have to be larger. I know from doing the job that what we can achieve is limited when much of our time is spent applying to funding bodies for additional funding. A budget would make long-term strategic planning possible.

**Michael McMahon:** My next question might be difficult to answer, as I do not know whether an assessment has been made. If accidents were prevented, the cost of aids and adaptations to people's homes after they had fallen or of repairing damage to properties because of fires that could have been avoided had proper advice been available to tenants would be saved. Have the savings that could be set against the cost of safety officers been estimated?

**Bob Sutherland:** Angus Council has not done that. However, through active partnership working we have schemes and projects in Angus that involve our community safety partners and address home safety and fire safety. We have projects that provide security and home safety fitments such as smoke alarms to people who are referred as requiring them to make their homes safer. I am aware of no estimate of the likely cost savings from such actions.

**Laura McDermott:** The Royal Society for the Prevention of Accidents estimates that the annual cost to society of Scottish home accidents is £200 million. I do not have the report with me, but if anyone is interested I can provide the source of that estimate.

It is estimated that a single hip replacement costs £12,000. Falls are one of the most common accidents in the home, predominantly among older people. Members can imagine that when an older person falls it often results in a hip injury.

The Child Accident Prevention Trust has a document, which I can forward if anyone wants it, that states that treating one severe bath scald case costs £250,000. That is only the financial cost; it does not include the cost to the family through loss of work and trauma.

**Michael McMahon:** On that basis, do you agree that an investment of £30,000 in a home safety officer would be more than offset by the savings to local authorities from accident prevention?

**Bob Sutherland:** What matters is outcomes and outputs rather than inputs. I question whether appointing an individual with a particular title would guarantee that what councils do through their local community safety partnerships would be done better. All that home safety officers do can be provided simply through the progression of partnership working and the development of home safety as part of the overall community safety agenda.

**Michael McMahon:** So you do not believe that cost is a factor.

**Bob Sutherland:** I would welcome any additional funds to help us to develop and progress what we are doing, but I do not think that appointing one additional individual would alter all that Angus Council is doing—and we are doing a great deal in home safety and accident prevention.

**Laura McDermott:** Michael McMahon mentioned setting the cost of employing one home safety officer against the costs that the national health service would otherwise incur. As Mr Sutherland has said, much good work is being done by authorities that do not have home safety officers.

I have been a home safety officer for 15 years. Local authorities that employ home safety officers have noticed that there is a low turnover and that it is worth investing in training and resources for such positions because they are long lasting. We advocate a single function for home safety officers because if theirs is a multifunction position officers might look for other jobs, turnover could be higher and the investment by authorities in training to widen officers' experience might end up going elsewhere.

The four home safety officers whom I have spoken of have been in the job for more than 15 years, and any investment made in us has been over the long term. Although it is important to train various caring professionals in home safety, there is a big turnover in those areas and investment is diluted if they have other remits or go on to other jobs. However, a home safety officer's sole job is to try to prevent accidents in the home.

I was interested in what was said about the cost to homes and housing departments following accidents. I go to pre-school establishments and talk to children in nurseries about hot, burny things. It is more holistic to start giving advice to children at that age and then carry it on throughout their lives. We do not wait until they have a home accident and become a statistic; we work to the long term. We get in there early to tell them about the dangers and get them thinking about safety throughout their lives, as people do at work and on the roads.

Road safety was mentioned, which is covered in statute, but there are fewer accidents on the roads than in homes. For the reasons that I gave, I believe that single-function officers are more advantageous than multifunction ones.

**Michael McMahon:** Laura McDermott said that she could make statistics available to us. Could you arrange that?

**Laura McDermott:** Certainly.

**The Convener:** I have a question before I bring in other members. We are debating whether a service should be provided on a statutory basis or left to the discretion of local authorities to provide according to local circumstances. Local authorities tackle home safety issues in a wide range of ways. Has COSLA or any other body taken an overview of whether certain local authorities have made a bigger impact than others on reducing home accidents? If so, has there been any attempt to share best practice among local authorities?

**Bob Sutherland:** I am not aware of any.

**Laura McDermott:** ROSPA collates best practice information. Practitioners in home safety who are members of the home safety Scotland network meet every two months to discuss projects that we feel have been successful and those that we might not repeat. Such meetings are invaluable, because although money and time are restricted, we are aware of the importance of sharing best practice. ROSPA collates best practice information and home safety Scotland has a website that keeps us up to date with what everyone is doing in their different ways.

As Mr Sutherland said, there are different ways of doing things. The crucial crew programme provides experiential learning to primary 7 pupils,

although such programmes are called different things and are tackled differently depending on the local authority that runs them. However, we learn from each other.

As Mr Sutherland said, it is important to focus on the local level, because rural incidents vary from urban ones, for example. Home safety officers take such matters into account and are in a position to personalise their approach.

14:15

**Bob Sutherland:** In Angus, we call crucial crew safe Angus, for obvious reasons. We have an experiential learning project that involves all primary 7 pupils throughout Angus. Each year, 1,400 10 and 11-year-olds go through it. We have recently had an independent academic review of the project, which found that there are significantly higher levels of awareness in the young people who have gone through the crucial crew experience than in those who have not. We can do such things without having a home safety officer to co-ordinate them. They are done through the active participation of partners who have a shared responsibility.

**Laura McDermott:** I meant to add a comment to my answer to the question about whether there is any evidence of differences in areas that have home safety officers compared with those that do not. It has been said that it is difficult to get figures on the number of people who attend accident and emergency departments as a result of home accidents. The kind of information that we get varies from area to area. The City of Edinburgh Council has a good working relationship with Edinburgh's accident and emergency department and it is able to access good figures. Ninewells hospital has recently gone over to a computerised system, and I am negotiating with it to receive figures to give me an idea of the size of the home accident problem in Dundee. A statutory home safety duty would enable better working with accident and emergency departments so that we could get such figures and have a baseline from which to monitor our progress. That is another reason for having a duty.

**Ms Maureen Watt (North East Scotland) (SNP):** Mr Sutherland, how much of your time is taken up with home safety and what other aspects of safety are you involved in as community safety manager?

**Bob Sutherland:** Home safety takes up a small percentage of my time. I sit on our local community safety partnership, which oversees the community safety agenda, including the community safety and antisocial behaviour strategies that we have in Angus. At the practitioner level, a much greater percentage of

time is spent on home safety issues. ROSPA has provided training for our housing staff, social care officers and community health officers who make home visits so that they are aware of home safety issues and can take action, give advice or refer people on to agencies if a greater degree of assistance is required with home safety.

I am also responsible for the council's approach to antisocial behaviour and I manage the community warden scheme. All the community wardens have basic training on giving advice to people with whom they come into contact and who have home safety issues that require to be raised.

**Ms Watt:** Do most councils have home safety officers, but by some other name? You talked about home safety officers meeting every two months. Do you go to those meetings? Does somebody from each of the 32 local authorities attend?

**Bob Sutherland:** I do not go to those meetings and I am not aware that Angus Council is represented at them. However, Angus Council regards home safety as a priority, as I am sure is the case for other councils that do not employ home safety officers. Imposing a statutory requirement to promote home safety on local authorities would be inconsistent with having shared responsibility and a shared approach and might have an impact on the successful way in which we approach the matter at the moment.

**Ms Watt:** You have a co-ordinating role rather than a hands-on role. We have heard from other authorities that, because of the diverse range of people who are involved in accident prevention, it would be helpful to have home safety officers because they would offer a more co-ordinated approach.

**Bob Sutherland:** I feel that we have a successful working arrangement with our partners in the community safety partnership. We have projects and initiatives, and I suggest that we are addressing the issues as well as any authority that has a home safety officer.

**Ms Watt:** These days, we hear much about the fire brigade having more of a prevention role rather than sitting around the fire station waiting for accidents and fires to happen. How much of the job of a home safety officer does the fire brigade undertake?

