

TRANSPORT AND THE ENVIRONMENT COMMITTEE

Wednesday 15 March 2000
(Morning)

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TRANSPORT AND THE ENVIRONMENT COMMITTEE

5th Meeting 2000, Session 1

CONVENER

*Mr Andy Kerr (East Kilbride) (Lab)

DEPUTY CONVENER

*Nora Radcliffe (Gordon) LD)

COMMITTEE MEMBERS

Helen Eadie (Dunfermline East) (Lab)

*Linda Fabiani (Central Scotland) (SNP)

*Robin Harper (Lothians) (Green)

*Janis Hughes (Glasgow Rutherglen) (Lab)

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)

*Mr Kenny MacAskill (Lothians) (SNP)

*Des McNulty (Clydebank and Milngavie) (Lab)

Tavish Scott (Shetland) (LD)

*Mr Murray Tosh (South of Scotland) (Con)

*attended

WITNESSES

Sarah Boyack (Minister for Transport and the Environment)

Joyce Whytock (Scottish Executive Rural Affairs Department)

CLERK TEAM LEADER

Lynn Tullis

SENIOR ASSISTANT CLERK

Richard Walsh

LOCATION

The Hub

Scottish Parliament

Transport and the Environment Committee

Wednesday 15 March 2000

(Morning)

[THE CONVENER opened the meeting at 09:36]

The Convener (Mr Andy Kerr): I welcome everyone to the meeting. We have received apologies from Tavish Scott and Cathy Jamieson.

I advise members of the press and the public who are present that we are moving swiftly into private session. The first item on the agenda is a discussion on the way in which the committee proposes to handle consideration of subordinate legislation. I suggest that it would be appropriate for that discussion to take place in private. Are we agreed?

Members indicated agreement.

09:37

Meeting continued in private.

09:47

Meeting resumed in public.

The Convener: I welcome members of the press and the public who have joined us for the fifth meeting of the Transport and the Environment Committee in 2000. I request that mobile phones be switched off during the meeting, as the sound equipment is rather sensitive. I thank people for co-operating with that request.

I welcome the Minister for Transport and the Environment to our meeting. We appreciate her attending to discuss further a number of agenda items. I also welcome the minister's colleagues David Wallace, Joyce Whytock and Paul Cackette, as well as Neil MacLennan.

Air Quality (Scotland) Regulations 2000 (SSI 2000/Draft)

The Convener: The Air Quality (Scotland) Regulations 2000 is the first affirmative instrument to come before the committee. Under rule 10.6 of standing orders, the committee is required to consider a formal motion for approval and to report to the Parliament with its recommendation on whether the instrument be approved. The Subordinate Legislation Committee considered the order at its meeting on 29 February and did not highlight any technical problems with it.

I will allow the minister to speak to the order, if she wishes. I will then open up the discussion to allow questions from members of the committee.

The Minister for Transport and the Environment (Sarah Boyack): Thank you, convener. I apologise in advance if my voice disappears or I start to sneeze, but I will try to keep the show on the road.

I understand that the Air Quality (Scotland) Regulations 2000 is the first affirmative order to come before the committee and it is the first such order that I have dealt with. I am not sure how much detail committee members want to get into when debating the key issues, but I will make one or two introductory comments. While members have been able to ask me questions in Parliament on this issue, this meeting gives me a good opportunity to set out where we are on air quality.

The UK air quality strategy, which was published in March 1997, met the requirement of the Environment Act 1995 for a national strategy for the management of ambient air quality. In July 1997, the UK Government endorsed that strategy, but felt that much more could be done to improve air quality. It undertook an immediate review of the strategy to consider the prospects of getting cleaner air more swiftly. The Air Quality Regulations 1997 were brought into force to enable local authorities to begin the process of tackling air quality at a local level.

Air quality is one of my top environmental priorities and a new strategy, which we set out in Parliament a few weeks ago, outlines the strategic framework for air quality. The eight key pollutants that are of most concern to us all, and on which we must focus, are benzene, 1,3-butadiene, carbon monoxide, lead, nitrogen dioxide, particles, sulphur dioxide and ozone. The Air Quality (Scotland) Regulations 2000 set clear targets for the first seven of those pollutants. For clarification, it may be useful if I run through those targets.

Changes are being brought into force by the revised regulations. The attainment date of 2005 for benzene, 1,3-butadiene and carbon monoxide

is being brought forward to 2003. The hourly nitrogen dioxide limit is to be tightened to comply with the European Union's air quality daughter directive's limit value by 2005. The date for achieving the existing objective for lead is being brought forward to 2004 and a much tighter objective will be introduced by 2008, which will halve the present objective. The hourly and daily objectives for sulphur dioxide will be brought forward to 2004 to comply with the air quality framework directive, although the 15-minute objective remains unchanged. Existing objectives for particles will be replaced with the air quality daughter directive's annual and 24-hour limit values.

Those are the key changes that we are suggesting. Members should note that the eighth pollutant that I mentioned earlier, ozone, is not included in the regulations as an objective, principally because it is a trans-boundary pollutant. It would go way beyond what we think is cost-effective or appropriate to tackle ozone at the local air quality level.

The objectives set out in the regulations are based on the work of the independent experts who sit on the expert panel on air quality standards and whose advice we have used to identify appropriate levels. In particular, we have examined the minimum risk levels for different groups in society. The elderly or people who are ill are key groups who are taken into consideration when issues of risk are drawn up.

The objectives are policy targets and are expressed as a maximum ambient air concentration to be achieved, either without exception or with a permitted number of times when the target may be exceeded within a specific time scale. When setting the objectives, we considered economic efficiency, practicality, technical feasibility and time scales for delivering better air quality.

It is important to acknowledge that the regulations are not about standards being tight dividing lines, with threat to health on one side and no threat to health on the other. The way in which the objectives are set should help to protect public health for the people of Scotland to quite a high degree.

In general, we used the World Health Organisation guideline values, which are applied by the EU. Where a national objective is derived from the EU limit value, the WHO guideline value, rather than the relevant recommendation of the expert panel on air quality standards, will form the basis of the objective. WHO also analyses scientific and medical evidence in relation to the effects of specific pollutants on health and, when it considers the wider environment, it will also consider setting minimal or zero risk levels.

Those are the background issues that have led us to set the targets in the objectives that appear in the regulations. It is important to emphasise that this is not the end of the story. Particularly in relation to sulphur dioxide, lead and nitrogen dioxide, the objectives are more stringent and give greater protection to health than those that have been set by the EU.

We do not regard this as our final action on airborne particles. The original strategy objective was set on the basis of the best knowledge that was available at that time. We now know, from research that has been carried out by the airborne particles expert group, that that target is simply not achievable, at least in the short term. We have opted for the EU limit value, which will give a significant degree of protection to public health. It is the only recognised alternative target.

We have followed the views of the WHO. We now want to move forward in considering the effect of particles on health and the costs and benefits of their reduction, and in monitoring new information on particle levels. By the end of this year I want to be in a position to review these targets, to consider whether it is possible to set more stringent objectives.

