

EDINBURGH TRAM (LINE ONE) BILL COMMITTEE

Tuesday 17 May 2005

Session 2

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EDINBURGH TRAM (LINE ONE) BILL COMMITTEE

7th Meeting 2005, Session 2

CONVENER

*Jackie Baillie (Dumbarton) (Lab)

DEPUTY CONVENER

Phil Gallie (South of Scotland) (Con)

COMMITTEE MEMBERS

*Helen Eadie (Dunfermline East) (Lab)

*Rob Gibson (Highlands and Islands) (SNP)

*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

*attended

CLERK TO THE COMMITTEE

Jane Sutherland

LOCATION

Committee Room 5

Scottish Parliament

Edinburgh Tram (Line One) Bill Committee

Tuesday 17 May 2005

[THE CONVENER *opened the meeting at 10:30*]

Edinburgh Tram (Line One) Bill: Consideration Stage

The Convener (Jackie Baillie): Good morning and welcome to the seventh meeting in 2005 of the Edinburgh Tram (Line One) Bill Committee. I bet that members did not know that this is our seventh meeting. Before we move on to the agenda proper, I announce that I have received apologies from Phil Gallie, who cannot be with us today.

The first item on the agenda is witness lists and summaries. The paper before members provides witness lists and summaries for groups 20 to 36, 41, 43, 45 and 47. As members might recall, at our previous meeting, we agreed that the groups that may give oral evidence in September and October were to submit their witness lists and summaries by 6 May. I put on record our thanks to those who have contributed written evidence so far—they have put in a considerable amount of hard work. The evidence will make the work of the committee, the lead objectors and the promoter during oral evidence taking much easier, more focused and, I hope, less time consuming. On behalf of the committee, I thank the clerks for bringing together all the written evidence, which has been a huge volume of work.

I turn to the groups' witness lists and summaries. Objectors from groups 23, 29 and 36 have chosen to provide no further evidence, but instead wish to rest on their original objections. Of course, we are still required to consider those objections and whether they should be accepted and the bill amended accordingly. The promoter has provided witnesses for those groups, whom the committee will be able to question on the issues that the groups have raised. In addition, group 29 has provided further written evidence, which the promoter may address in the witness statement.

Despite recent correspondence from the committee to each of the groups detailing the procedures at phase 1 of the consideration stage and the forthcoming deadlines, we have received no further comment from several groups—groups 20, 25 to 27 and 41. We originally thought that the SecondSite Property Holding group, group 31, had

not submitted further evidence, but the clerks received a call yesterday from McGrigors, which is acting on behalf of the group, to say that the group's witness list and summary had been sent to an incorrect e-mail address. Do members agree to accept the information, even though it was late?

Members indicated agreement.

The Convener: I put on record the committee's decision that accepting the late witness list and summary does not set a precedent. I strongly encourage McGrigors, all objectors and the promoter to meet future deadlines that the committee sets. I assure them that the committee is unlikely to be as accommodating in the future.

Do members agree to treat groups 20, 25 to 27 and 41 as though they have decided to provide no further written or oral evidence and therefore to rest on their original objections?

Members indicated agreement.

The Convener: I also seek members' agreement to the proposed witness lists and summaries for groups 20 to 36, 41, 43, 45 and 47, as detailed in the voluminous paper that members have before them. I should point out that two names have been omitted from the proposed witness list for group 33. On the issue of the Western general hospital, with which members will be familiar, Dr Dermot Gorman will be joined by Mr Vince Casey and Mr Alan Penman.

I remind members—although I am sure that they are aware of this—that our role during phase 1 of the consideration stage is to decide on each of the outstanding objections to the detail of the bill. We need to bear in mind three points when deciding which witnesses to hear from and the topics on which to take oral evidence. The first is that the oral evidence should relate to the issues that were raised in the original objections. For reasons that we have gone into before, it would be unfair on the promoter if new objections were raised. Secondly, members will be aware that, during the preliminary stage, the committee considered a number of broader general-principle issues, including integration of trams with buses and through-ticketing, and reported on them in our preliminary stage report. It would be inappropriate for preliminary stage decisions that the committee has made and which the Parliament has endorsed to be revisited during the consideration stage. Thirdly, we should, of course, consider only issues that fall within the scope of the bill.