**Bob Sutherland:** The fire brigade has an expanding role in home safety. In Angus, Tayside fire and rescue service is actively involved in our safe as houses project, which involves the fire service doing home assessments for smoke detectors, alarms and so on. It is also currently taking the lead role in introducing another project to address the percentage of kitchen fires that are caused by hot fat in chip pans. Our project will

assess individuals in their homes and we will replace open pans with thermostatically controlled deep fat fryers as a means of reducing the risk of fire in the home. We are also in early discussions with Tayside fire and rescue service about the introduction of domestic sprinkler systems in homes, initially in council property, but we are arranging a demonstration that will include other social landlords and private landlords. The fire service is working well and increasingly with Angus Council, and it is responsible for a range of issues. It is quite happy to work with us.

**Laura McDermott:** I also have a close working relationship with the fire brigade, which also carries out home fire risk assessments. We have an agreement that on its referral checklist is the handyperson service that I set up, so if the fire brigade goes to someone's home to carry out a fire risk assessment—which is solely about fire risk and not general home safety—it can ask the client to agree to have their name forwarded to us so that a general home safety risk assessment can be carried out.

We have negotiated further referrals, because obviously it does not stop there; other issues can be picked up, such as whether a person requires insulation or requires an occupational therapist or someone else from the caring professions. That is all documented and, with the client's permission, it can be passed on as part of a more holistic approach.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** It is interesting that some councils have home safety officers and some tackle the issues differently. I am approached by councillors up and down the land, and one of the first things that they say to me is that the Scottish Executive and Parliament are too prescriptive in setting out rules and regulations that they have to abide by. Local authorities are precisely that—local—and they can respond to the demands of local circumstances and local people. Local councillors also have responsibility. If we were to recommend to the Scottish Executive that it should take the legislative route and demand a statutory requirement for home safety officers, would it not be somewhat heavy-handed? Would it not be somewhat prescriptive? Would it not be the opposite of what we should be doing?

**Bob Sutherland:** I agree. It mirrors what I said in my opening remarks. Overprescription is not necessary. Local authorities should be left with the flexibility to work with their local community safety partners to develop the issues and resolutions that best fit their areas. As I have said, the problems of a rural authority might be different from those of an urban one.

Overprescription would impose an obligation on local authorities as one of the partners, but

responsibility is shared. Imposing a statutory requirement would be inconsistent with that shared responsibility and approach and it might cause other partners to consider whether it is their job to be involved or whether the home safety officer has all the responsibility. I like to think that we have the system that works best for us in Angus and that we should be allowed to progress with it.

**Laura McDermott:** On my functions in Dundee, I mentioned that I attend pre-school establishments. I also go to primary and secondary schools, mother-and-toddler groups, the brownies and the cubs. I help adults with special needs to make the change from the accommodation in which they live to independent living and I go to sheltered housing, lunch clubs, probus clubs and rotary clubs. If I were not employed to do such things as a home safety officer in Dundee, nobody else would go to those places as requested to give home safety advice. A home safety officer is required so that someone is responsible for going to such places to talk about accidents that have happened to people at different stages of their lives. It is not enough to say that something might happen when someone is 35. Accidents depend on developments and circumstances and people must be kept updated on what might happen at the next stage of their lives.

Obviously, a lot of good work is being done in other authority areas. I mentioned home safety Scotland meetings. However, never more than 15 of the 32 local authorities—I am being generous—are represented at those meetings. In other words, fewer than half of Scotland's local authorities are represented and more than half are not represented, which means that, although we do not need to know such things, it is difficult to gauge the extent and quality of input that other local authorities have on home safety. Making home safety a statutory function would provide quality. If it was a statutory function and there was a budget, there would be appropriate training, targets to meet and more organisation.

On costs, many local authorities do a lot of home safety work and have people in the caring professions who have been trained in home safety by ROSPA, which is admirable, but it would be interesting to find out from local authorities how much that costs. ROSPA charges for its training at a competitive price, but we are talking about a fair sum. As I have said, caring staff come and go. How can they be updated with new information? They are not recalled to ROSPA training courses to be given the latest information. However, home safety officers in local authorities receive all the updates and have up-to-date knowledge of current legislation and information, which they can take into the community at all levels.



**Mike Rumbles:** You have given us a comprehensive outline of the commendable work that you and your local authority do, but my point is that you are already doing that work without the Scottish Executive and the Scottish Parliament saying, "You must do this," and making it a statutory requirement for you to do it. It is great that your council has decided to do the work that you have mentioned, but another council may decide to operate slightly differently. Why should the Scottish Parliament insist that everybody else in Scotland should work through home safety officers in the way that Dundee City Council does? Surely that is not the right approach.

**Laura McDermott:** I think that it is. What I have described is all that I do. Mr Sutherland outlined the home safety work that he can do, but he has other commitments. One hundred per cent of my working day is committed to reducing the number of accidents in people's homes. Why should people in the Dundee City Council area feel safer than people who live in local authority areas in which there is no such commitment to home safety? It is commendable of Dundee City Council to invest the money, given that there is no statutory requirement. The system would be fairer if every person had the same opportunities in relation to home safety as those who are served by Dundee City Council.

14:30

**Mike Rumbles:** It is unusual for local authorities to come to the Scottish Parliament to say that they want us to legislate to ensure that they do something. That is an unusual about-turn. I have always found through interaction with councillors throughout the country that the opposite is the case: they keep telling me that the Scottish Executive or Parliament is doing too much and putting too many burdens on them and they ask us to let them get on and run their communities the way they want.

**Laura McDermott:** If I came across that argument, I would ask them why they felt that it was fair enough to legislate for road safety officers, given that there are fewer accidents on the road than in the home.

**Dr Sylvia Jackson (Stirling) (Lab):** I apologise for missing the first part of your presentation. If I ask about something that you have covered, please say so. Given all the groups that you meet, it sounds as though you have a good grounding for being a future member of the Scottish Parliament, should you ever consider that career.

You talked about projects, about going into schools and to meetings of the brownies and so on. How do you get into vulnerable households, use statistics from the hospital and link up with

other agencies to find out where more elderly people live?

**Laura McDermott:** I do that in three ways. First, I have set up a kiddie care system, which is a Dundee child-equipment loan scheme for vulnerable families who cannot afford stair gates and fireguards. Someone takes the equipment to the house and fits it. Training has been given, so if the person who fits the equipment sees a vulnerable family and feels that a referral could benefit the family, that is done.

Secondly, I have a close working relationship with health visitors. If in carrying out their normal duties they come across something that they feel is outwith their remit, they can refer it to me. Given the contacts and network that I have, it is possible to take an holistic approach.

Thirdly, I link with social work services, such as meals on wheels and the laundry services, and I carry out training for home carers. There is no cost for their training because I have had Royal Society for the Prevention of Accidents training. I give them updates and, with the client's permission, they can report back on any concerns that they have.

**Dr Jackson:** How can you take an holistic approach, Bob?

**Bob Sutherland:** We do basically the same thing with our Angus safe as houses project—a partnership project that is funded partly through the community safety partnership award and partly through core Angus Council funding. Any of the persons who routinely call on people's homes are able to refer individuals to the project, just as Laura McDermott described people being referred to her. The project is predominantly for victims of crime, elderly people and other vulnerable groups. If people are referred to the project, a police crime-prevention survey and a fire prevention survey will be carried out and other requirements are considered, such as handrails or other aids to help people who are unable through age or incapacity to access parts of their homes. The same system as in Dundee applies through management by a project management group, and it does all the things that Laura McDermott has talked about. Vulnerable people, elderly people and other groups can be referred and can be provided for in the same way.

**Laura McDermott:** Mr Sutherland referred to the scheme in Angus, to which people have to apply for or be referred as a victim. With regard to the three approaches that we have in Dundee, referrals are made, at a point when people are not yet victims, by employees who are carrying out their remit in bringing certain matters to our attention.

Mr Sutherland also mentioned that some of the core funding for that scheme comes from the local authority—I am sure that it is the same in other councils. That brings me back to my earlier point that it would be interesting to find out the extent to which different authorities already use some of their core funding. If they do, what is the cut-off point at which they feel that that is no longer an imposition? Is it an imposition if they use part of their core funding? That might be worth considering.

**Dr Jackson:** My second question follows on from what the convener said earlier. I think that you both agree that it is time to get an overview of what is happening in the various local authorities and to get some statistics. Is that correct?

