

TRANSPORT AND THE ENVIRONMENT COMMITTEE

Tuesday 23 May 2000
(Morning)

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TRANSPORT AND THE ENVIRONMENT COMMITTEE

† 13th 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)

WITNESSES

Mr Martin Christie (Audit Scotland)

Mr Bill Magee (Audit Scotland)

CLERK TEAM LEADER

Shelagh McKinlay

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Alastair Macfie

LOCATION

Committee Room 1

† 12th Meeting 2000, Session 1—held in private.

Scottish Parliament

Transport and the Environment Committee

Tuesday 23 May 2000

(Morning)

[THE CONVENER *opened the meeting at 09:51*]

The Convener (Mr Andy Kerr): I welcome members of the public and committee members to this meeting, the 13th of the Transport and the Environment Committee this year. I advise the committee that I have received apologies from Kenny MacAskill. I also advise the committee that our clerk, Lynn Tullis, has given birth to a baby boy, Cameron. I am sure that we are all pleased about that. I will circulate a card for us all to sign and send it off to her. That is the real baby who was born over the weekend, as opposed to that other one—I am waiting for my pager to go off at any minute.

Agenda item 1 is consideration of whether to take item 5 in private. As members are aware, we have to agree the contents of our submission to the Finance Committee on stage 1 of the annual budget process. During this morning's meeting, we are scheduled to hold a preliminary discussion on the contents of the report. As is usual with these preliminary discussions, we have to decide whether to take it in private. Does the committee agree to take it in private?

Members indicated agreement.

The Convener: I hope that next week we can consider the final version of the report to the Finance Committee. I suggest that we hold that session in private, too. Is that agreed?

Members indicated agreement.

Petitions

The Convener: Agenda item 2 is petitions. We have circulated the progress report, TE/00/13/1, which sets out all the petitions that have been referred to us and which ones are on-going. Due to our work load of the past few weeks, we have not had much time to consider petitions—we still have a number of out-standing petitions that have been referred to us. I hope that we can deal with them over the next few meetings.

On occasion, we have written to various bodies seeking additional information on petitions. We are still awaiting responses, as you will see from the report. I understand that the clerks will be contacting those bodies to ensure that we get a speedy response.

We are due to consider five petitions today. The first is petition PE23, from Save Wemyss Ancient Caves Society, which is accompanied by covering note TE/00/13/2. The petitioner calls for action to be taken to repair storm damage to the access to Wemyss caves. Members will recall that the last time we considered this petition we agreed to request information from the Executive on the extent of the coastal erosion problem in Scotland. We have received that information and it has been circulated. Do members have a view on the petition? As the report says, a number of options are available.

Mr Murray Tosh (South of Scotland) (Con): It might be reasonable for us to raise the matter with Fife Council. The Executive's letter notes that two tranches of capital consent have been made available for coastal protection. It is up to the council to decide its priorities, but we should ask whether it is doing anything about this issue and bring the petition—which I am sure it already knows about—to its attention. That would complete the trail for us.

Robin Harper (Lothians) (Green): Does Historic Scotland not have an interest in this area?

The Convener: We can check that.

Tavish Scott (Shetland) (LD): I would like to make one observation about the first paragraph of the letter from the Executive on the background to coastal protection. It seems that there is a contradiction between saying that ministers must

"approve schemes that are technically, environmentally and economically sound and sustainable"

and leaving it to local authorities to deal with coastal erosion. If the appropriate people give evidence to us in future, it may be worth bearing that in mind when we come to consider our line of questioning.

Mr Tosh: To pick up on Robin Harper's point, I do not think that Historic Scotland would be involved unless the caves were a scheduled ancient monument. It may be worth asking whether Historic Scotland has considered that. If it has, we would like to know what its decision was and the reasons for it. If it has not, perhaps it should.

The Convener: Those points will be taken on board and reported back on at a future meeting.

The next petition is PE28, from the 999 Clear Road Campaign. It is accompanied by committee covering note TE/00/13/3. The petition calls for the Scottish Parliament to support a law that would force drivers to give way and access to the emergency services in pursuit of their duties during 999 emergency operations. When we last considered this petition, we endorsed the view of the Justice and Home Affairs Committee that the Parliament's scope for legislative action was limited, given that the petitioner was writing on a reserved matter. We decided to refer the petition to the Scottish Executive, requesting that it take up the matter with the Department of the Environment, Transport and the Regions and with Westminster. The committee also decided to contact the DETR and Westminster itself.