Additional pollutants may be added to the air quality strategy in the future. The expert group is currently examining the issue of fine particles and we are considering setting an objective for polycyclic aromatic hydrocarbons, in the light of the group's most recent report. I do not intend to include carbon dioxide in future revisions of the strategy, as it is not a ground level irritant that directly affects human health. However, it has wider implications and will slot into our Scottish climate change programme, which we announced last week. That programme sets targets for the reduction of CO₂ emissions because of their impact on climate change.

That is all that I want to say. I wanted to highlight one or two of the key changes that members may be interested in. They are fundamentally concerned with improving the quality of air in Scotland and the level of protection to human health and the environment. I hope that the same degree of cross-party consensus will be achieved that was evident last week, although members may want to ask detailed or searching questions this morning.

The Convener: Thanks very much. We welcome the clear targets that have been set by independent experts and the Executive's commitment to minimum risk levels. I open the discussion to general questions from the committee.

Mr Murray Tosh (South of Scotland) (Con): I would like to know how the local authorities'

enforcement powers will work, and what degree of control or enforcement the Executive will have. I appreciate that there are resource implications for local authorities. I assume that those resources are not ring-fenced, and that you expect local authorities to do what they have been funded to do. The Executive's role seems to be largely enabling. What central check or control do you envisage, and what powers do you foresee that local authorities will have to implement the programme?

Sarah Boyack: The principal issue is identifying hot spots, areas in which there are particular problems with pollutants, on which we need to focus energy. That work is currently being undertaken and the authorities will report back to me later in the year. I shall then have an overview of the whole of Scotland and will be better able to identify where our key problem areas are. At the moment, we are at the stage of monitoring and identifying problems.

In those authority areas in which hot spots have been identified, the onus will be on the authorities to identify local strategies to tackle those hot spots. There is a range of measures, including congestion charging, pedestrianisation and the examination of local patterns of travel—a key factor in creating local air quality hot spots—which local authorities can implement when they have identified priority areas. At the moment, they are identifying the problems. There is good air quality throughout most of Scotland, but our task is to focus on the key areas. That is the message that we are receiving from local authorities.

Mr Tosh: I read yesterday that an assessment was being carried out of the impact of that research. The suggestion is that there are industrial sites where there might be difficulties. Would local authorities have enforcement powers in those circumstances, or would the Scottish Environment Protection Agency intervene to regulate emissions? How would that work?

Sarah Boyack: It would be up to SEPA to negotiate and to set appropriate targets.

Mr Tosh: So the local authority will effectively register a concern with SEPA, and SEPA will respond to it and will enforce the appropriate measures.

10:00

Des McNulty (Clydebank and Milngavie) (Lab): I want to ask in particular about the pollutants most associated with traffic—nitrogen dioxide, sulphur dioxide and lead. On the question of how to monitor their levels, I found from my previous local authority experience that, as we moved down to tighter targets, the equipment costs tended to increase. Existing equipment had

to be got rid of and replaced with different equipment to impose those tighter targets.

Has any work been done on how the setting of new targets has influenced the cost to local authorities of doing the measurement of traffic-linked pollutants? Are there any particular problems at present, especially among smaller authorities, which are finding difficulty in buying the equipment needed to monitor the existing levels?

I have another question, but the minister may want to answer that point first.

Sarah Boyack: We provide ring-fenced support for the equipment that local authorities require to identify local pollution levels at hot spots. It is important that that provides a proportionate response. It is partly a question of the local authorities and us working together to identify the key areas in which we need the most effective monitoring. We have a list of sites throughout Scotland on which we have worked in conjunction with the local authorities to ensure that the appropriate equipment is in place.

Des McNulty: Hope Street being perhaps the most famous hot spot in Glasgow.

What consultation has the minister had with local authorities and with scientists to work out how the costs of measurement would change in the context of setting different targets? Is that a factor in the decision to set the targets?

Sarah Boyack: The reasoning behind setting the targets lay in what we thought was achievable. We have pulled one or two of the deadlines forward, as I mentioned earlier. We have picked the areas where we believe the targets are realisable, and the local authorities are involved in the process. They were consulted in reaching the regulations stage, and I have given them a little more time to get back to me with their first-stage identification of hot spots in their areas. That is simply to give them the time to get it right. There has therefore been a lot of dialogue between the Scottish Executive and local authorities.

Des McNulty: People living close to landfill sites are concerned about the escape of methane gas, generated by the rotting of landfill materials. Is there a mechanism for measuring outflows of methane gas? Who monitors it?

Sarah Boyack: SEPA monitors and regulates all the landfill sites. It is an area in which there is an opportunity for joined-up thinking. Local air quality issues are being addressed by local authorities, and the national waste strategy addresses how we can recover gases such as methane, which cause problems for the environment as a whole. You are absolutely right to highlight that matter: it is a question of linking

the various issues.

Nora Radcliffe (Gordon) (LD): This is a related—almost daft lassie—question. What is the obligation of local authorities to identify monitoring sites? Must they be in a specified geographical pattern or of a certain density?

Sarah Boyack: There is specific guidance for local authorities on the criteria for selecting the sites. They have a list of criteria that they can look at to decide where to put their resources.

Nora Radcliffe: Presumably in consultation with us?

Sarah Boyack: Yes. They consult the Scottish Executive on that process.

Nora Radcliffe: What requirement is there on local authorities to do that? Obviously, if we do not look for problems, we will not find them.

Sarah Boyack: I will ask Joyce Whytock to give a detailed answer to that question.

Joyce Whytock (Scottish Executive Rural Affairs Department): Under the Environment Act 1995, there is a statutory obligation on local authorities to consult the Scottish Executive and SEPA. That is a partnership approach. We discuss the problems and draw on the expertise of SEPA. Four general guidance notes have already been issued by the Scottish Executive and we are preparing four highly technical guidance notes in conjunction with the Department of the Environment, Transport and the Regions and outside consultants. Those notes will help local authorities with the new duties. They detail what the authorities should be looking for and the various steps that they should take if they discover a problem with a pollutant.

Nora Radcliffe: Are they required to establish a certain density of monitoring points across a geographical area?

Joyce Whytock: There is no such requirement, but we would ask them to identify specific pollution hot spots. Those are the areas that they should target and monitor. There is not much point in having a monitor in the middle of a park—having a monitor in an area beside a primary school and a busy road would be much more useful. That is the sort of area that is identified in the guidance.

Mr Kenny MacAskill (Lothians) (SNP): What additional work load is it anticipated will fall on the shoulders of SEPA and will SEPA receive additional resources?

Sarah Boyack: SEPA is currently preparing its forward plan for next year. It will identify its priority work areas in light of a range of central Government initiatives.

The Convener: Robin Harper has joined us. He

is late because he was giving evidence to the Justice and Home Affairs Committee.

We can approve or not approve the SSI in its entirety.

Motion moved,

That the Transport and the Environment Committee in consideration of the draft Air Quality (Scotland) Regulations 2000, recommends that the Regulations be approved.—
[Sarah Boyack.]

The Convener: The question is, that the motion be agreed to.

Motion agreed to.

Integrated Transport Bill

The Convener: We move to agenda item 3, which is the integrated transport bill. The committee has already taken evidence from the minister on the matter. There were many areas that we wanted to investigate and we ran out of time. We are very pleased that she has returned to continue the discussion. We left off in the middle of a debate about buses and national timetables.

Mr Tosh: I thought that we had covered that.