**Laura McDermott:** I certainly agree with that.

**Bob Sutherland:** I agree.

**David McLetchie (Edinburgh Pentlands) (Con):** I think that we have established, from the evidence that Laura McDermott has given and from previous evidence from the Scottish Accident Prevention Council, that there is no evidence of lower accident rates in local authorities that have home safety officers than in local authorities that do not have them.

**Laura McDermott:** It has been said that that is down to the fact that there is no baseline. We would love to have a baseline. We would love accident and emergency departments to give us figures that would allow us to monitor the number of accidents that happen in the home, so that we could start to see the difference that is made by intervention. Until accident and emergency departments commit to giving us those figures, we have nothing on which to base such a proposition. We would welcome that information.

**David McLetchie:** We started this discussion on the basis of a petition from the Scottish Accident Prevention Council. When it gave evidence to us, we were advised:

“The SAPC is a charity that is funded by membership fees from local authorities and health boards.”—[*Official Report, Local Government and Transport Committee*, 30 May 2006; c 3753.]

If the Scottish Accident Prevention Council, which has been going since 1931, if I remember the evidence correctly, is a joint initiative of local authorities and health boards, is not it reasonable to think that we should by now have a common baseline among the health boards and the local authorities that would enable us to measure whether a particular structure or organisation had been more or less effective in reducing the number of accidents?

**Laura McDermott:** There have been conferences and seminars on that very point. The

problem at the moment is that different health boards collect their statistics differently. We have argued—probably since 1931—for an approach that would allow the figures to be compared. We want comparable figures; however, until all the health boards collect their figures in the same way and are willing to share that information with other agencies, that will not happen.

**David McLetchie:** In terms of the timing of the petition and the request that it makes, would it not be better for you first to sort out your baseline and then to test the proposition that one structure or model for community safety is more or less effective than another? If it turned out that the structure in your local authority was more effective, that would be the time to come to Parliament and show us overwhelming evidence that there should be a mandatory requirement that everybody use that structure because it had been proved to be effective. Are not we putting the cart before the horse, here?

**Laura McDermott:** I hope that a prerequisite of home safety becoming a statutory function will be access to figures. As I keep saying, until we have those figures and that baseline nobody can prove any impact that they are making.

**David McLetchie:** Creation of the post of home safety officer will not, however, create the statistical baseline that you want. The statistical baseline will be created as a result of collaboration, through the Scottish Accident Prevention Council and others, between local authorities and health boards—which is something that could have been done years ago.

**Laura McDermott:** There are two points to be made. First, as I said a second ago, I had hoped that making home safety a statutory function would include a provision to allow access to the figures for that very reason—to create a baseline. Secondly, without a baseline, we cannot prove the figures. I want access to those figures, with home safety as a statutory function.

**David McLetchie:** I would also like to ask about something that you said in response to Mike Rumbles's question. Do you really think that people in Dundee feel safer in their homes than people in Brechin do?

**Laura McDermott:** I obviously cannot answer that because I have never asked them.

**David McLetchie:** I think you said that they do feel safer.

**Laura McDermott:** I said that it is only fair that people should have the same access to safety in Brechin as they do in Dundee. If there is no one going round Angus doing that work 100 per cent of the time, how can there be the same access to

safety? However, I do not have evidence, so I cannot say categorically that that is the case.

**David McLetchie:** When Mr Black—the petitioner—gave evidence, he suggested that there should be a home safety officer in each local authority area in Scotland. I questioned whether one person could really do the job in a city the size of Glasgow and he assured us that that was the case. Does not that suggest that, if one home safety officer can do the job for a city of 600,000 people, it would be somewhat extravagant to have a single home safety officer doing the job for a council the size of Clackmannanshire Council?

**Laura McDermott:** I am here to represent Dundee City Council and to talk about the work that I do with home safety. I am not suggesting for one minute that I can tell you how that will be achieved. It is up to the Scottish Parliament to decide whether to do it per capita or per authority.

**David McLetchie:** The petitioner said that there should be one officer per local authority area. You have experience of doing the job adequately for a city the size of Dundee and you are occupied full time. Does not that suggest that you would need at least two people to do the same job in a city the size of Glasgow, and that a part-time job would be sufficient for an area the size of Clackmannanshire?

**Laura McDermott:** I do not know what price you can put on reducing accidents in the home, but—

**David McLetchie:** We do not know that they would be reduced because we do not have any statistics.

**Laura McDermott:** Exactly. We need that baseline.

To return to the answer that I was giving before I was interrupted, Jim Black mentioned there being one officer per authority; I return to my point that working from a baseline would give us proof as to whether one such officer would be sufficient. If we had a baseline and were not creating such posts on a per capita basis, we could say, "Well, we're not getting round everybody, so we need more officers." We need to know what the situation is at the moment.

**Bob Sutherland:** In Angus, we take the view that there should be shared responsibility, using professionals from all agencies and departments, including departments of the council, who routinely visit people in their homes. Providing them with expertise and using them will cover a far greater area much faster than one individual could cover in a large rural area with a small population, such as Angus.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** The petition calls for local authorities to be placed under a statutory obligation to employ home safety officers. Would it

be better if there were a statutory duty on local authorities simply to carry out the function of delivering home safety?

**Bob Sutherland:** As I said in my opening remarks, I have no problems at all with the functionality. Home safety should be given as high a priority as Parliament and local authorities think it should have. It is how that function will be delivered that is in question. It is a matter of outcomes and outputs rather than inputs. If Parliament were simply to impose a statutory responsibility to create a post for one individual, would a local authority comply with the statutory requirement by putting somebody in the job, and would it matter what that person then did? It is about getting guarantees that what needs to be done will be done, rather than simply about putting a name against a specific post.

14:45

**Fergus Ewing:** I am sure that we are all persuaded that accidents at home cause fatalities and serious injuries and are therefore a serious topic. It is good to have input from the witnesses. However, it is more difficult to move from diagnosis to prognosis, or from identifying a problem to working out an effective solution. If local authorities alone had legal responsibility for fulfilling the function, would not that cause problems with agencies such as the health service, many of whose staff may well be working daily to improve home safety? In other words, should we consider whether the legal obligation should apply not solely to local authorities, but to health authorities, too?

**Bob Sutherland:** As I said, overprescription is inconsistent with a shared approach. If one partner in a partnership—in this case, a local authority—has a statutory requirement imposed on it, the danger is that other partners may think that the responsibility clearly lies elsewhere, so their contribution to the partnership approach might diminish. It would be far better if collective responsibility were carried through in whatever shape or form the matter is progressed.

**Fergus Ewing:** So there could be an obligation on more than one type of public body.

**Bob Sutherland:** That is certainly worth considering.

**Fergus Ewing:** If bodies are given a legal duty to try to improve home safety in ways such as Laura McDermott has mentioned, should each body have at least one accountable officer who has ultimate responsibility for the delivery and for the body's performance of the function?

**Bob Sutherland:** It would be for the local authority or local partnerships to decide where that function and responsibility lay.

**Laura McDermott:** The committee has heard about the good work that many local authorities carry out, but without someone to co-ordinate that work, there can be a lot of duplication. To give a quick example, when I started work on the handyperson scheme, I discovered that Dundee care and repair was setting up a similar scheme, as was the social work department. If I had not had a networking and a co-ordinating role, three separate handyperson services would have been set up. Having one co-ordinator or home safety officer who has an overall remit for home safety provides co-ordination, a network and the support of a multi-agency approach.

**The Convener:** That brings us to the end of our questions. I thank Bob Sutherland and Laura McDermott for their evidence. We will take more evidence from an Executive minister before we come to a conclusion on how to deal with the petition.

## Subordinate Legislation

### Electronic Communications (Scotland) Order 2006 (draft)

14:49

**The Convener:** The second agenda item is consideration of an item of subordinate legislation. The draft Electronic Communications (Scotland) Order 2006 will be considered under the affirmative procedure. We will consider motion S2M-4425, in the name of Tom McCabe.

For our consideration of the motion, I welcome to the committee the Deputy Minister for Finance, Public Service Reform and Parliamentary Business, George Lyon. He is supported by officials Julie Kane, who is the head of e-government, Ann Sunderland, who is digital inclusion policy manager, and Graham Fisher, who is a solicitor for the Scottish Executive.