We have now received responses from the Scottish Executive, the DETR and the Select Committee on the Environment, Transport and Regional Affairs at Westminster. In addition, the journal office at Westminster has been contacted and staff have confirmed that the issue raised by the petitioner has not been raised in debates, questions or early-day motions at Westminster. Those responses are attached to the covering note. What would members like to do with the information that we have now received? We can request additional information or we can conclude consideration of the petition by forwarding the information to the petitioner.

Linda Fabiani (Central Scotland) (SNP): We should take the latter option.

The Convener: Do we agree to conclude consideration of the petition by writing to the petitioner setting out the responses that we have received?

Members indicated agreement.

The Convener: Petition PE63, from the National Farmers Union of Scotland, calls for the Scottish Parliament to increase resources for agri-environment measures. The petition is accompanied by committee covering note TE/00/13/5. As members can see, the petition calls on the Scottish Parliament to

"determine the resources required to meet the objectives in Scotland and, using the devolved powers in agricultural matters, oblige applications of additional funds from United

Kingdom resources to these matters."

We are a secondary committee on this petition and are required to report our views to the Rural Affairs Committee. We may want to consider whether we have the necessary specialist expertise and knowledge to determine the resources required for agri-environment measures in Scotland, as requested by the petitioner. We may instead wish to write to the Executive for clarification and further information. This is a fairly technical and complex matter, but we can seek advice from others, if we see fit.

Des McNulty (Clydebank and Milngavie) (Lab): I have two points to make about this petition. We should be asking a broader question than the one that the National Farmers Union is asking. It is asking for additional resources for agri-environment measures. I would like, through this committee, to ask some questions about the way in which existing resources are used in the pursuit of agri-environmental measures. We should consider the demand for additional resources and the use of existing resources.

It would also be helpful to ask for views on modulation proposals from some of the environmental groups that are most closely associated with this matter. While that might happen in the aftermath of the Scottish Executive's consultation, I know that the Royal Society for the Protection of Birds has views on modulation, in which I would be interested. I think that the issue is broader than it is presented in the petition and it might merit closer consideration in due course.

10:00

Nora Radcliffe (Gordon) (LD): Some additional information would be useful, such as on the shortfall in agri-environment schemes over the past five years—we need some idea of the scale of the shortfall. It might also be useful to find out whether the rate of conversion to organic farming is increasing or decreasing. We might also ask why the funding comes out of the same pot of money. Because funding is supplied on demand for one of the schemes, there is less available for applications under the other scheme.

Tavish Scott: I would be concerned if we were to take a skin-deep look at the issue raised in the petition. This is an important matter in agriculture in Scotland and, as Des McNulty said, it is important to many environmental organisations. If we are to do this, we should do it right. I am not keen on spending half an hour on this petition during a committee meeting where we have a lot of paper and taking a not particularly clever or effective look at an important issue. I do not want the matter to come back to the committee as

simply an update on a petition—we should set aside a day to deal with it properly.

Robin Harper: I would like the petition to be considered in relation to the bill on organic targets that I am preparing. We have held three three-hour meetings with organisations such as the RSPB and the National Farmers Union and with organic gardeners and horticulturists. All are on board and we will have a report to give to all MSPs and, in particular, to the 40 MSPs who have supported my proposal.

We are running up against considerable difficulties, because all the money is in the same pot. If organic schemes are to gain, agri-environment schemes, on which, understandably, the RSPB is very keen, may suffer. That requires careful consideration—just going for more money will not necessarily achieve what needs to be achieved. We must consider carefully how that money is to be dished out.

It would be useful if the committee could spend some time on this petition before the wording for my bill is finalised. We are on our third draft, which we will be putting out for people to examine. It would be useful for a lot more research to be done because, as members will understand, I am keen that what we produce will be debatable and, eventually, acceptable. Therefore, the more work that is done beforehand, the better. As Tavish Scott said, a half-hour discussion on the petition would not serve any useful purpose.

The Convener: In my opening remarks, I questioned whether the committee had the specialist skills and knowledge to tackle the issue properly. If we wish to access those skills and that knowledge, I suggest that we should bear the petition in mind for our discussion at the end of the meeting on the work programme. We have a number of agreed priorities, which we have discussed and laid down already, and our discussion on the work programme today may colour the view that we have about the petition. If we defer making a decision about this petition until we have discussed our work programme, we may be able to pursue the matter.

Whatever we decide during that discussion, we should bear in mind the points raised by members about information that we can receive in the short term and how to relate such information to a further examination of the issue. Members have raised specific points with which we could start the process, but in our discussion on the work programme we will have to agree whether we have the ability to discuss the subject fully.