The Convener: We will discuss concessionary fares later in the meeting. Are there any questions for the minister on congestion charging?

Mr MacAskill: I am taken by the concept of additionality, minister. Can you confirm that there will be no reduction in real terms in the money available to local authorities for transport and infrastructure, should congestion charging be introduced? Can you also confirm that there will be no reduction in the Executive's expenditure on those areas where congestion charging has been introduced?

Sarah Boyack: I can give a strong commitment that the charging revenue will result in genuinely additional expenditure on transport. The safeguard for that is full transparency—we are asking local authorities to identify a separate account for the proceeds from road user charging. As members will be aware, we do not ring-fence local authority money for transport. However, the way in which the local authority spends resources on transport should be transparent. It should be possible to identify the revenue as additional money.

The Scottish Executive must take on board that issue, too. Currently we spend money through the public transport fund and the rural transport fund. We are making a commitment to ensure that the charging revenue is additional. That was a major concern of several of the respondents to our consultation exercise, which is why we have included the commitment in our proposals.

Mr MacAskill: I understand that the money is additional, because it is coming in from an external source, and I understand what you are saying about transparency. However, I do not think that that necessarily guarantees that matters that are currently funded directly—through rates or through central Government provision—will not be funded by road user charging. Can you give a guarantee that that will not happen—that such revenue will result in additional expenditure for new projects and that things that are currently funded locally or nationally will remain funded in that way?

Sarah Boyack: In approving any scheme undertaken by a local authority, I would have to be

satisfied that the authority was definitely putting in new resources through the schemes. I would also ensure that the local authority was not changing its accounting system to avoid using existing transport expenditure.

I refer members to page 30 of the proposals document, where we set out our key commitments on hypothecation, additionality, full transparency, fair treatment and public transport improvements.

Those are issues for the local authority, in drawing up the scheme, and for Scottish ministers, in giving the in-principle and detailed approval. There is also the issue of consultation—I am not the only one who would need to be satisfied. Local residents will be consulted and they must be satisfied that the conditions would be met.

Mr Tosh: Glasgow City Council is considering a report on the ability of the new legislation to generate public-private partnerships. There is concern that the private sector is unlikely to enter into agreements that might be cancelled if the political control of an authority changed hands. It is remarkable that Glasgow City Council brought that up—perhaps it is anticipating proportional representation.

I would like to clarify whether a scheme that is created and approved is contractually binding for 10 or 20 years. Are the fears of Glasgow City Council unfounded? Would a new, progressive Conservative administration in Glasgow be unable to change the scheme?

Sarah Boyack: I certainly do not want to comment on the future politics of Glasgow.

In the proposals paper, we have said that we will not set a national limit to the duration of charging orders. That has a clear purpose. The schemes that local authorities propose may differ according to local circumstances. To give some certainty both to local authorities and local residents, the duration of the charging order must be specified. I would need to know how long the order would last before I could approve it. That should provide comfort for both investors and residents.

All schemes will be subject to review in the context of the local transport strategy. The local authorities would have to make the purpose of the scheme absolutely clear at the point at which it was being established. I am not specifying for each local authority what the local circumstances might be.

Mr Tosh: If, for the sake of argument, you approved a 15-year scheme, would you be approving all the detailed expenditure throughout the life of the scheme?

Sarah Boyack: If I were to approve a lengthy scheme of that sort, the local authority would have to be able to demonstrate fully the need for such a

scheme and how the proceeds would be spent. Thereafter it would have to produce an annual report both for my purposes and to enable the authority to identify how the proceeds of the scheme were being spent and how construction work on different projects was going ahead.

10:15

Linda Fabiani (Central Scotland) (SNP): I have noticed a problem when motorway traffic re-emerges on to trunk roads. I cannot see any indication that that problem is going to be dealt with. Are there any plans to introduce incentives that would address it? When people leave the M74, for instance, they encounter big queues of traffic, which has safety implications. Local authorities do not have responsibility for that.

Sarah Boyack: We are not addressing that in this bill. We have announced new national road safety targets, which involve reducing child accidents by 50 per cent. That is where we will address road safety. In our future expenditure on trunk roads and motorways, one of our key aims will be to introduce safety measures on those roads. That does not require legislation.

Linda Fabiani: When do you intend to start spending money on such measures?

Sarah Boyack: We are currently spending money on road safety. During the strategic roads review, one of the five principles that we considered when evaluating schemes was safety. Route action plans are being drawn up throughout the country to identify clear measures to tackle safety problems. Those are in addition to our national targets on child safety and on reducing the number of accidents generally.

Des McNulty: I have two questions. Murray Tosh mentioned Glasgow, and one of Glasgow's successes in traffic management is its differentiated charging scheme for parking, which penalises people who bring in their cars at peak periods and leave them there all day, but involves lower charges for people who come in for short periods to shop. Is there any possibility of considering time differentiation for congestion charging, as the objective is to reduce congestion at its peaks rather than to remove cars from specific areas at all times of day? Does what you are proposing include a mechanism that would allow such fine-tuning of the management process?

Sarah Boyack: That is a very important point. Schemes for congestion charging would have to be linked into local transport strategies. In the long run, we are looking towards more sensitive options such as time charging. Those could be introduced if we had some form of electronic capability. I know that that is being considered in other

countries. Part of the purpose of the Hermiston Gait study will be to enable us to examine different traffic flows and to test the electronic technology that would allow charging to be used in a much more focused way. Over time, we could move to a more sophisticated approach that would meet other road traffic objectives.

Des McNulty: As a pilot scheme, it might be feasible to examine the way in which trucks and so on deliver goods to sensitive areas. An electronic system for charging trucks or barring them from making deliveries at particular times of the day, thereby encouraging them to make them at other times, would be a useful traffic management system that might come out of the congestion charging process.

The other issue that I want to ask about is the process of allocating the proceeds of congestion charging. It is characteristic in local government that recharging schemes are fraught with disputes, and it is difficult to establish a proper basis on which the recharging would operate. The congestion charging system envisages who would be eligible, whereas I am more interested in the mechanism for establishing the distribution of funding. The danger is that, if the distribution is left to default, suburban authorities may feel angry that the cities are taking all the money. The reverse could also occur; cities may find it difficult to implement congestion charging schemes because the disputes between them and the suburban authorities are not properly resolved. Issues that are associated with the recharging mechanisms will have to be sorted out in advance of their implementation.

Sarah Boyack: That is right. Partly it is a matter of consent and fairness. It is important that local authorities that would be affected by a congestion charging scheme should be fully involved from the outset in the discussions on its operation and benefits. Fair treatment is a critical issue, which will need to be resolved; it would be up to local authorities to submit a joint scheme for congestion charging. If a local authority submitted a scheme on its own, I would want to know that it had consulted effectively with the surrounding local authorities and that it had discussed not only the operation of the scheme, but its key benefits—not only in the reduction of congestion, but in the identification of new revenues. That process has been started where local authorities are seriously examining the option of congestion charging.