The instrument has been laid under the affirmative procedure, which means that Parliament must approve it before it can come into force. Our normal procedure for dealing with such instruments is to give members the opportunity to ask questions of the minister and his officials on technical points before we move to the debate on the motion. I ask George Lyon to outline to members the reasons behind the instrument; we will move to questions after that.

**The Deputy Minister for Finance, Public Service Reform and Parliamentary Business (George Lyon):** Good afternoon. The draft Electronic Communications (Scotland) Order 2006 will enable the use of electronic communications as an alternative to existing methods of transferring information, and it will promote the use of electronic services where appropriate. It will enable more effective and efficient service delivery by removing legislative barriers and by promoting an electronic option for those who want it. The draft order will put beyond doubt what is legally acceptable.

The amendments in the order are also a response to the increasing use of, reliance on and demand for electronic transactions, which are promoted in the European Union by directive 1999/93/EC and in domestic legislation by the Electronic Communications Act 2000. The electronic option that will be available as a result of the draft order will, in practice, offer the same or greater levels of authentication as those that are offered by traditional methods. The draft order will amend seven pieces of legislation in a single instrument and will, thereby, allow more efficient use of parliamentary time.

The Scottish Executive will continue to promote the benefits of electronic communications and services where there is a clear indication that efficiencies can be gained and where services can be offered more effectively. I am happy to discuss any issues that might arise from the committee's consideration of the draft order. Officials stand ready to answer technical questions.

**Mike Rumbles:** I will, having looked through the draft order, focus on one issue. Article 5 states:

"In ... the Education (Student Loans) (Scotland) Regulations 2000 ... omit 'signed'."

The minister mentioned that electronic communications can improve effectiveness and efficiency, which everyone would applaud, but mistakes can be made. For example, when my son applied for his student loan for starting university this year, he found that someone else was using his national insurance number. I am concerned that even the current system might not be secure and that the draft order might make it less secure. Does the minister have any thoughts on that?

**George Lyon:** I am happy to ask one of the officials to explain the processes for authentication, which is a key issue on which the committee will want reassurance. I understand that the committee has been sent a paper that provides further details on the procedures for each of the different pieces of legislation that the draft order will amend.

**Julie Kane (Scottish Executive Finance and Central Services Department):** I can comment generally on authentication in my role as head of e-government, but I do not deal specifically with student loans. My understanding is that national insurance numbers are used along with other records as a means of verification. I take the point that has been made about the use of national insurance numbers and I will certainly ask what checks have been put in place to ensure that national insurance numbers cannot be duplicated.

**Mike Rumbles:** By omitting the word "signed" from the 2000 regulations, the draft order will mean that a signed authorisation will no longer be required for student loan applications. If such applications can simply be done online, how will checks be made to ensure that people are who they say they are? An applicant might make a genuine mistake without intending impersonation.

**Julie Kane:** We can go back to the Student Awards Agency for Scotland to ask it to set out its authentication policy. The agency is required to comply with Government guidelines by providing a risk assessment in respect of whether personal information will be correct. I can go back to the agency to check how it goes through the process of verifying national insurance numbers.

**Ann Sunderland (Scottish Executive Finance and Central Services Department):** I should add that that amendment will apply only to the top-up loan application. The applicant will already have already undergone authentication for the actual loan. Therefore, we can use the same authentication process and do not need a new process. To omit the need for a signature will not make a great deal of difference in the context.

**Mike Rumbles:** That is helpful. I was a bit concerned that the process would become less secure. Will the change apply only to the top-up loan application rather than to the original application?

**Ann Sunderland:** Yes.

**Dr Jackson:** I would like to take the point a bit further, because it is important. Annex G states:

"The vast majority of Students claim for their full loan entitlement upfront meaning the number of top up applications and the value of money paid out is low."

That is fair enough, but that will not always be the case. I am worried by what we hear about things going wrong online. I need reassurance about security.

**George Lyon:** The Executive is seeking to ensure that the proper procedures are in place, so the concerns that the committee has raised will be properly addressed. We will provide to the appropriate bodies guidance on different areas to ensure that authentication is dealt with properly and that people can have confidence in the procedures that are being put in place by each of the seven bodies concerned.

**Dr Jackson:** The second issue is about the Deer (Scotland) Act 1996. Annex G states that

"the Deer Commission for Scotland will consult and discuss in detail with their stakeholders."

Can I take it that because that refers to the draft order such consultation has already happened, or is it still to take place?

**Ann Sunderland:** In relation to the Deer (Scotland) Act 1996, when there is agreement from the Deer Commission for Scotland's stakeholders that electronic transmissions are acceptable it has to set up an e-mail address. It must have written agreement before it does so. The Deer Commission for Scotland will have discussions with its stakeholders before it determines how further transactions might be managed; it is not currently set up to undertake certain e-mail transactions.

**Dr Jackson:** I am going by what the Executive note says. In respect of consultation it states:

"Stakeholders welcomed the proposals to enable the use of electronic communications as an addition to existing methods of exchanging information."

Is that the case in respect of the Deer Commission for Scotland?

**Ann Sunderland:** That is certainly the case with the Deer Commission for Scotland, but some of its stakeholders wanted more dialogue before it determined the best way to manage the process.

**Dr Jackson:** So it is in agreement with the proposals, but the issue is how the process will be managed.

**Ann Sunderland:** Yes.

**Dr Jackson:** Fair enough.

**David McLetchie:** The draft order identifies seven pieces of legislation that are being amended to permit electronic communication. I take it from that that the Scottish Executive is conducting a trawl of legislation and is considering provisions through which an electronic communication option might by statute amendment be introduced to replace the conventional means of communication. Where are we in the process? Is this the start of the process, have I arrived in the middle of the process, or is this the end of the process of evaluating the statute book to see what can be done?

**George Lyon:** Mr McLetchie is, as ever, well aware of some of the issues. It is considerable work trawling through old legislation with a view to updating and modernising it to take account of new electronic information systems. The majority of recent legislation includes provisions to allow electronic communications.

Ann Sunderland is in charge of the significant and substantial work that aims to identify legislation that needs to be updated. This is the beginning of the process. We will modify old legislation and update it to accommodate the new electronic transmission option. I do not know whether Ann Sunderland wants to say more about the extent of the work.

**Ann Sunderland:** It is a very difficult number to pin down. New legislation is coming on the stocks all the time, so it is becoming less and less of an issue because more and more legislation already allows for electronic communications. We are mopping up the older legislation. That can take a bit of digging, as some legislation is more complex. Amendments to such legislation are therefore more likely to come through as single Scottish statutory instruments rather than in this format again.

15:00

**Dr Jackson:** I have a question about the procedure and the timing of the draft order. Given that it is an affirmative order and that you have made a commitment to examine security in

relation to student loans, what will happen if we find out after we pass the order that the system is not sufficiently secure?

**George Lyon:** The order is enabling legislation. The procedures will have to be agreed between the stakeholders and the Executive, which will have input through the guidance to the various bodies. If we, the stakeholders or other organisations are not satisfied with the authentication procedures, the matter will need to be considered again. We assure you that the matter will be dealt with as the use of electronic communications is rolled out throughout the public sector.

**The Convener:** On the point about the procedure, I advise members that today is the last day that the committee can consider the order before it is considered by the Parliament. If members are not satisfied with the minister's response, their only option is to recommend that it should not be passed. It is up to members to decide whether they are content with the assurances that they have been given.

**Ms Watt:** I, too, have concerns about the provision on student loans. Sometimes, people apply for further loans and there is a problem with consolidation. They get into arrears and they end up with sheriff officers or whoever coming to try to recoup the loan. There is a problem with the top-up applications. If it is all done electronically, is there a way of ensuring that students' loans are consolidated when they log on and that somebody is consolidating the loans at the other end?

My second question is on the amendment to the Education (Scotland) Act 1980. In my area—Aberdeenshire—the education authority committee that deals with placing requests is called the school placings and exclusions appeal committee. I wonder why the draft order covers placings but not exclusions.

**George Lyon:** I remind the committee that the use of electronic communications is an alternative. It does not replace the current paper-based systems. On your point about authentication and the user-friendliness of systems, people will continue to have a choice as to which system they wish to use. Local authorities that use electronic communications must ensure that their electronic systems are up to the same standards as their paper-based systems.