Mr Tosh: I have a procedural reservation about that. If we decide now that we have neither the remit nor the back-up to pursue the matter, which would be more appropriately dealt with in another

committee, that decision is on the record. The petitioner will know what we have decided. If we make the decision when we are discussing our work programme confidentially, there will be nothing on the record to show the petitioner the reason for our decision, which would be unfortunate.

The Convener: We would record any decision taking during discussion of our work programme and relay that back to the petitioner in full.

Mr Tosh: The rationale behind the decision and the discussion about it would not be on the record, however. That is a procedural matter that I am becoming increasingly aware of as people have raised questions with me about why committees do certain things but not others. Those decisions are being lost in the discussions that take place during the confidential parts of agendas. In this case, I sense that there is a view that this might not be the right committee—at least at this stage—to pursue the matter. If that is the committee's decision, we should put that on the record. If we decide that we are going to conduct a major investigation, that also should be on the record.

The Convener: I feel that the Transport and the Environment Committee is the right committee, but I am concerned about the depth of investigation of the matter. A number of members have raised questions, which we will put into the system to await responses. This is a big issue that covers a range of problems and on which various pressures are exerted. If we go further into the matter we must, during our work programme discussions, allocate time to it. The question is not whether this is the right committee, but how deeply we investigate the matter. The depth of any investigation will rely on private discussions.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I am a wee bit concerned that we will bat the matter back and forward between this committee and the Rural Affairs Committee. If we decide that we are going to do something—and this is an important issue—we must ensure that there are clear lines of communication. We must also be very clear that what we do is different from what the Rural Affairs Committee does. I notice from the background report that the Rural Affairs Committee is currently awaiting information from the Scottish Executive. I am not sure how, if the Rural Affairs Committee cannot proceed, we would proceed without that information.

Robin Harper: I would like to come back to how the matter will link with the progress of the proposed organic food and farming targets bill. Would it be better to do the research before or after the bill has been introduced? My view is that it would be nice to have some of the spadework done before the bill goes to stage 1, so it may be

worth while asking the Rural Affairs Committee whether we could deal with a specific part of the research.

The Convener: A number of members have raised specific issues, which we will pursue. When we discuss the work programme, we will discuss what a fuller investigation would entail. Is that okay?

Members indicated agreement.

The Convener: I refer members to petition PE117 from Mr Alexander Donald. The petition calls for the Scottish Parliament to produce a new film on ice-cream van safety. It also asks that ice-cream vans be allowed to use their hazard warning lights and that a safe speed limit of 5 to 10 mph when passing ice-cream vans is ensured. The petition is accompanied by additional information and material that has been provided by the petitioner, who has campaigned on the issue for a number of years.

I also refer members to the covering note on the petition. That note contains extracts from the *Official Report* of a meeting of the Public Petitions Committee that was addressed by the petitioner. In referring the petition to us, the Public Petitions Committee recommends that we should consider seeking the views of the Executive on the matters that have been raised by the petitioner. It has been suggested that we inquire about the possibility of the petitioner's proposal being incorporated into any future road safety campaigns. I ask members for their views and comments on the petition.

Linda Fabiani: I met Mr Donald when he visited Parliament and he went over some of what happened in the Public Petitions Committee. I was quite shocked by some of his evidence. Having read what the Public Petitions Committee suggests, I think that its advice is eminently sensible. We should inquire about future road safety campaigns and we should write to the Executive to seek its view.

Cathy Jamieson: I am supportive of that position. I, too, met Mr Donald. If members have read the documentation, they will have noted that he mentioned being arrested at Victoria Quay. I met him on the day that that happened and attempted to intervene.

Linda Fabiani: Did you nearly get arrested?

Cathy Jamieson: No, I did not nearly get arrested, I was being conciliatory.

That incident showed that this man is extremely sincere in his beliefs. He has campaigned on this issue over many years and his primary aim is to ensure that the Executive takes seriously the concerns about road safety. He has suggested some ways forward. This matter was fully aired at

the Public Petitions Committee and the suggestion that we ask the Executive to incorporate some of those ideas into future campaigns is a way forward that Mr Donald would be relatively happy with.

Nora Radcliffe: I noted the point that Mr Donald raised about school buses being permitted to use hazard warning lights. It seems eminently sensible that ice-cream vans should be permitted to do the same. Should we ask the Executive whether it is within its competence to do that and whether it intends to take the matter forward?

The Convener: We should raise all the issues. We should forward petition PE177 in its entirety and seek a response from the Executive on the issues raised by Mr Donald. Are members happy that we should raise the issues noted by the petitioner with the Executive and seek a response from it?

Members indicated agreement.