Des McNulty: Does the Scottish Executive envisage any role for itself in the event of disputes in which, for example, a suburban authority considered that a city authority or a neighbouring authority was designing its traffic management schemes in ways that would create bottlenecks for people who wanted to enter that area, or that

would discriminate against other groups? A classic example of such a dispute arose between the authorities in Clydebank and Glasgow, when Glasgow City Council fenced off one of the routes that Clydebank folk used to get into Glasgow. Because Glasgow City Council had the authority to do that, there was no basis on which people in the neighbouring authority could object. There are routes over which there could be hundreds of disputes. Have you anticipated potential areas of controversy under the new circumstances?

Sarah Boyack: The key issue will be the two stages at which local authorities have to gain ministerial approval. The first stage will be approval of the principle. At that point, the local authorities that are driving the scheme forward will have to be able to demonstrate to Scottish ministers that they have consulted neighbouring local authorities and that those authorities are content with the scheme in principle. The second stage will be consideration of the proposals. The schemes will have to be in line with the local transport strategies; any local authority that attempted to create congestion would be acting against the principles of our programme to tackle congestion. By definition, that would have to be one of our considerations.

The monitoring of expenditure and the prioritisation of schemes will also have to be addressed up front, before permission is given for schemes to go ahead, rather than during the implementation of a scheme. Those are critical factors that must be established right at the start. You are right—those and several other issues would inform whether approval of a scheme would be given.

Robin Harper (Lothians) (Green): In Edinburgh, particularly in my area, there is a considerable difference between traffic flows during the holidays and traffic flows during school time. I would like consideration to be given to a couple of ideas. First, some firms and public bodies could stagger their working hours. When schools decided to go for the asymmetric week, quite a lot of them changed their start time from 8.45 am to 8.30 am, which would have gone some way towards helping the traffic flows. Secondly, more consideration could be given to the pedestrianisation of transport. Pedestrians do not seem to figure as much in the proposals as one might like. Will you consider those things?

Sarah Boyack: Safer routes to school, pedestrianisation and the promotion of cycling do not require legislation; they require action. Local authorities can use the local transport strategies to shape the use of our road space and public space, and the creation of safer routes is critical. You are right to say that our streets are much less busy in the holidays. Promoting those aims as part of a

coherent approach is the way forward for local authorities. We know that the majority of transport routes are short distance, so there is an opportunity to do much better. Increasing travel awareness is part of that process; it is not part of the legislation, but it is part of the context.

On school crossing patrols, I am delighted to refer you to page 35 of the proposals. We suggest that local authorities should be given the power to extend the service provided by school crossing patrols to anyone who wants to use it. That may seem like a minor issue, but it would make more effective use of a resource that is currently available. We also suggest that the current 8 am to 5.30 pm time restriction be moved, so that local authorities would have more flexibility in setting the timing of school starts. Those decisions are definitely a matter for the local authorities and not for me. I would not get involved in school starting times, but local authorities should be able to consider staggering school hours. That might be a way of tackling traffic congestion by spreading it across time to create a safer environment. We have consulted widely on that. It may not be a headline issue, but it could play an important part in managing some of our school traffic.

Mr MacAskill: Page 32 of the document shows a flow chart for introducing a charging scheme. I have some questions about how we would get from stage 3 to stage 8. Stage 3 is:

“Local authority develops outline charging scheme and complementary transport improvements.”

Stage 8 shows two boxes. The first reads, “Charging scheme introduced.” The second reads, “Transport improvements introduced.”

What method of funding is proposed to get from stage 3 to stage 8 and what additional funding will the Executive provide? If it is all to be covered by borrowing and charging, what method of borrowing will be used and will the private finance initiative or public-private partnerships be considered?

I can understand how adjacent local authorities can be forced to discuss park-and-ride schemes to avoid simply pushing the hot spots outwards. How do you anticipate such schemes tying in with the shadow strategic rail authority to ensure, for example, that electrification and improvements on the lines from the west of Scotland into Edinburgh would take place? How can we make the SSRA electrify between Holytown and Mid Calder or pay for building between Airdrie and Bathgate? If those are necessary transport improvements, how can a local authority access the money and have the power to deliver over the SSRA?

Sarah Boyack: The local authority would not have that power. That is a power for Scottish ministers to exercise in conjunction with the

strategic rail authority. I propose to exercise that power by examining the local transport strategies prepared by each local authority and considering how they fit into an overall transport vision for Scotland.

I need to do that in conjunction with the local authorities; that should inform the work of the SSRA. Last week's crossrail investment in Edinburgh was a classic example of our using the public transport fund to enable the City of Edinburgh Council to expand the rail network. The SSRA's £900,000 unlocked the jigsaw and made that possible. We are beginning to see the full fruits of the relationship in Scotland.

10:30

Getting from stage 3 to stage 8 will require a great deal of work and consultation. When local authorities get to stage 3, I would have to examine a scheme and see whether local authorities have been consulted and whether the general principle of the scheme fits in with the local transport strategy of the local authority area.

At the point of my giving approval in principle to develop a charging proposal, a number of financial mechanisms are available. One is the public transport fund. I would be keen to consider the development of a congestion charging scheme in the context of putting forward a bid to the public transport fund. Support could come through other mechanisms, including the SSRA. That could be helpful in developing the plans for improvement.

Stage 5 includes developing the scheme and developing plans for improvements. Those two things would develop in tandem. There would then be wider consultation on the detail of the proposed schemes; Murray Tosh has referred to the time scale of that.

It is critical at that stage that the local authorities work together and carry out the consultation. Before the legislation is enacted, we want to discuss with the local authorities how to construct the consultation processes and what would be expected of the processes. The nature of the proposals would influence the type of consultation that would be appropriate. We can develop that in the light of the legislation.

I have made a commitment on the public transport fund and, during my speech to the Parliament about the transport legislation, I have said that we would support those local authorities that were reaching the stage of developing a charging scheme. We would be prepared to give local authorities some financial assistance in pump-priming any schemes that were adopted. That is particularly relevant to Edinburgh, which has sought EU and Scottish Executive funding.

Mechanisms exist to assist local authorities, and we are prepared to investigate how we can give them genuine support, regardless of whether they are seriously considering congestion charging schemes. On PPP and PFI, when local authorities approach stage 7 and are developing the detailed scheme of transport improvements, that is the point at which we are looking for imaginative and innovative ideas. That has to be part of the consultation, however.

Mr MacAskill: John Prescott has talked about £80 billion over 10 years. Can you say what money might be available to a local authority that is keen to implement ambitious plans? What is the ballpark figure that will be available for the public transport fund that local authorities can access?

Sarah Boyack: It is £90 million over the next three years, £14 million of which will be for the rural transport fund. The programme will be over three years and it will be up to us in our comprehensive spending review in Scotland to shape the public transport fund for the future.

Mr Tosh: I have questions on paragraphs 89 and 91 of the document. Paragraph 89 states:

"Schemes whose main purpose appears to be concerned with raising revenue will not secure the approval of Scottish Ministers."

I would like to ask you about that in the specific context of Glasgow. In so far as I can understand the press coverage of the meeting that you had with the leaders of Glasgow City Council and South Lanarkshire Council around the turn of the year, there seemed to be a suggestion that you were encouraging them to consider workplace parking as a means of funding the M74 northern extension. The press may have got that wrong, but the paragraph that I have cited would seem to rule out such funding—you would not allow that to be done, as it was simply a revenue-raising exercise. Does the same stricture apply to the city entry charges? Will you not approve them if they seem to be concerned principally with raising revenue?