I ask Ann Sunderland to respond to the specific technical question on exclusions.

**Ann Sunderland:** I do not know. I think that the policy area decided that it was only placing requests that would be submitted for amendment.

**Ms Watt:** So exclusions might be included at a future date.

**Ann Sunderland:** Not necessarily.

**The Convener:** I do not want to answer for the minister, but I imagine that it would be regarded as too brutal to exclude people from school by e-mail.

**Ms Watt:** It is only the communication, or the paperwork, that would be done electronically. People will still appear in front of the appeals committee; there will still be a committee dealing with placings and exclusions, and parents and people from the local authority can come and give evidence.

**George Lyon:** I ask our lawyer, Graham Fisher, to comment.

**Graham Fisher (Scottish Executive Legal and Parliamentary Services):** The provision extends to appeals committees' decisions on exclusions. There is a reference in the draft order to section 28H of the Education (Scotland) Act 1980, so to that extent it applies to those particular points.

**Mike Rumbles:** I am sorry to go back to this point, but I have been mulling over your response to me on the amendment of the Education (Student Loans) (Scotland) Regulations 2000 and it does not seem to chime with my experience. Maybe I have got this wrong, so I would like to be absolutely sure. You say:

"The vast majority of Students claim for their full loan entitlement upfront meaning the number of top up applications and the value of money paid out is low."

Surely that is not the case. Surely, when people are applying, they do so in three sections. If students are applying later on, they are getting more at the back than at the front, are they not?

**Ann Sunderland:** I cannot comment on the policy for student loans.

**Mike Rumbles:** I happen to know that that is a fact. My experience tells me that people apply for student loans in three chunks, so more of the money is backloaded than frontloaded. I am just concerned. I know from personal experience that—whether as a result of fraud or genuine error—mistakes are made. I am worried that the draft order makes fraud and mistakes more likely than less.

**Graham Fisher:** To address your point about the authentication, in the case that you mentioned the national insurance number served as a check to flag up the fact that there was a problem.

**Mike Rumbles:** In the case that I raised, a signature was sent back because it was not my son's signature. It is the use of the signature that is important.

**Graham Fisher:** But it would then be clear to the authority that there was a problem.

**Mike Rumbles:** Yes, but if the application was carried out online, there would be no proof that my

son did not get the money. All I am saying is that the draft order seems to be making it easier for fraud or mistakes to occur.

**George Lyon:** Clearly, the issues that you are raising would need to be addressed by the Student Awards Agency for Scotland before it went down the road of using electronic communications. The authentication is fundamental in ensuring that there is confidence and credibility in the system. That is an issue that we will flag up with the awards agency before implementation.

**Dr Jackson:** Could you give us that necessary extra information before we have the final vote in the chamber? Quite a few issues have been raised.

**George Lyon:** Yes, I am happy to do that and to respond to the points that have been raised.

**The Convener:** That brings us to the end of questions. Minister, do you wish to speak to the motion in Tom McCabe's name?

**George Lyon:** I do not have anything to add.

*Motion moved,*

That the Local Government and Transport Committee recommends that the draft Electronic Communications (Scotland) Order 2006 be approved.—[George Lyon.]

*Motion agreed to.*

### **Public Appointments and Public Bodies etc (Scotland) Act 2003 (Treatment of Public Transport Users' Committee for Scotland as Specified Authority and Amendment of Specified Authorities) Order 2006 (draft)**

15:10

**The Convener:** Our next item is more subordinate legislation. I welcome the Minister for Transport, Tavish Scott. Supporting Mr Scott are Ian Kernohan, who is team leader of the transport group; Bill Brash, who is policy officer on local authority and partnerships liaison activities; and Jacqueline Pantony, who is principal legal officer with Legal and Parliamentary Services.

The draft order is laid under the affirmative procedure, which means that Parliament must approve the instrument before it comes into force. As before, I will ask the minister to outline the reasons behind the draft order. I will then give members the opportunity to ask technical questions—as opposed to making comments on the instrument. After the questions, the minister will move the motion and we will move to the formal debate on the draft order.

**The Minister for Transport (Tavish Scott):**

The Public Transport Users' Committee for Scotland Order 2006 (SSI 2006/250) is to establish the public transport users committee for Scotland, while the Public Appointments and Public Bodies etc (Scotland) Act 2003 (Treatment of Public Transport Users' Committee for Scotland as Specified Authority and Amendment of Specified Authorities) Order 2006 will bring the new body under the remit of the commissioner for public appointments. The public transport users committee order states that the new body will come into being on 1 January 2007. When approved by Parliament, the public appointments order will allow the commissioner for public appointments to appoint an assessor to oversee the appointment of members of the PTUC.

The Transport (Scotland) Act 2005 placed a duty on ministers to establish a public transport users committee covering different modes of transport in Scotland. The then Minister for Transport, Nicol Stephen, gave a commitment to consult on a new body prior to its creation. That is what we did; the usual consultation process was undertaken. An important part of it was the recognition of the option of having an integrated high-level committee that incorporated the functions of the Bus User Complaints Tribunal into the new, wider, multimodal committee. That was regarded as "sensible", if I may use a word that came out of the consultation. We consulted the Bus User Complaints Tribunal, including the convener, and we will ensure that the transition process runs as smoothly as possible.

The PTUC order ensures that the PTUC will take over the functions of the former body. The PTUC order says that those functions will be delegated to a sub-committee that should be established as soon as practicable after the committee comes into being, so as to ensure that there is no disruption of service for bus users. We will introduce further secondary legislation to give effect to that in due course.

Another key issue in the consultation was the relationship between the new body and the Mobility and Access Committee for Scotland, which I am pretty sure has given evidence to the committee. MACS acknowledged our arguments about efficient government grounds for bringing bodies together. However, it argued—persuasively—that its remit goes wider than simply public transport. It therefore asked us to review the relationship between the bodies over five or 10 years, once mobility and access issues have been embedded in the national transport strategy. The arguments made by MACS were persuasive and it will continue in its present form. However, we will review the relationship of MACS with the new architecture in some three years' time. For reasons of efficient government, we hope that

there will be a strong working relationship between the bodies on practical issues such as secretarial support, and on other aspects of work that they will do together.

That is the gist of it; I am happy to take questions.

**The Convener:** I should make it clear to members that, after this discussion, we will debate the public appointments order. However, the minister also referred to the PTUC order, so I will permit members—

**Tavish Scott:** I am sorry.

**The Convener:** No, no. It was useful that you did that. I will allow questions from members on both orders, but there will be a debate and vote only on the public appointments order.

**David McLetchie:** The new committee will have within its ambit the functions of the Bus User Complaints Tribunal—a special sub-committee will cover those functions. Is there an equivalent complaints tribunal with equivalent powers for customers of ferries or trains that operate exclusively in Scotland?

15:15

**Tavish Scott:** There is a railway committee, but it is a reserved issue, as its powers cover the whole UK. James King, whom many members know, is the Scottish representative on the committee. I argue strongly that he supports rail consumers well when discharging his duty.

In light of the responses to the consultation, we decided that, from both a customer and a strategic perspective, overview of ferries would best sit with the regional transport partnerships. That simplifies the architecture, so that there are fewer bodies and more focus on the issues for which regional transport partnerships are directly responsible. The decision has been warmly welcomed. Both Charlie King, the convener of the Highlands and Islands Transport Partnership, and Alistair Watson, the convener of the Strathclyde Partnership for Transport, see it as a positive development of their responsibilities and powers.

**David McLetchie:** Assuming that you write the vast cheques that are involved for the Edinburgh trams project, I wonder whether a tram is a bus or a train for the purposes of the Bus User Complaints Tribunal.

**Tavish Scott:** That is a very good question. I will turn to my legal adviser.

**David McLetchie:** I thought that you might.

**Tavish Scott:** What is the answer?

**Ian Kernohan (Scottish Executive Enterprise, Transport and Lifelong Learning Department):** It is a train.



**David McLetchie:** So if I go up Leith Walk in a few years' time, once you have given us hundreds of millions of pounds, and I have a complaint about the tram on which I travel, I can seek no compensation from the new public transport users committee for Scotland. However, if I have a complaint about a bus, I can. Is that correct?