The Convener: The final petition is PE132, from Mr D W R Whittet. It calls on the Scottish Parliament to introduce legislation streamlining the planning system and to change other aspects of the planning system and associated procedures. It is accompanied by committee covering note TE/00/13/8, which contains an extract from the *Official Report* of the Public Petitions Committee meeting that the petitioner addressed. The petition was passed to this committee with the suggestion that we could consult the Local Government Committee on issues related to council operations.

Members may want to be aware that we all have the opportunity to consider the issues relating to the planning system in the context of the Executive's forthcoming consultation on the revision of national planning policy guideline 1. A letter from the Executive on the process is attached to the covering note. The matter will come up for further discussion, especially in this committee.

Mr Tosh: I sat down to read the documents yesterday evening. In the copy that I have received—Des McNulty is in the same position—only every other page has been copied. Therefore, I do not have the full documentation. It would be more appropriate to continue this discussion at a future meeting, when we have all been able to read the paperwork. If one loses half the content, one loses the thread of the argument.

The Convener: Will we defer discussion on this item to the next meeting?

Members indicated agreement.

Subordinate Legislation

The Convener: Agenda item 3 is an affirmative statutory instrument, the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2000. As usual, the instrument is accompanied by an Executive covering note, TE/00/13/11, and a committee covering note, TE/00/13/12.

The Health and Community Care Committee has been designated the lead committee for consideration of this SSI. The Transport and the Environment Committee has been identified as a secondary committee. As a secondary committee, we do not have to hold a formal debate on the instrument with the minister in attendance, but we may, if we wish, report our views on the instrument to the Health and Community Care Committee. To work within the time scale being followed by the Health and Community Care Committee, we would have to publish our report by 25 May. The part of the instrument that is relevant to the remit of the Transport and the Environment Committee is contained within the schedule. It refers to the transfer of certain functions under the Road Traffic Regulation Act 1984 to the Scottish ministers.

I assume that members have read all the documents. Are there any comments on the instrument? If we are agreed that we do not have anything to report to the Health and Community Care Committee, we will note the report.

Members indicated agreement.

Refuse Collection

The Convener: Item 4 on the agenda is the Audit Scotland report, which was circulated to members. We will have a discussion with Audit Scotland officials on the content of the report, "Benchmarking refuse collection". As members know, the report was published recently and the committee expressed an interest in discussing the matter. Committee note TE/00/13/15 supplies some background to the report, which compares the performance of Scottish councils in relation to the environment.

I declare an interest in this matter. I was employed by Glasgow City Council and was responsible for the response to the Accounts Commission for Scotland on this matter. It is an interesting full turning of the circle for me to have the opportunity to examine the practices of those who examined what I was doing.

I welcome members of Audit Scotland to the table. The report contains some important conclusions about the performance of Scottish councils in meeting environmental targets, and it is helpful that we have the officials with us today. It is good to have you here. If you can briefly introduce yourselves and the findings of your report, the discussion can then be opened up to committee members.

10:15

Mr Bill Magee (Audit Scotland): Thank you very much, convener. I thank the committee for giving us the opportunity to come along this morning to talk about the report. I am the secretary of the Accounts Commission for Scotland. I will say a few introductory words about the contents of the report and what the commission is about, after which I shall hand over to Martin Christie. Martin is a senior manager in the local government studies unit of Audit Scotland and has been intimately concerned with the report.

We have circulated to committee members some briefing papers, in the form of slides, simply to help the committee to follow what we are going to say in the next 10 or 15 minutes. After our introduction, we will be happy to answer questions and take part in a discussion.

The Accounts Commission was set up in 1975 and is primarily responsible for the external audit of Scottish local authorities and associated bodies such as police and fire boards and other joint committees. Under the Public Finance and Accountability (Scotland) Act 2000, a new structure for public audit in Scotland was put in place. I shall come to that in a moment. The Accounts Commission's statutory functions remain

to procure the external audit of local authorities; to prescribe and publish performance indicators, ensuring that local authorities publish that information; and to undertake value-for-money studies. It is in that third role that we are here to speak to you this morning.

We have had some organisational changes under the Public Finance and Accountability (Scotland) Act 2000. The Accounts Commission continues to have the statutory functions that it has had since 1975, but the Auditor General for Scotland is responsible for the audit of other devolved matters. We have combined the staff of the Accounts Commission and the former National Audit Office in Scotland to create one body, which is called Audit Scotland. The staff and resources reside in that body, the intention being to provide one co-ordinated organisation to undertake public sector audit in Scotland. With two bodies, there was the potential for the duplication of overheads and additional support costs. Now there is only one organisation, where people such as Martin and I work, which is basically a service organisation for the Accounts Commission and the Auditor General.