Sarah Boyack: It would have been useful for you to have been a fly on the wall and to have a note of what we discussed at that meeting.

Congestion charging schemes and workplace parking levies have to be part of a wider scheme to tackle traffic congestion. Raising finance for investment can, of course, be part of that wider scheme, but everything has to hang together.

Another thing that I said to local authorities on the day was that there is a variety of mechanisms that they should consider for their local transport strategies. If they intend to use any form of congestion charging under this legislation, targets for reductions in traffic congestion and improvements in air quality will have to be met. They are well aware that all measures have to fit

into a wider programme.

The tolling option already has legislative approval under the New Roads and Street Works Act 1991; I was talking to local authorities about the specific legislative empowerment that will come from this bill. Any mechanisms they use that derive from this bill will have to relate to their local transport strategy objectives. The approach must be coherent.

Mr Tosh: If an authority had an approach that did not necessarily reduce congestion but eliminated some projected congestion, would that qualify?

Sarah Boyack: I would want to consider that.

Linda Fabiani: What level of transparency will be required in the private finance initiative schemes that are entered into by local authorities with the approval of the Scottish Executive and the minister? What right of scrutiny will the Parliament have for individual schemes?

Sarah Boyack: I have made it clear in the paper that, when approving any scheme for a local authority, we would have to be satisfied that it made economic sense and provided value for money. There would have to be consultation before any scheme was approved, and there would have to be an annual monitoring process. I hope that that would provide transparency for all affected by the scheme. Local businesses, authorities or communities would be able to see how the money was being raised and spent. That would be true for public-private partnerships, PFIs, or straightforward capital investment by local authorities—they would all have to have ministerial approval at the start and would have to be reported on annually.

Linda Fabiani: What rights of scrutiny would the Parliament and Audit Scotland have? Will those rights be enshrined in legislation?

Sarah Boyack: We have not made that commitment in this bill. We have said that I, as minister, would have to be satisfied, that the local authorities would have to consult, and that there would have to be an annual reporting mechanism.

Linda Fabiani: Reporting to the Scottish Executive, not to the Parliament?

Sarah Boyack: No, not just to the Scottish Executive. The charging schemes would be local, so accountability would be to local communities, local businesses and local residents. The schemes are being suggested by local authorities and given ministerial approval. In a sense, they are owned by local authorities. The safeguard is ministerial approval, which will ensure that local authorities have met the requirements for consultation in the paper that we are discussing today and the bill when it comes through.

Des McNulty: One of the legitimate gripes about PFIs and PPPs concerns the administrative complexity and the costs involved in putting the schemes in place. Listening to you, Sarah, I am beginning to worry about the level of administrative complexity that is associated with each stage. There is complexity for the local authority in proposing the detailed plans for the schemes; there is complexity at your end when you have to evaluate the schemes; and there is the complexity of consultation and monitoring. Has there been an audit of the costs of putting a scheme in place? Do we have a broad grasp of what the additional administrative burden may be on local authorities and on the Executive?

If the process is overburdensome for the larger authorities and even more so for the smaller ones, is there any way in which it could be rendered less complex for schemes about which there is broad agreement? Is there any way to reduce what might be seen as an administrative monster?

Sarah Boyack: The paper makes clear that the consultation requirement has to fit the nature of the scheme. A relatively straightforward scheme would have a different requirement for consultation than a major scheme that crossed several authorities' boundaries.

Through the bill, we are providing legislative powers that will enable local authorities to tackle congestion. We have to bear in mind the 53 per cent increase in traffic that will take place in the next 30 years. If doing nothing was an option, we would not be embarking on this course. We have to tackle congestion and the process must be driven by the authorities that have the most significant problems. There is an issue about the level of complexity, but there is also a pressing need for action. When drawing up legislation, it is important that we strike a balance between ensuring transparency and reducing complexity.

The public transport fund is a competitive fund. To access it, local authorities have to meet certain criteria and submit rigorous proposals. Occasionally, the proposals are knocked back because they are not argued well enough. They accept that and will come back with an improved scheme the year after. I do not want to over-emphasise the extent to which local authorities will have to carry out new work.

Part of the commitment that I gave in answer to Kenny MacAskill's question about support from the Executive was that we are prepared to help local authorities that have pressing congestion problems and are expending energy on working out a scheme. We can learn from other countries' experience of similar schemes but, in Scotland, winning people's trust and securing political

consent must be part of the process. I am sure local authorities fully accept that. We will try to make the process as straightforward as possible, but the criteria and the safeguards must remain so that the public is convinced that we are approving schemes that have been well worked out, are robust and have been through a thorough consultation process.

Des McNulty: I accept that we have to manage congestion effectively and that this is an innovative approach to doing so, but we need to ensure that the benefits of the schemes are not reduced by the imposition of an elaborate administrative system. We must be conscious of the balance between cost and accountability.

Time is an important issue. Given the time it takes to establish a relatively simple road traffic order, it seems to me that the new schemes could take a long time and a lot of administrative effort to put in place. Ultimately, like every other political decision you make, there is a value-for-money imperative to think about. It is important to ensure that we do not end up with something that is so complex that the administrative costs outweigh the benefits.

Sarah Boyack: I could not agree more. That is the sort of issue that we will have to bear in mind when we have the bill.

Balancing transparency against the effectiveness of schemes is sensitive. We have to focus on value for money and the long-term achievements that will come from schemes.

Mr MacAskill: Do you accept that an investment of £90 million over three years will not provide the resources that are required? If we are talking primarily about the City of Edinburgh, do you agree that what is required is an improvement in rail transportation, such as a Borders rail link and improvement of links with West Lothian? If that does not happen, the danger is that we will be left with peripheral park-and-ride schemes on various sites on the other side of the Forth and at Lothianburn, Kinnaird Park and so on. If we really want to make a difference, we will have to spend substantially more. What schemes could be built in the Edinburgh area with £90 million over three years?

10:45

"Tackling Congestion" suggests:

"The primary legislation will allow the Scottish Executive to extend the scope of the levy to apply to types of non-residential parking other than workplace parking through secondary legislation."

Presumably that kept open the option of secondary legislation on retail sites, but it does not appear to be replicated or reflected in the

integrated transport bill. Am I right in saying that the suggestion of the possibility of secondary legislation for non-residential parking other than workplace parking is now out? If so, what is the logic behind that? Do certain retail units not cause just as much congestion as workplace parking?

Sarah Boyack: The public transport fund must apply across Scotland and we must ensure that there is appropriate investment throughout the country. I do not want to underplay the investment that has already been made in the key areas where local authorities are tackling congestion. You have picked the example of Edinburgh. Major investments are already taking place in crossrail, in East Lothian and Fife. A significant turnaround in the bus fleets in Edinburgh is happening only this week. New ticketing schemes are being considered by all the authorities in the south-east of Scotland. It is important that we do not underplay what is being done now.

There are limits to what can be spent. If I had an unlimited budget, I would come up with unlimited schemes, but that is not what is available to me. Schemes must be prioritised and win support. Edinburgh City Council and the south-east of Scotland transport partnership are doing a great deal of work identifying priority schemes that can be developed. Congestion charging gives us an opportunity to unlock schemes and to push them up the priority list. The consultation exercise in Edinburgh specified the city's top priorities for tackling congestion.