**Tavish Scott:** I would not expect David McLetchie to complain, because the services will be so good and advantageous to the people of Edinburgh that we will all benefit from them. However, I take the serious point that he makes. It is important to recognise that the committee and its responsibilities will provide only one of the forms of recourse for an aggrieved passenger. I recognise that a number of members write letters and make strong representations on behalf of individuals directly and through Parliament to companies and operators. The committee is not the only mechanism that is open to individuals who are dissatisfied with the service that they are receiving.

**David McLetchie:** It is a little unrealistic to expect people to regard a tram as a train. By and large, they will see it is a kind of superbuss. If someone is dissatisfied with the service, they will expect to have the same point of complaint for a tram as they have for a bus. I suggest that you consider adjusting the legislation so that the very few dissatisfied tram users in Edinburgh have the same point of redress.

**Tavish Scott:** That is a fair point. I will reflect on how best to sort out the matter.

**Fergus Ewing:** Most people, including the minister, will accept that the former Scottish rail users committee—latterly it changed its name to the Rail Passengers Committee Scotland—served Scotland very well, because it had a breadth of knowledge and included people who were committed to the railways. The railways in Scotland are very extensive, so there is a lot of railway to get to know. Those involved in that world had a very high standard of public service in their commitment to the task and a great deal of respect from all who dealt with them, including members of this committee during the passage of the legislation. They had well-founded concerns that a multimodal committee such as the public transport users committee for Scotland would not have—or would be in danger of not having—the expertise, the manpower, the wherewithal and the teeth to do the job as effectively as the RPC did it. Do you think that those concerns were ill founded?

**Tavish Scott:** I would not express them in the same way. The model that we have brought before the committee this afternoon reflects both the spirit of the consultation and our overall policy objectives, in providing recourse for individuals, organisations and companies that have

experienced difficulties and wish to tackle them through a number of avenues.

I also strongly suggest that, as the new body establishes itself and it—not the Minister for Transport or this committee—decides how it wishes to augment its expertise and areas of knowledge and how it interacts with modes of transport, it will build up a range of attributes that, I am sure, will be highly beneficial in addressing specific issues and in providing good, balanced and objective advice both to Parliament and to ministers.

**Fergus Ewing:** You have said that the proposed PTUC—one body in an ocean of acronymic bodies—will provide recourse. I cannot see any new legal recourse that the PTUC order provides in relation to complaints about rail transport in Scotland. Specifically, paragraph 14 of the Executive note states:

“The Order does not alter the mechanisms for dealing with complaints in so far as users and operators are concerned.”

Is it not the case that the order provides no statutory foundation for rail complaints to be dealt with? There is no remedy that the new committee can grant—[*Interruption.*] I appreciate that you are trying to get advice from your officials while listening to me.

**Tavish Scott:** I am sorry if I have misled Mr Ewing, convener, but there was never any intention to include rail in the remit of the proposed organisation. Rail complaints are dealt with on a Great Britain basis, which is why I mentioned James King. The Rail Passengers Council is a GB body, although we have a specific Scottish focus to that in Scotland, and it is seen as being effective. We will happily continue to have discussions with the Department for Transport on these matters, but that is considered to be the appropriate architecture at this time.

**Fergus Ewing:** With respect, my belief and, I suspect, the belief of other members—I see nodding heads—was that the body was to be a multimodal committee. I do not put that point in any party-political way. Mr Martin was instrumental in arguing the case; I did not agree with it at the time, but I went along with it because I felt that an omelette that is made with two eggs is worth eating. The clear promise was to deliver a multimodal committee, but you have just told us that rail was not intended to be part of the proposed committee's remit. Surely, that is a complete contradiction of the pledge that was given to the Local Government and Transport Committee. The absence of any apparatus, mechanism, remedy or right of recourse—there is barely a reference to rail in the PTUC order—is of deep concern.

**Tavish Scott:** We need to separate complaints from policy. Of course, policy on rail can be considered by the committee that I am asking Parliament to agree today. However, as we have always said, complaints are a matter for the Rail Passengers Council, which operates on a GB basis—not least because we have cross-border rail services and because a number of other aspects to the rail industry are GB based. There is nothing to stop—indeed, there is everything to encourage—the proposed committee from having a range of expertise and from seeking to influence the development of rail policy in Scotland. There is a difference between policy and complaints.

**Fergus Ewing:** I do not remember that distinction being made when the proposal was put. However, we can check the *Official Report*.

Finally, the PTUC order provides that the staff will be a convener and 11 members and that the budget will be £100,000. Plainly, there is a statutory function to fulfil in relation to the work of the former Bus User Complaints Tribunal. That work must be done. Will dealing with rail policy not be an incidental add-on to the primary statutory job that the committee must do? Is there not a danger that even rail policy issues will be neglected or—if you will forgive the pun—shunted into a siding?

**Tavish Scott:** I find that question difficult to understand. Mr Ewing would be the first to slam Government if we proposed to set up a body that cost £0.5 million or £1 million, on the ground that we were wasting public money. I am clear that our proposal meets efficient government aims by pulling together a range of organisations. I dispute Mr Ewing's description that there is an ocean of such bodies. The reverse is true. We seek to ensure that the representations that the new policy committee makes to the Local Government and Transport Committee and to ministers are focused. That is what I want to achieve. I believe that it is quite consistent with that approach to ensure that we make the proposed body as efficient as it can be, both in its objectives and in its use of public money. I am surprised at the basis of Mr Ewing's criticism.

**Paul Martin (Glasgow Springburn) (Lab):** I want to clarify the nature of the multimodal representation on the new public transport users committee, on which I lodged amendments at stage 2 of our consideration of the Transport (Scotland) Bill. It is my understanding that Nicol Stephen, who was the Minister for Transport at the time, advised that there would be feedback on the way in which the committee would operate in relation to complaints. We need to have clarity on that. The mood of my amendments, which were agreed to, was about bringing together the expertise of all the various representative

organisations. Are you saying that complaints about rail are a reserved issue that the new committee could not deal with?

**Tavish Scott:** We do not envisage that the public transport users committee will provide a formal mechanism for dealing with complaints. We want it to be heavily focused on policy and strategy and on addressing issues from the consumer's point of view. We might agree that, as part of that work, consideration might be given to turning a complaint into a recommendation for improving a particular service or adopting a different overall approach to the railway industry so, in that sense, we might just be talking at cross-purposes. However, if you are suggesting that the new body should deal with matters such as why the 8 o'clock from Glasgow Queen Street to Edinburgh Waverley arrived late—which is the classic complaint—we do not think that getting bogged down in that level of detail should be its first job.

**Paul Martin:** I want to pursue that. The franchise holder is appointed by you, as the minister, so I take it that all the issues to do with the functionalities and the performance of the franchise holder are managed by you. Part of the purpose of the Railways Act 2005 was to devolve powers to the Scottish Parliament. Would it not make sense for consideration of complaints about the services that the franchise holder provides to be devolved to the committee that has been set up?

**Tavish Scott:** There are a number of ways in which people make complaints. I genuinely do not want the new body to get bogged down in complaints about local or national services, understandable, necessary and important though such complaints may be. I would prefer that they be dealt with—

**Paul Martin:** If that is the case, why has the Bus User Complaints Tribunal been incorporated in the new committee?

**Tavish Scott:** Because that is a simplification of the architecture, which I think that you were as keen to achieve as I was.

**Paul Martin:** I do not have any difficulty with that. I accept the argument that you made about the incorporation of the Bus User Complaints Tribunal, but you have just argued against that because you said that you did not want the new body to get bogged down in dealing with complaints.

**Tavish Scott:** The rail service is GB-wide and complaints about it have always been handled on a GB-wide basis. A series of legislative changes would be necessary to facilitate what you advocate.

**Paul Martin:** With respect, the buses provide a GB-wide service. People travel by bus to other parts of the UK.

**Tavish Scott:** We had existing architecture in Scotland for buses.

**Paul Martin:** You are saying that, under the Executive's proposal, people will have no opportunity to make complaints to the new representative body.