The Accounts Commission retains the responsibility for undertaking value-for-money studies in local government. We have a programme for producing those studies, which we decide on after consultation with a variety of interests—primarily in local government, but including the Scottish Executive. In future, the Scottish Parliament's views will also be canvassed as part of our consultation process. We decide on a programme of studies and have a methodology for carrying out those studies, which involves using the audit resource that we have in every local authority to produce independently verifiable factual information, on which the conclusions are based.

The function of those reports is to make recommendations to local authorities to help them to secure economy efficiency and effectiveness in their use of resources. The Accounts Commission has no powers to intervene or direct the local authorities. We are essentially an independent body that reaches conclusions and makes recommendations. It is for the local authorities themselves, and any other interested executive bodies such as the Scottish Executive, to put those recommendations into effect.

Our unique selling point is that, through the auditor and the audit process, we return to each local authority after a period of time and revisit the recommendations that are made in the reports. We can then hold the local authorities to account by establishing the extent to which they have picked up and run with the recommendations. Clearly, we have no executive powers or powers

of intervention.

We also publish performance information provided by the local authorities. We have given you the most recent publication containing performance information on the environment; it is a national collation of the information that each local authority has published individually. "Benchmarking refuse collection" was published at the end of April and is the result of a study process like the one I have described. Martin Christie will explain the contents of the study and the recommendations, which we feel will be of interest to the Transport and the Environment Committee.

Mr Martin Christie (Audit Scotland): In the next 10 minutes or so, I would like to take the committee through the objectives, scope, findings and recommendations of the study. I will then be happy to answer questions on the presentation or on the report.

The first slide is about the refuse collection study objectives. There were three main objectives. The first was benchmarking. With the introduction of best value, some refuse collection services have not been subject to market testing for seven years. Therefore it is appropriate to undertake a comparison exercise on cost and quality to reassure councils that they are getting best value from the refuse collection service. Also, this is a benchmarking opportunity to find out how far council refuse collection has progressed in the past 10 years.

Another key role is in assisting councils. We have assisted councils by giving them comparative information on named councils to allow them to undertake like-for-like comparisons with their peer councils. To enable them to do that we gave them COMPARE interactive software, which allows councils to formulate their own family groups and establish peer group comparisons that challenge them to improve to the best standards. In December, we met refuse collection managers and gave them the outcomes of the study, so they have been working with the data for the past five or six months. We expect managers to prepare action plans. As Bill Magee said, local auditors will ensure that those plans come to fruition. Through the commission's performance indicators, we have to track council action in the narrow context of refuse collection performance.

The next slide sets out the framework of refuse collection, which is an integral element of any council's waste management strategy and sits alongside recycling initiatives as well as refuse disposal. The slide sets out the three elements of refuse collection. First, there is the mainstream collection—the domestic uplift, which is basically weekly. There are also commercial collections by councils, whose frequency can vary from daily to once a week. Secondly, there is the uplift of

special and bulky items, such as white goods—the large items that cannot be routinely collected with the mainstream collection. Thirdly, there are separate collections of waste paper and all the other recyclable items that need to be separated at source for recycling to take place.

What is shown below on the slide is what happens to the refuse. About 99 per cent of it is taken to landfill sites. Some of it is taken there directly by refuse collection vehicles and some of it is taken to transfer loading stations, where the refuse collection vehicles stop their activity and it is taken to the tip by less expensive haulage vehicles. There is also the opportunity for material recycling, which we will examine later.

We also considered civic amenity site provision. Although civic amenity sites are not part of the refuse collection function, they provide a useful opportunity for householders to take their waste to be recycled. Civic amenity sites will form an important part of the equation when we consider the context of how much is recycled.

The main study findings reveal a good news story in a refuse collection context. There have been substantial improvements in the performance of councils during the past 10 years. Costs have increased by 9 per cent in a period of 40 per cent total inflation—so that is a real reduction in cost.

The number of operatives has reduced by 44 per cent and the number of vehicles has reduced by 25 per cent, which is really connected to the larger vehicles that are being introduced now. Tonnage collected has increased over the past 10 years. There is a point there, bearing in mind recycling targets and the fact that we are working back to a baseline of 1995. Tonnage is increasing year on year.

As for productivity, the tonnage collected by operatives has doubled. Each operative now collects about 925 tonnes a year. All those improvements are on the back of the introduction of the wheel bin system, which almost all councils now use to an extent.