We consulted on the extension of powers and when we introduce detailed legislation we will make clear our response. We do not intend to include retail sites. We want congestion-charging schemes that win broad support, that local authorities can take forward and that are line with local transport and planning strategies. We are taking an integrated approach. What is in our draft paper is what we intend to include in the bill.

Mr MacAskill: I do not understand the logic of taxing the nurse who cannot get to St John's hospital at Howden except by car when she works the night shift but letting off the guy who will not walk from his house in the Gyle to the shopping centre for his morning paper and packet of fags. What has persuaded you that it is right to charge the nurse but not the guy who will not walk 500 yards?

Sarah Boyack: That is a great soundbite, but it is not what we are talking about. There has already been a members' debate in Parliament on health authorities' charging for workplace parking. Such schemes already exist. When we propose legislation, we must prioritise and decide what our key targets are. The main problem that we are dealing with is congestion. Currently, the main driver for congestion is people travelling to work

and using roads to the extent that they are becoming congested. That is why we formulated the bill as we have.

Mr Tosh: I will be brief, as I need to get down to the car parks in Ayr to distribute my leaflet on the latest SNP policy initiative.

I want to address the enforcement of the car park charging scheme. I will continue my charm offensive towards Glasgow City Council. Its concern is that workplace parking levies will reduce traffic levels—rather than raise money—only if the charge is passed on to the employee who uses the parking space. It is no clearer in this document than it was in “Tackling Congestion” whether the charge is on the owner or the user of the parking space. The council wants the legislation to be written in such a way that the burden falls clearly on the user of the space. Does the minister accept that argument? What does she propose to do to ensure that the user pays?

Sarah Boyack: I do not wish to become involved in Murray Tosh’s charm offensive toward Glasgow City Council, but I will say that we are carefully examining all the responses that we have received from a wide variety of organisations. At present, it is our view that we should ensure that the system we develop is enforceable and that it provides for independent adjudication and allows people to be clear about who is liable for charges.

We have begun to discuss with employers green transport plans and the relationship an employer who is implementing a green transport plan might have with the workplace parking levy. It is important that we have both the carrot and the stick and that there are incentives for people to identify other ways of getting their employees to work. We must develop schemes that are enforceable—this addresses Des McNulty’s point—and proportionate in terms of the energy that is needed to enforce them.

It is our view that the most straightforward approach is to charge the people who run the parking places—the employers—rather than the people who use the parking places. I accept that we have to discuss further how schemes will be enforced. There must be an emphasis on alternatives that can be pursued but it is critical that schemes should be enforceable. That is why we are considering carefully some of the submissions on that issue that have been made by a wide range of organisations.

Mr Tosh: If the onus of enforcement is put on the owner and provider of the space because that is the easy way to enforce the scheme and collect the money, does that not mean that schemes will be revenue raising rather than congestion reducing? Does that not go against the principle that is established in paragraph 89?

Sarah Boyack: No, because the schemes have to link into an overall congestion approach by the local authority. I return to the point that this is about providing people with transport choices and using the revenue that is raised to create positive alternatives for employees who currently use their cars. It is not just about workplace parking levies; it is about the wider congestion approach of the local authority and the wider move to green transport plans. It is important that we adopt an integrated approach to this issue.

Janis Hughes (Glasgow Rutherglen) (Lab): On workplace parking levies, what do you mean by national exemptions? Within what parameters will local authorities be able to make local exemptions?

Sarah Boyack: We have suggested national exemptions because it is clear that there would not be any scheme anywhere that should not have an exemption for emergency vehicles or for those whose mobility is impaired. Rather than having a designation order on each occasion, we are being clear now about national exemptions. The need for national exemptions came through strongly in consultation responses. It is an important issue for the emergency services.

It is up to local authorities to identify where it would be appropriate to apply exemptions. They would have to weigh up pressing local needs for exemptions against the revenue and congestion implications. There is a clear distinction between national exemptions and local exemptions that local authorities may want to impose.

Janis Hughes: Will local authorities have the right to make decisions on local exemptions? Will there be guidelines or will permission be needed to apply local exemptions?

Sarah Boyack: It would be a matter for local authorities.

Linda Fabiani: I have a question that relates to congestion and workplace charging. A local authority might introduce a civil penalty for the breach of a regulation that is supposed to raise money for that local authority. Has that element of the integrated transport bill been checked for compliance with the European convention on human rights?

Sarah Boyack: Independent adjudication will allow people to complain or to object to the application of a penalty.

Linda Fabiani: But has that aspect of the bill been run past the ECHR?

Sarah Boyack: As all new legislation must meet ECHR requirements, the drafting of the bill’s details will have to demonstrate that.

Des McNulty: Has consideration been given to

offset or rebate schemes for workplace parking charges to encourage employers to build secure facilities for storing bicycles and indeed to encourage more bicycle use? Such schemes could provide useful leverage to facilitate the use of more environmentally friendly transport.

Sarah Boyack: That is what I had in mind when I said employers could develop green transport plans. There are a range of mechanisms for businesses. It would be up to them to identify schemes to tackle congestion or that might exempt them from a workplace parking levy. We are open to creative discussion on the issue and it might prove to be one of the benefits of the legislation.

The Convener: As members have no further questions—I can see that you are relieved by that, minister; I quite understand—I want finally to mention concessionary rates. The committee has discussed the matter with you and two of your officials kindly gave us some insight into details of the proposed research. We are anxious to ensure that the work is carried out but not to duplicate any of the Executive's work. We have certain reservations about which I have written to you. Although you have stated that research on this issue will be aimed at groups such as elderly and disabled people, we are concerned that the socially excluded, the unemployed, carers and other groups who might be identified in our research have not been included and have requested that you widen your terms of reference.

Secondly, as we have such an interest in the matter, do you have any proposals to include the committee in the Executive's research? Any answers will allow the committee to have a more detailed discussion on our proposed areas of work after you have left.

Sarah Boyack: By the time the bill is given royal assent, I want to be clear about how to proceed on concessionary fares. The Government has prioritised elderly people and people with physical disabilities. I want to ensure that I have the funding and have clearly worked out its implementation and implications. That is why the Executive's research must be focused and delivered on time—so that the committee can appreciate the extent of the research when we finally implement the bill. I am more than happy to circulate any interim reports so that the committee can follow the progress of the research.

Although I do not want to extend the terms of reference—it might complicate the study and delay its findings—that should not prevent the committee carrying out supplementary research or taking a longer-term perspective on the issue. I hope that that is helpful and that we can work together in setting priorities. We gave a commitment in the programme for government to improve

concessionary travel schemes. There is already a free concessionary scheme for blind people, which covers several modes of transport. Although, as I said, we are prioritising elderly people and people with physical disabilities, that does not rule out other groups in the long term. However, I want to give a clear political commitment about the Government's direction on this issue.

The Convener: That clarifies the matter. If we know your intentions, we can discuss in detail what we intend to do.

We have enjoyed this morning's session. Committee members have had the chance to ask you questions to their hearts' content and I think that their hearts are now content.

Sarah Boyack: Can I have that in writing, please?

The Convener: Thanks very much.