If members bear in mind those three points, I will highlight a few issues that we need to consider in relation to the witness summaries that have been provided. The first relates to matters that were not raised in original objections. We must decide whether to take further evidence on issues relating to the following groups: group 29, which has

proposed an amendment that details an alternative route and site; groups 35 and 36, for which witnesses have been proposed to address the issues of an error in the submitted plans and bridge clearances; group 35, which has proposed a witness to address European convention on human rights issues; group 36, for which witnesses have been proposed to address the issues of slipstreaming and of loss of garden and works within the limits of deviation; and group 45, which has proposed an alternative route at Haymarket that was not proposed in the objector's original objection. Given that none of those issues was raised in the original objections, do members agree to rule them out?

Members indicated agreement.

The Convener: Members are not jumping up to speak, so I will take that as agreement. I am conscious that considerable time has been invested in those objections, but I can offer reassurance to the objectors. We have ruled out considering the evidence on those particular issues, but the issues will be addressed by groups that raised them in their original objections. Therefore, we will hear about the issues in oral evidence, albeit in relation to other groups. Of course, as always, I encourage the promoter to work with groups to identify possible solutions to objectors' concerns, such as those that I mentioned.

Our preliminary stage report addressed several general-principle issues such as through-ticketing, integration with buses and the funding case. However, group 21 raised the issue of the financial viability of the tram; groups 29, 30, 32 and 47 raised the issue of the integration of trams with buses; groups 30, 33 to 36, 43 and 47 raised the issue of fares; and group 45 raised the issues of the waterfront development and the basis of patronage figures. The committee has agreed to seek further evidence from the promoter on certain aspects of its patronage figures, which were highlighted in our preliminary stage report, and we will examine that evidence in due course. However, although it seems reasonable to consider the promoter's patronage figures for specific locations as background to other specific issues that objectors have raised, it would not be appropriate to explore the general issue of patronage figures, as proposed. Therefore, it would not be appropriate for the committee to take evidence from objectors or the promoter on the basis of the calculations for patronage figures.

Do members agree to take no further evidence on that or on the other issues that I mentioned, given that we have already considered and reported on them in our preliminary stage report?

Members indicated agreement.

The Convener: Excellent. I will keep chuntering on.

More generally, several groups have told us that they want to address the issue of consultation. The committee has already taken a large volume of evidence on the adequacy of the consultation and reported on it in our preliminary stage report. Therefore, I do not wish to revisit the adequacy or otherwise of the consultation, although I accept that it may provide background to issues such as route selection. I send a strong signal that witnesses should avoid debating the adequacy of the consultation but instead concentrate on what they see as the merits or otherwise of the issues on which they are presenting evidence. That would find great favour with the committee.

Finally, some groups have proposed witnesses to discuss topics that are outwith the scope of the bill. First, group 24 has raised issues of the central Edinburgh traffic management scheme, congestion charging, planning control and conflict of interest. Secondly, the use of Easter Drylaw recreation ground has also been raised but, as far as I am aware, that land is not included in the bill, so it would not be appropriate for the committee to take evidence on that issue. Thirdly, group 47 has proposed a witness to address what it perceives to be issues with another group's proposed alternative route—it is not even the promoter's route. Given that the alternative route does not form part of the bill, it would not be appropriate for the committee to hear from that witness. However, it would be appropriate for group 47 to cross-examine group 30's witness on the alternative route with which group 47 disagrees, should the two groups' evidence be taken together. We will consider the matter carefully—the clerks will discuss the matter with the objectors at timetable meetings. Finally, group 47 has proposed a witness specifically to address amendments that it has proposed. During phase 1, we need to consider whether we are persuaded by a group's objections. Then, and only then, will we consider possible amendments. I have no doubt that we would wish to consider the amendments that have been provided, but it is premature to do so at this stage. We will leave the amendments until after phase 1 of the consideration stage.