However, we identified a problem with the commercial refuse collection service. It is Executive policy that councils should be aiming to recover all their costs, but councils do not know how much the service costs because they do not maintain separate trading accounts for commercial trading collections. We had to estimate the cost of collecting and disposing of refuse. On the basis of the tonnage collected, we estimated that it would be something like £30 million a year. Councils know their income: £20 million a year. That leaves a shortfall of about £10 million a year, which falls on council tax payers. In some measure, commercial premises' avoiding payment for the uplifting of commercial refuse contributes to that.

The final point shown on the slide—I will go into it in detail in a moment—is the level of recycling in councils in Scotland, which is about 4 per cent, against a target for 2000 of about 25 per cent. The next slide covers the detail. In England and Wales, the figure for recycling is 8 per cent, and it is higher on the continent. Some councils in Scotland are doing better than others: examples include Argyll and Bute, Angus, and Perth and Kinross, where the figure is more than 10 per cent—so there are examples in Scotland of better practice.

The diagram headed "Exhibit 3" is an analysis of the sources of recycled waste. Much of the recycled material is sourced from separate collections and civic amenity sites. Separate collections are very expensive. They are about twice the cost of mainstream collections: £66 a tonne as opposed to £32 a tonne. Because of that, and because of the lack of a market, councils are withdrawing from separate collections—which is an issue for the committee to consider.

Less than half of councils now operate waste paper collections. Civic amenity sites offer a useful disposal opportunity for householders to support recycling, but the level of their provision varies enormously between councils.

I will now consider the council action points. The first main point is that councils use the information that we have provided to them. Potential reductions in sickness absence are common to most councils, and we are aiming to get councils to achieve a target of below 5 per cent.

Less than half of councils have reviewed their bonus schemes for some time—there is opportunity for review. We are asking councils to identify costs and income for commercial collection by establishing trading accounts and to aim to break even on their costs. We are also asking them to take steps on the avoidance of charges. Recent examples include the action taken by Glasgow City Council and the Scottish Environment Protection Agency. Their review indicated that 10 per cent of premises in the city, and 50 per cent of premises elsewhere, did not have an arrangement—a statutory duty of care, in technical terms—for the disposal of their commercial refuse.

If landfill targets are to be met, waste management needs to be given a higher priority. Any solution to come out of this is likely to involve increased costs.

As I said, the level of recycling is currently 4 per cent. The committee will be aware that by 2006 we are aiming for 75 per cent of the 1995 level. It seems a long time away, but the figure is to be increased to 25 per cent of the 1995 level by 2020. There is a strategic role for the Scottish Executive in encouraging councils to perform better in that

area. The outcomes from the area waste strategies will likely identify some of those points. Because of the scale involved, to achieve the targets an infrastructure will have to be created to support recycling and the minimisation of waste. There will have to be a material recycling facility, incineration plants and separate collections. Things are already starting to happen. There is a material recycling facility at Polmadie, and Dundee and Shetland are expressing an interest in getting incineration plants on-stream.

10:30

Costs are likely to rise. The report drew on the experience of Lancashire County Council to give a feel of the millions of pounds that will be associated with taking the issue seriously. The issue is not only about money; it is also about education, training and culture. About half of the population do not use civic amenity sites or contribute to recycling initiatives. Householders need support if there is to be a separate streaming of waste.

Targets and time scales need to be agreed. We need interim targets so we can take comfort from progress that is being made by councils to achieve the Executive targets of 2006 and beyond. We are in a position to track and report on councils' progress.

The Convener: Thank you. That was a useful talk through the report.

Janis Hughes (Glasgow Rutherglen) (Lab): I was concerned to hear you mention that council tax payers are subsidising commercial collection to the tune of £10 million. You mention in the part of the report that deals with council action points that you are giving councils advice on that. What kind of action can councils take in that respect? What action can they take against commercial premises that are avoiding collection?

Mr Christie: I believe that the Scottish Environment Protection Agency is the governing body that can fine people for not having an arrangement for the disposal of their commercial refuse. Spot fines can be applied in cases of illegal dumping by traders. Some trades place their refuse in other traders' containers and so on. Some situations can be tricky. The point about the £10 million that you mention is that it need not lead to increased charges as work done to minimise avoidance reduces the cost to the council.

The Convener: What is your view on giving local authority cleansing departments the powers to carry out enforcement? When I was a councillor in Glasgow, we encountered difficulties getting the agencies to come together to pursue people through the courts or to administer fines. Those

with the most interest in the situation were the cleaning service providers, but they did not have the power to do anything.

Mr Christie: I am not able to express a personal view, but I am interested in initiatives that Glasgow has taken. I believe that the problem can be resolved by co-operation between the council and SEPA.