11:00

Meeting adjourned.

11:07

On resuming—

Concessionary Travel

The Convener: I welcome the committee back after that short break. We now come to agenda item 4, our on-going discussions on concessionary fare schemes. In the light of the minister's responses, we have several decisions to reach. A paper has been circulated to committee members, at the end of which are several options. I invite the views of committee members on those options before we reach a conclusion.

The minister has indicated clearly the groups that will be approached and the areas that will be examined. She has also indicated that we will be involved with the matter at interim stages of reporting. The paper outlines several options for deferring a decision until that work has been undertaken, for taking evidence from specific groups between now and then, and for other steps that could be taken in consequence of the Executive's decisions.

Linda Fabiani: It would be useful to request written evidence from some of the groups that are mentioned in the paper. The committee could establish a view on that evidence so that, when we receive the interim reports from the minister, we will be able to offer feedback.

The Convener: That is a good point.

Nora Radcliffe: I have a general point. We must be wary of raising expectations that we have no realistic chance of satisfying in the short term. In seeking evidence, we should make it clear that measures will not be implemented in the short term.

Linda Fabiani: We should keep the evidence written. Bringing people before the committee would raise greater expectations than would requesting a written submission.

Des McNulty: Our time is not best spent talking to the different groups of people who want concessionary fares. That is what the Executive will be doing. It might be better for us to consider "joined-up" areas, such as concessions linked to job seeking and the new deal. We could speak to some of the providers of concessionary schemes and ask how they see the links between such schemes and other social objectives.

Janis Hughes: Perhaps we could follow a combination of those suggestions. We should not spend time taking evidence from the same people whom the Executive is approaching. However, if we take written evidence and areas of concern

emerge—matters on which people do not think that the Executive is taking account of their views—we could still take oral evidence if necessary. We should focus on the groups that the Executive has not decided to include in its consultation, such as the unemployed and people in caring roles.

The Convener: Do we need to be more specific about the groups that we are approaching? We could come back to members with a list of suggestions. The issues that we have identified are based on the categorisation of those who could be included in a concessionary scheme. We are drawing on a broader remit in relation to social exclusion. We will circulate a list of the bodies that we are likely to approach, bearing in mind what Nora Radcliffe said about raising expectations. Is it agreed that we will take focused written evidence on areas that are not included in the Executive's remit?

Members indicated agreement.

Petition

The Convener: I refer members to PE68 from the National Farmers Union of Scotland, which calls for the agriculture sector to be exempted from the proposed climate change levy. I also refer members to the covering note.

The petition was referred to the Transport and the Environment Committee by the Public Petitions Committee, and the Rural Affairs Committee was asked to give us comments. At a meeting on 29 February, the Rural Affairs Committee agreed to

"alert the Transport and the Environment Committee to the agricultural community's concerns that there might be a differential, and say that, when the taxing policy comes to fruition, it should be sensitive to rural and urban needs."—[*Official Report, Rural Affairs Committee*, 29 February 2000; c 425.]

Members will be aware that the implementation of the climate change levy is a reserved matter. There are three main options open to the committee. First, we could note the petition. Secondly, we could write to the Executive setting out the concerns raised by the petitioner, seeking information on the available options in the context of devolution. Thirdly, we could write directly to the Whitehall department, expressing the concerns raised by the petitioner.

Are there any comments?

Mr Tosh: The second and third options are not mutually exclusive. Presumably we could do both.

The Convener: Yes.

Mr Tosh: I have much sympathy with the petition. Agriculture is in a difficult financial position. The petition also identifies several areas where our agricultural sector is at a geographic disadvantage—we cannot grow tomatoes here, except under glass. There are things that the sector has to do and energy that it has to use.

I could not quite find the reference, so I eventually dug out a Department of the Environment, Transport and the Regions press notice, issued in December, about the agreements that the UK Government reached with manufacturing industry. The proposal is to rebate the climate change levy by about 80 per cent in exchange for an agreed strategy on energy-efficient targets. That sort of quantitative, negotiated, consensual and gradualist approach is better than a crude fiscal measure.

I am sure that there is every justification for saying that agriculture has to become more energy efficient, and I imagine that the financial pressures that those guys are under just now make them conscious of that. However, I am sure

that that would be a more constructive route to take than simply taxing them, especially when they cannot earn the benefits from the national insurance dividend. I would like us to adopt a sympathetic response and communicate that to the Executive, with a steer that we would still like work to be done to achieve energy efficiency. That is important, but we do not want to penalise the industry.

11:15

Robin Harper: You might expect me to take a hard line on energy efficiency, but through working on the organic food and farming targets bill, I have become conversant with the current problems with agriculture in this country. The amount that we would gain by imposing a climate change levy on farmers would not be significant compared to the contribution that would be made by transport and by home heating. What we could lose by pushing small farmers and the horticulture sector to the very edge of profitability swings the balance in favour of the arguments—made in the petition and by Murray Tosh—that we should support the agricultural sector.

We should offer our support, with the caveat that farmers should play their part in achieving energy efficiency gains in the fullness of time, but not until we have sorted out the other problems of the agriculture sector through European funding and support. Once agriculture has gone through those changes, the farmers will be in a better position to play their part in energy efficiency. To hit them with the climate change levy now would be quite inappropriate.

Mr MacAskill: I agree with Robin Harper and Murray Tosh that we should note the petition with sympathy and agree with the petitioners. First, however, we need to know the Executive's position and how it relates to Westminster. We have seen the statutory instrument this morning—clearly, things are moving apace and steps are being taken to deal with pollution—but I would like to know the overall thinking. It is not simply to do with controlling air quality, or the climate change levy. The Utilities Bill also ties into this policy area.

We need to be told how the Executive sees those three things interacting and what it thinks will be the effect. Farmers are saying that it will cause problems, but no doubt other industries also have legitimate grievances. We need to know what outcome the Executive predicts from the air quality control strategy, the climate change levy and the Utilities Bill. Without that knowledge, we will be dealing with matters piecemeal and in a reactive fashion, instead of gathering them together. I suggest that we note the petition, say that we sympathise and are considering the matter, and ask the Executive to deal with all three

matters and tell us where it thinks that the nation is going over the next 10 or 20 years.

Des McNulty: I come at the question from a slightly different tack from Kenny MacAskill, but we reach the same end point. The farming sector benefits from a series of subsidies. We must ask whether the Government, in imposing the climate change levy, should reflect the circumstances that Murray Tosh described when allocating subsidies, rather than exempting farmers from the levy. There are two ways of recognising those circumstances. As Kenny said, it is all part of a general package.

My general inclination is against giving a series of different groups exemptions from the climate change levy, because having a broad environmental strategy is an important issue of principle. There may be different ways of taking into account the concerns and requirements of the Scottish agricultural sector. The problem should be considered in the round, so that we can identify the best approach. Are exemptions from the climate change levy best, or should we reconsider the pattern of distribution of subsidies and how that pattern reflects certain circumstances such as energy use?

Nora Radcliffe: I want to make a general point on behalf of the agricultural sector. It has been said that subsidies are always being flung at that sector, but we must accept that the subsidy is not for the agricultural industry but for the consumer of the eventual end product.