Are members content not to hear oral evidence on the four issues that I have outlined?

Members indicated agreement.

The Convener: Members may have noted that we are going to receive video evidence as part of a couple of witness statements. I expect that any such footage will be vital to that person's presentation. It must be accompanied by a transcript, which we will make available to the promoter, so that it can respond to any points that are made. I also expect copies to be made

available, by the agreed deadline, with the witness statement, so that the footage can be provided to the promoter with the relevant statement.

I apologise, as I should have got members' agreement to the witness statements and witnesses for groups 20 to 36, 41, 43, 45 and 47, with the exceptions that we have covered. Do members agree to those statements and witnesses?

Members indicated agreement.

The Convener: The next step for those groups is to provide their witness statements by 4 July and their rebuttal witness statements by 12 August. Do members agree to those deadlines?

Members indicated agreement.

The Convener: Excellent. That deals with everything in paper ED1/S2/05/7/1. Members will be getting tired of the sound of my voice, but, believe me, the meeting will not last much longer.

Agenda item 2 is the oral evidence timetable. The next step is for the clerks to meet the promoter and lead objectors from the groups to agree on the detailed order and timings for oral evidence. It is not unusual for objections to be withdrawn right up to the meeting during which the oral evidence is due to be heard. Annex A of paper ED1/S2/05/7/2 proposes that we take oral evidence from groups 20 to 29, 31 and 41 on 5 September, with 6 September as a provisional fallback date should we not hear all the evidence on the Monday. It is proposed that groups 30, 32 and 47 should give oral evidence on 13 September. Finally, as a number of groups cover the Roseburn corridor—groups 33 to 36, 43 and 45—several dates have been given to offer maximum flexibility. The clerks will meet with the lead objectors from groups 33 to 36, 43 and 45 to discuss different approaches and agree a detailed timetable.

Do members agree to the timetable in annex A?

Members indicated agreement.

The Convener: Excellent.

Members will recall that, at our meeting on 3 May, we agreed a general timetable for the oral evidence from groups 1 to 4 and 6 to 19. The clerks have since met with the lead objectors and the promoter and agreed a detailed timetable, which is in annex B. Do members agree to that detailed timetable?

Members indicated agreement.

The Convener: Excellent—we are agreeable this morning. I will not say that that is because my deputy convener is missing.

Agenda item 3 is on the oral evidence-taking procedure. In essence, the committee has a number of options open to it in drafting its report for phase 1 of the consideration stage. At this point, I simply ask members to note paper ED1/S2/05/7/3, including annex A, which the committee can consider when we draft our report.

The final decision that we must take relates to the consideration of oral evidence. We will take oral evidence over several daylong sessions in June, September, October and right up to November. It would be useful to have a private meeting at the end of each session to reflect on what we have heard and to discuss the oral evidence that has been provided when it is fresh in our minds, rather than attempt to deal with the 196 objections at the end of the process. That will help us and the clerks enormously in drafting our report.

Do members agree to have those discussions in private?

Members indicated agreement.

The Convener: Before I close the meeting I announce that the next time that we will meet will be for our site visit on 7 June. I hope that the sun shines on our endeavours. We are likely to receive requests to visit numerous sites, so if members agree, I am happy to agree the final site-visit timetable and agenda on behalf of the committee. Do members trust me to do that?

Members indicated agreement.

Rob Gibson (Highlands and Islands) (SNP): I am sure that you will get the sites in order, so that we do not jump from here to there.

The Convener: I will try to ensure that there is some logic to the timetable and that we are not out until midnight.

Meeting closed at 10:47.

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