Nora Radcliffe: One of the statistics in the report is that tonnage collected by councils has risen by 14 per cent in the past 10 years. Has there been a parallel population increase? Is that the reason?

Mr Christie: I do not have information on that to hand. The rise can be related to wheelie bins, the introduction of which has led to a greater tonnage being produced by households.

Nora Radcliffe: When I was a councillor, I thought my council should have introduced wheelie bins of half the size. A 240 litre bin was used, but a smaller one was given to pensioners. I thought that if everyone had the smaller one, that would send a message. We have difficulty filling ours once a month.

You mentioned charging for one-off collections. Sometimes, there is a conscious decision not to charge for the occasional uplift of large items, to prevent fly-tipping. As an MSP for a rural constituency, I know that people in rural areas feel very strongly about fly-tipping, because people tend to take their sofas into the country and dump them in our ditches.

As for recycling, we keep returning to the fact that, as public money is being used, there is severe pressure not to go to the expense of collecting recyclables for which there is no market. I know that your organisation only collects these figures; the committee has to decide how to tackle the problem.

Mr Christie: There is currently an interest in the REMADE initiative, which is working with the private sector to develop a market for recyclables. However, it is important to remember that recycling is only part of the solution; waste minimisation is also crucial.

Tavish Scott: I have a question for Mr Magee and a couple for Mr Christie.

From my background in local government in Shetland, I found that your organisation was not so much the Accounts Commission as the conformity commission. I take it that you accept that there is no similarity between collecting refuse in Foula and collecting it in Glasgow. I have always been concerned about benchmark statistics and an approach that compares council with council when different solutions must apply to different parts of the country. How do you make it

clear that best practice might vary between very rural and very urban councils?

Mr Christie, I have been interested in many of your comments about how aspects of the service need to develop and change. Although I take your point about education, the issue comes down to money. As the briefing paper makes clear, your report concludes:

"Councils should give waste management a higher profile . . . Councils should invest efficiency savings and additional income to help meet environmental targets . . . Councils should take the lead".

Such conclusions place a heavy onus on councils when they are telling us of their funding concerns. Although this point probably defeats my previous argument, is it not incumbent on Audit Scotland to give local government a slight steer on how to prioritise waste management?

Finally, just to return to Nora Radcliffe's question about the process of separation and the market for recyclables, it is not particularly fair to say that councils must do much more when you know that the recycled paper market, for example, has collapsed. In Shetland, recyclables were being separated and exported, but the market collapsed and as the transportation and freight costs to get the recyclables to Alloa are higher for Shetland, the Orkneys, the western isles and many rural authorities—or is glass taken to Alloa?

The Convener: Yes.

Tavish Scott: I bow to your superior knowledge, convener.

As I said, those parts of the country face higher transportation and freight costs, which means that the market for recyclables is very important. It is not really okay for one part of government—in this case, your organisation—to say that this problem needs to be addressed. I want to know who is addressing the problem; or is it being left for the market to decide?

Mr Magee: It has often been said that local government's strength lies in its diversity. We recognise that fact, which is why we have the kind of constitutional arrangement with the Accounts Commission that we do. As a non-elected body, we do not have the power to interfere with the democratic legitimacy of local authorities. We certainly acknowledge that circumstances vary wildly across the country and that rural and urban local authorities are of different sizes and have different resource bases.

We have tried to address that problem in several ways. For example, instead of simply publishing statistics for all local authorities and leaving people to make comparisons in isolation between the smallest and largest councils, we have recently used the concept of family groups of councils for

comparison purposes. We are attempting to group councils in what we call family groups. We believe that there might be merit in looking beyond Scotland for comparative information. There may, for example, be a closer comparison between one or two of the Scottish cities and one or two of the English cities than between Scottish authorities. We are sensitive to that and we accept that circumstances vary widely.

We are also sensitive to the use of benchmarking as a tool—and it is just a tool. It is an opportunity for local authorities to consider the performance of others and to assess for themselves how they are doing. We do not see that as a template to be enforced on individual authorities. Similarly, we have tried to avoid as much as possible what is called the league table approach, which is beloved of the media but which we approach with caution. Having said that, we think it is important for local authorities that may have a tendency to operate in isolation to learn from the experience of others. It is a bit pat to say this, but we are concerned to draw from the experience of the best, because we believe that in this, as in other areas, a lot of good work is going on in local authorities. Our work provides an opportunity to expose that to other authorities.

Tavish Scott: I am sure you are acutely aware of the concerns of Shetland Islands Council—and other councils—about the amount of officer time some of these exercises take. Do you consider that? I phoned up someone I worked with as an official in the council in Shetland and asked him how much time went into the exercise we are discussing this morning. He could not put his finger on it and had to look through the file to work it out. Although it was considerable, he was comfortable with that because he thought that it was a useful exercise.