**Tavish Scott:** I am not going to tell the new committee exactly what it can do. If it wants to receive complaints as well, ultimately that is a matter for it, although I do not think that that will be its primary purpose. A number of avenues for making complaints already exist. As Mr Martin knows, the ScotRail franchise has mechanisms built in that allow us to monitor the performance of the franchise holder. Transport Scotland has a role in that and there are a number of other ways in which people can complain—for example, they can complain directly to the operator. It strikes me that more direct avenues are open to people who use the rail services throughout Scotland than that of taking a complaint to the new committee.

**The Convener:** Before Paul Martin asks his final question, I have a supplementary. As far as I can recall, the amendments in his name were moved—and accepted by your predecessor—because people felt that the Rail Passengers Committee Scotland performed a valuable role in acting as a consumers' advocate on services in general, not necessarily in relation to particular complaints by dissatisfied customers. My recollection was that the aim was to have a body to consider issues such as the overall performance of the franchise, the integration with other modes of transport and possibly even the sort of overall concerns that have been mentioned in the news this week about how the franchisee handles pricing. Do you anticipate that the new body will act as an advocate for consumers on such issues?

**Tavish Scott:** Yes. That is fair.

15:30

**Dr Jackson:** Article 10 of the Public Transport Users' Committee for Scotland Order 2006 states that a sub-committee to deal with bus user complaints must be set up after the public transport users committee has been established on 1 January 2007. The order goes on to talk about other sub-committees. Under article 11(1)(a), the committee may

"establish such other sub-committees as it may from time to time consider necessary or desirable".

If there is a groundswell of opinion that rail complaints should be included—to be honest, the

committee is concerned that that should be done, certainly for complaints that relate to the franchise—would that be possible under article 11?

**Tavish Scott:** Yes. One strong feature of the consultation response was that ministers or Parliament should not prescribe the formal structure of the organisation, but that the organisation should be able to consider how it wants to establish itself. That is a fair observation.

**Dr Jackson:** So it would be possible.

**The Convener:** As there are no further questions, we move to formal consideration of the motion on the draft Public Appointments and Public Bodies etc (Scotland) Act 2003 (Treatment of Public Transport Users' Committee for Scotland as Specified Authority and Amendment of Specified Authorities) Order 2006. The draft order will put the public transport users committee into the architecture of the Public Appointments and Public Bodies etc (Scotland) Act 2003—it is not the order that will establish the committee. I ask the minister to move motion S2M-4424.

*Motion moved,*

That the Local Government and Transport Committee recommends that the draft Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Public Transport Users' Committee for Scotland as Specified Authority and Amendment of Specified Authorities) Order 2006 be approved.—[*Tavish Scott.*]

**The Convener:** We come to the open debate on the motion.

**Fergus Ewing:** I appreciate that we are debating an order that is ancillary to the substantive one that we will consider under agenda item 4, but virtually all the discussion so far has been about that substantive order. It follows that our approach to the motion depends on the view that we take on the substantive order. I would like the process of dealing with bus users' complaints to be dealt with, so it would not be sensible to obstruct that by opposing either the draft order or the order that we will consider under agenda item 4. However, I am gravely concerned about the fact that we were led to believe that the body would deal with complaints from rail passengers. The fact that rail passengers will have to take their complaints to a body that is based in London is a big mistake. I hope that we can all agree that that situation is unsatisfactory. We expected a body that would deal with multimodal complaints—a watchdog in which people could have confidence, as they did in the old one—so the situation is deeply disappointing. As others have said, we are not absolutely certain what assurances the minister's predecessor made when he persuaded the committee to go down this route.

**Mike Rumbles:** I understood from the minister's answer to Sylvia Jackson's question that it will be within the new committee's power to form sub-committees to deal with rail issues, if it so wishes. Is that correct?

**Tavish Scott:** Yes.

**The Convener:** To try to be helpful on the commitments that have been made, the clerks have obtained extracts from the *Official Report* of the stage 3 debate on the Transport (Scotland) Bill. The minister at the time said that the intention was to create a "multimodal body". He stated:

"We will establish a rail passengers committee, but not through statute; rather we will do so through our administrative powers."

The minister also said that the Executive would create

"a wide-ranging passenger representative body".—[*Official Report*, 29 June 2005; c 18519 and 18515.]

From what the minister said in response to my question, I understand that the new body will have the opportunity to consider all methods of transport but will not deal with individual passenger complaints. On a quick reading of extracts from the *Official Report*, it seems that the spirit of what was envisaged at stage 2 and stage 3 of the bill has been achieved and there is no difference between what was intended and what will be delivered. However, we are discussing how individual complaints will be addressed.

**Paul Martin:** My point is similar to Fergus Ewing's point. After the stage 3 debate, we put considerable trust in the minister to develop a multimodal approach such as we had proposed during the debate. However, the response from the Executive has not met our expectations in relation to rail passengers.

The Railways Act 2005 devolved significant powers from London to the Scottish Parliament. The Executive made quite an issue of that—rightly so; well done to it—so it should not now argue that rail complaints concern the UK framework and cannot be considered locally. Significant powers were also devolved to the Scottish Parliament in respect of the rail franchise—well done to the Westminster Government for devolving those powers. We cannot have a devolved approach on some issues and not on others.

As I said at stage 3 of the Transport (Scotland) Bill, I feel strongly that local people should have the opportunity to complain about appalling service from train as well as bus operators. The point was made that in a multimodal process local people can act as a watchdog and can share experiences of problems and ways of developing policy; that is why we lodged an amendment on the matter at stage 3. Will the minister consider

whether he wants an approach that is not devolved—as the bus user complaints tribunal is devolved?

**Tavish Scott:** We must keep things in context. Some 400 million bus journeys are made in Scotland every year, but in 2005 the bus user complaints tribunal dealt with 190 complaints. With the greatest respect, members are making a mountain out of the issue. The tribunal plays a role and the nature of complaints and how they are addressed are important matters, but it cannot be suggested that the tribunal is the primary mechanism for dealing with bus complaints, for whatever reason. On the whole, people use other mechanisms when they complain. They might speak to their elected representatives at local or national level, go directly to the bus operator or deal with the problem in a practical and immediate way. I brought the tribunal's figures with me and I am happy to leave them with the committee.

Under section 76 of the Railways Act 1993, the rail passengers council may delegate its powers to another public body in respect of a specified area, such as Scotland, so we can continue to work on the matter if that is the committee's intention. However, we have sought to establish a multimodal public transport users committee that can consider the issues at a high level and seek to influence the Parliament and ministers on rail, bus and other matters. The committee will also be able to consider aggregated complaints.

If a pattern of complaints emerges from whatever mechanism is put in place, the public transport users committee will be able not only to analyse it and to make recommendations to Parliament and ministers but to establish a committee to examine the underlying problem that has given rise to that pattern. I hope that that answers Sylvia Jackson's point.

On Mr Martin's comment that we are not dealing adequately with a certain complaint about the rail industry, I believe that the order will encourage the committee to set up a sub-committee to take evidence on the matter and make recommendations to the Parliament and ministers. I hope that that addresses the slight difference of emphasis from our previous position; however, as other members have pointed out, it is felt that the existing infrastructure works well and that Passenger Focus, the GB body that deals not with rail policy but with rail complaints, has been effective. I think that it is relevant to retain the existing structure if it works effectively; however, with its power over the operation of rail franchises, Parliament can change that structure and consider other mechanisms for checking the rail system and holding it to account.

**The Convener:** The question is, that motion S2M-4424, in the name of Tom McCabe, be agreed to.

*Motion agreed to,*

That the Local Government and Transport Committee recommends that the draft Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Treatment of Public Transport Users' Committee for Scotland as Specified Authority and Amendment of Specified Authorities) Order 2006 be approved.

**The Convener:** We will report that decision to the Parliament.

### **Public Transport Users' Committee for Scotland Order 2006 (SSI 2006/250)**

**The Convener:** We have discussed the order extensively in the debate on the previous instrument. Although members have expressed concern about the order, no motion to annul has been lodged and therefore there is no means of opposing it. As a result, I recommend that we report to Parliament that we have no comment to make on the order but I encourage the Minister for Transport to reflect on certain points that were raised in the previous debate. I intend to follow up those points in writing with the minister and after we have received a response we can consider how to take the matter forward. Are members content with that approach?