I liked Murray Tosh's idea. If a climate change levy is implemented, people could get that money back as a rebate to help them to tackle energy efficiency. I am coming round to the idea of obtaining more information about the options before we come to a final decision about the petition. We should examine more thoroughly the implications of the climate change levy.

Robin Harper: I want to clarify my position on the petition. I am not saying that the agricultural industry should be exempted from the climate change levy in the long term. However, at present, it seems clear that the agricultural industry—certain sectors of that industry in particular—would not be in a position to survive the imposition of the climate change levy in the way in which that is envisaged. One could go down the line of exempting those sectors from the levy, or one could postpone its application until the position of the agricultural industry is clearer. One could allow time to consider suggestions, such as Murray Tosh's, that the levy could go back to the person paying it as a subsidy for the implementation of energy efficient methods, which would recycle the levy in a positive way.

Mr Tosh: I fear that Des McNulty's approach will take us into the debate about agricultural subsidies, payments, agri-environmental schemes and so on; it opens up an enormous area that is not really in our remit.

I go along with Robin Harper's comments. The time is absolutely not right for implementing the climate change levy in the agricultural industry. There should be a clear strategy for considering energy efficiency within the agricultural sector. A specific agreement was reached with a range of manufacturing industries that are all big energy users, including the producers of cement, food and drink, glass, metals of various types, paper, and chemicals. That agreement was for a discount of 80 per cent in exchange for the development of an industry strategy to work towards agreed targets.

That is a far preferable way in which to approach the application of levies such as the climate change levy. One should not clobber people with crude fiscal methods; rather, one should engage the sector's leadership in dialogue about how significant improvements could be undertaken. That is the approach that the Government should take towards the agricultural industry. I agree with Robin Harper: now is not the time to put burdens on that industry.

The Convener: I am content with options 2 and 3, which are to write to the Executive and to the relevant Whitehall department. We should say that we want to investigate the trade-offs that Murray Tosh mentioned and to consider the broader picture of climate change and the Utilities Bill, to which Kenny MacAskill referred, and how they fit in with other initiatives, such as the air quality strategy.

In our letter we should specify the responses that we are seeking and when we want to receive them, given that one of the issues involved is much broader and that we may wish to revisit it. We will reflect the petitioners' concern, but also deal with the issues that have been raised by committee members. We will segment the responses, so to speak, to ensure that we get early action on the issues for which we want it. We may then come back to the broader issue of the overall strategic objectives at a later date.

We view this petition sympathetically and will pass on the petitioners' concerns. We will also take further the issues raised by committee members. Are members happy with that approach?

Members indicated agreement.

European Documents

The Convener: The sixth item on the agenda covers two documents referred to us by the European Committee. European document 649 is an amended proposal for a decision of the European Parliament and of the European Council to set up a Community framework for co-operation in the field of accidental marine pollution.

European document 697 is a Commission staff working paper, a report on the operation and use of the information system set up under Council decision 86/85/EEC of 6 March 1986, establishing a Community information system for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea.

Together with those documents, members will have received a covering note from the Scottish Executive, a note from the DETR and a covering note from the clerk.

I remind members that we are not obliged to do anything with the documents beyond considering them at a committee meeting, as we are doing today. The European Committee requested that the Scottish Executive provide clarification on certain points. The response of the Executive has been circulated as committee paper TE/00/5/10. We are able to note the documents, and to consider the explanatory notes and so on, and we can consider what further action is required, if any.

Nora Radcliffe: Many issues are related to the documents. It is a grey area between what is devolved and what is not. I think that there is merit in exploring responsibilities for who does what when oil reaches a beach. We should perhaps consider several of the issues surrounding that in a bit more depth, and ask the Executive for more information.

Robin Harper: Referring to the news today, I think that it is a matter of urgency for the provisions to be brought into operation as soon as possible. It is clear that information on the tanker that sank off Brittany last year was not conveyed. People have been cleaning up the oil on that coastline, but the information about that oil being highly carcinogenic was not passed on.

Mr Tosh: I discovered from reading the press a couple of weeks ago that there is a DETR consultation paper called "Identification of Marine Environmental High Risk Areas". I am sure that we have not heard of that yet. It is a bit like air passenger duty and the airport strategy. There seem to be a lot of such necessary and valuable consultation exercises going on at a UK level that we are not plugged into.

As well as reacting to stuff that comes from Europe—we do not have to do anything about the provisions before us other than welcome them—we should find out about consultation on the marine environment in general. We want to be involved in the loop to a degree in which we do not seem to be involved at the moment. I do not know whether it would be up to us to make a case to DETR, or whether it is up to the Scottish Executive to make the case for our being included, but we should at least know that such things are ongoing. We might well have some input to these matters.

The Convener: We have a commitment to discuss with the DETR matters such as this to ensure that we are in the loop, and that we stay there. I hope that we will promulgate that point in due course.

Are there any other comments on the actual documents? It seems not.

Nora Radcliffe has indicated a wish to write to the Executive for clarification of responsibilities.

Nora Radcliffe: It is just to establish what guidelines there are. Who is responsible? Is it the local authority? Is it the landowner? Is there clear guidance on who should do what? What are the levels of responsibility? There are a lot of things that it would be better to sort out in advance of anything happening.

The Convener: On that basis, we should certainly note the documents, and I am happy for the correspondence that we have discussed to take place, and that the committee gets a copy of the response received from the minister.

Do committee members wish to take any other action? If not, are we happy to proceed as discussed?

Members indicated agreement.

Invitations

The Convener: We have received a letter from Mr Andy Naylor of Great North Eastern Railway, offering to provide the committee with a presentation on the details of its franchise extension bid.

This is both an important and sensitive issue, given that the east coast franchise bidding process is currently under way. Based on that, I would suggest that it would be inappropriate to receive a presentation from just one of the bidders involved in the process. It might therefore be useful to consider a wider briefing requirement on the process itself.

Once we know what is happening with those who are bidding for the work, we can perhaps revisit the matter. If we were to accept any presentations, they would be from all parties that have developed a bid.

11:30

Mr MacAskill: I would like to consider taking a proactive role in what is happening with the east coast main line. That might be dealt with under our future work programme, and we should seek public discussion. If we do not facilitate that, who else will? We should ask GNER, Virgin Trains, SNCF, if it is still considering proposals, and the shadow strategic rail authority to give presentations to us.

We have a limited amount of time, but if we restricted each presentation to 10 or 15 minutes, plus questions, we would have an opportunity to assess what those organisations are about. Otherwise, there is a danger that the franchise for the east coast main line, which could have implications for 25 years in the east of Scotland, will not be discussed by anyone, but will be dealt with by bureaucrats at the shadow strategic rail authority. I would like the committee to adopt a hands-on approach, invite them all in and ask them what they are about. However, we must include the SSRA, as it is the main player.

The Convener: I am sympathetic to that view, and I am advised that we will be able to receive a briefing on the issue from the Scottish Parliament information centre fairly quickly. We can then proceed. Is the committee happy with that?

Members *indicated agreement.*

The Convener: The shadow strategic rail authority will be included in our invitations to give evidence.

The committee has previously agreed to take the final two agenda items—the draft committee report on telecommunications developments and our future work programme—in private. I thank everyone for their attendance at the committee today.

11:31

Meeting continued in private until 12:04.

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