**Fergus Ewing:** I am broadly content with it. As I have made clear, I see no point in seeking to abolish the public transport users committee for Scotland—which, after all, will continue to enforce the bus complaints procedure—just because we do not like the fact that it will not do what we hoped it would do.

However, I wish to point out that the minister's predecessor, Nicol Stephen, stated in the stage 3 debate on the Transport (Scotland) Bill:

"the new public transport users committee will be established early next year. I want a similar rail body to be established as soon as possible"—[*Official Report*, 29 June 2005; c 18516].

That statement led us to believe that the rail body would perform similar functions. Although further scrutiny is needed of statements that were made at stages 2 and 3 of that bill, I hope that we can all unite behind the proposal that a Scottish body should be set up to deal with rail complaints. I wonder whether, in the approach that the convener has proposed and to which I subscribe entirely, we can emphasise that work should be undertaken to find out whether there is any scope under section 76 of the Railways Act 1993 to establish the rail body similar to the committee that we are considering today that the minister's predecessor said would be established.

**Paul Martin:** When we write to the minister, will we refer to the number of complaints that have been made to the bus user complaints tribunal? I think that the minister referred to a figure of 181.

**Tavish Scott:** It was 190.

**Paul Martin:** I know that the minister has probably received that many complaints from me and I am sure that that will be replicated around the table. That reflects not so much the fact that there is a lack of willingness to make complaints, but something about the bus user complaints tribunal. We said that as part of our bus inquiry. I ask the minister, in setting up the new committee, to consider the effectiveness of the way in which that tribunal receives complaints. The organisation seems to be willing to receive complaints—I saw that during our inquiry—but it does not seem to be willing to get out there and encourage people to take up the issues. I welcome the positive way in which the minister has reacted to that comment.

**The Convener:** Can I confirm that, formally, we have nothing to report to Parliament with regard to the instrument but that members would like me to raise the issues and concerns that they have raised during the debate on both instruments?

**Members indicated agreement.**

**The Convener:** I thank the minister and his officials for attending. That was another useful debate.

## Petitions

### Common Good Assets (PE875)

#### Listed Buildings (Consultation on Disposal) (PE896)

### Common Good Land (PE961)

15:45

**The Convener:** Agenda item 5 is consideration of petition PE875, by Mary E Mackenzie; petition PE896 by Florence Boyle, on behalf of West Dunbartonshire Heritage Ltd; and petition PE961, by Sally Richardson. All three petitions raise the issues of the means by which common good assets are recorded and the requirement of local authorities to consult communities or take cognisance of their views with regard to how common good land and property is used. The petitions cover fairly similar ground.

We are asked to consider how we wish to take forward the consideration of the petitions. There is quite extensive paperwork, including supporting documentation and the record of the consideration that the Public Petitions Committee has given to the petitions.

**Michael McMahon:** I suggest that we do not do anything different from what we did with the petition on home safety officers. There is an issue for us to explore. If we talk to people who have some expertise on the matter, we will get a clearer view of the issues and we will be able to reach a conclusion. We have a tried and trusted method of dealing with petitions. I leave it up to you to determine which organisations would come before us.

As the convener of the Public Petitions Committee, I can assure you that the petitions generated quite a bit of interest. Not only were they novel, but the examples that were given to us were particularly interesting. The supporting evidence demonstrates the expertise that exists in communities in Scotland and highlights how little is known about what constitutes common good assets and how they should be disposed of. Miss Mackenzie, who is one of the petitioners, saw an item in an antique shop that she knew belonged to the City of Edinburgh Council. She discovered that no one in Edinburgh could trace the item. However, she proved that it had at one time belonged to the council and that no one knew that it had been disposed of. There is no register of common good assets. No one keeps track of where the assets lie.

**The Convener:** These days, I think that the Public Petitions Committee refers to this

committee only a few of the petitions that it receives. That reflects the fact that the Public Petitions Committee now plays a greater role in dealing with petitions earlier. As the petitions have been referred to us, it is appropriate that we consider taking evidence on them.

My initial suggestion is that among the people from whom it would be useful to hear are the petitioners, COSLA—given that local authorities probably form the largest group of owners of such property—and the Scottish Executive, for a broader overview. I am open to suggestions.

**David McLetchie:** The clerk circulated a report by Andy Wightman about the common good fund in Edinburgh. In the time that has been available I have skimmed that report, which raises interesting issues about the management of that fund, which might be an example for others. Mr Wightman has considerable expertise in land and property ownership issues and he might be a useful witness.

**The Convener:** I am happy to add his name to the list.

**Ms Watt:** As I said when we discussed the matter before, we need to know whether local authorities know how much land or assets they have and whether they have a register or inventory of that, as Michael McMahon said. It would be good to contact all local authorities, to find out whether a problem exists and, if so, what its scale is.

**The Convener:** Did the Public Petitions Committee find that out?

**Michael McMahon:** The Public Petitions Committee wrote to COSLA. The issue that was left outstanding was the fact that it was clear that no register exists. Some organisations accepted that no register or inventory existed and said that that was fine, because that is the way things are done, whereas others said that having an inventory or register would be useful. What is left for the Local Government and Transport Committee to do is to determine the best outcome. The question, which is similar to that in an earlier debate this afternoon, is whether we should allow local authorities to operate individually as they see fit. Should someone hold a register centrally, which might be controlled centrally but collected locally? That would allow people to know exactly what is held as common good in their local authority areas.

**Mike Rumbles:** I, too, have skimmed the paper from Andy Wightman, who has been suggested as a witness. I would like to hear from representatives of the two councils that he cites, because the difference between the funds—and, I assume, in how they have been managed—is stark. The committee would benefit from hearing from

representatives of Aberdeen City Council and the City of Edinburgh Council about how they manage their common good funds.

**The Convener:** We could do that. We could ask COSLA to appear along with those councils, rather than having separate groups on the agenda.

**Mike Rumbles:** You suggest a panel of three witnesses.

**The Convener:** Yes.

**Mike Rumbles:** That is a good idea.

**Paul Martin:** We will take evidence on existing practice, but it would also be interesting to hear about the potential of registering such information. Registering the common good assets of Glasgow, such as the Burrell collection and all the other collections, could present a positive picture of the material that people want to access and the number of facilities that people want to visit. People could use the internet to find out that such art treasures are available. That might affect the list of witnesses.

If a regime required local authorities to register such information, financing would be an issue. There is potential for the information to be used positively if people all over the world could access a database of where items are held. That is in the common global interest, particularly on art, which is an issue in Glasgow. People from all over the world visit the Burrell collection but they do not know which pieces will be displayed until they arrive at the collection. If there was some way that we could present the common good assets that our various authorities hold, that would be positive. We could inquire into that.

**Dr Jackson:** Another point that emerged from the documentation that we have received is what we do not know as a result of local government reorganisation. Perhaps we might ask COSLA and any of the councils from which we take evidence how big the problem of lost records is. It might be an issue not only for common good assets, but for other matters as well.

**Fergus Ewing:** Among the papers that have been provided were comments from Audit Scotland, which says that it has examined a number of common good funds over the years. It goes on to identify some of the issues, some of which we have covered: the completeness of the record of what is owned; the valuation of common good assets; securing best value from the disposal of common good land; the allocation of overhead and interest to common good funds; and accounting for the repair costs of common good assets. Miss Mackenzie also raises the question of whether rent is being charged to councils for assets that they rent or use that are owned by the common good fund.

I would like to add Audit Scotland to the list of witnesses and would like to see its reports on the City of Edinburgh Council and Aberdeen City Council. Quite serious allegations are made about City of Edinburgh Council and I did not see an answer to them. I do not want to repeat them now, but I would like to see an answer to that aspect of Mr Wightman's paper.

We should have an inquiry. Michael McMahon is right. There is a general air of mystery about what common good funds are, how much they are worth and what they are spent on. Speculation—founded or otherwise—tends to be more rampant where there is an air of mystery than in the well-audited well-trodden path of local government finance. I would like common good funds to be brought into the main stream and I hope that an inquiry might help us to achieve that purpose.

**The Convener:** Are we happy to take evidence from the range of bodies that we have discussed? We will consider an approach paper in due course.

**Members indicated agreement.**

**The Convener:** That brings us to the end of today's meeting. I thank all members for their attendance and contributions.

*Meeting closed at 15:58.*

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