I am going way off the point here, but I had complaints from the education authority about the vast number of performance requirements that are expected of it. Do you assess the Accounts Commission by the burden you are placing on local government and whether it is best value?

Mr Magee: We do not do a costing exercise on that but burdens is an issue. We talk to the Convention of Scottish Local Authorities as well as to individual councils. We keep a close liaison with the Scottish Executive, bearing in mind that councils have to respond to a variety of requests for information and statistics, not just from the Accounts Commission. We are part of a working group with COSLA on performance information.

We are acutely conscious of the point; on the other hand we take the view that what we ask councils to do when they consider their own process and produce information is to a large extent what a well-managed authority ought to be

doing anyway and ought to have available anyway. If it is any consolation, one of the studies in our forward programme is of councils' management of information. Some of those issues will be addressed. I hope that that indicates the significance we attach to the issue.

You asked about resources. It is a difficult balance for us. The analogy that is often used is the difference between the spotlight and the floodlight. This is a spotlight, if you like, because it involves consideration of a particular issue across councils. That has to be set in the context of councils' other priorities, which is where we take the floodlight approach.

The balance between priorities and policy decisions on how councils divide their resources between education and social work, or between refuse collection and other functions, has to be a local democratic decision. We can consider performance, but we have to be careful not to interfere in policy issues.

Mr Christie: Councils are developing area waste plans by working together. There are 11 waste plans in Scotland, which means that groups of two or three councils are working together to develop a local strategy. The draft plans require to be with SEPA by the end of this year and I am sure that they will form the basis of progress in this area. We must appreciate the scale factor, where we are now and where we need to be by 2006. Not all options will be as costly as others and a best-option approach is being applied to SEPA's evaluation criteria.

One option is to rely on the waste producer to separate the waste to be recycled at source. Another option is to separate the waste once it has been collected.

10:45

Nora Radcliffe mentioned charges. There is a question about whether they influence behaviour: if a charge is removed, is the person concerned more likely to take their waste to a civic amenity site? Charges, policies and the provision of sites for a specific purpose are all integrated within a waste management strategy—all have an influence over the outcomes—but the bottom line is that the Government has signed up to the 2006 target and, therefore, action must be taken. The outcomes will be achieved by COSLA, the Scottish Executive and councils working together.

Tavish Scott: I am sorry to go on a bit, but I want to ask specifically about glass and paper. If those products are marketable, because there is a demand for them, how can councils ensure that they reach that market? If they do not have a market, what is the alternative?

Mr Christie: I understand that the REMADE initiative is exploring the issue of waste glass. The lessons to be learned from that exercise will be a valuable contribution to resolving the problem.

The Convener: I suspect that members are bidding to join the Local Government Committee.

Linda Fabiani: I will try to keep it short, to make up for Tavish Scott's questions.

People have used words such as integration. We have these huge targets to meet and we will not meet them without an integrated, holistic approach. I feel sorry for councils, which are being told to meet these standards when, in fact, there is a lot that everyone should be doing to try to meet them. It all comes down to incentives—for householders, for those responsible for commercial premises and for councils—and business initiatives.

The bottom line is that such a major strategy costs money. It is all very well to say to councils, "Okay; you have to ring-fence that money to help us achieve these targets," but if we do not give councils extra money—which, as Bill Magee said, would have to be pulled away from social work, schools and everything else—waste management will suffer.

There is no way in the world that we will meet the targets unless we start by being honest. We must agree to put money into the strategy, but it cannot be pulled in from elsewhere—it must be extra money. We talked about the carrots, but there are also sticks. We are talking about cutting the level of waste and how wonderful that is, but every time we go shopping we find products with three wrappers, if not four or five. All that packaging simply adds to the problem. I am aware that I am ranting on, but I get very frustrated—

Mr Tosh: You will have passed Tavish by now.

Linda Fabiani: I get very frustrated with all the fine talk about what people have to achieve, when there is no commitment at the top to helping everyone play their part in achieving the targets.

I make a plea for councils. They are getting well beaten about in this matter, and they will end up as the fall guys. I worry that the performance targets will make the situation worse for councils. Next time you carry out the audit and find that councils have not made fantastic advances towards their targets, they will cop the blame. Do you have a view on that?

Mr Magee: I want to avoid giving what will sound like a bureaucrat's answer, but I am afraid that, inevitably, I will fail.

I accept entirely that resources are central to the problem, but I am afraid that I will have to keep saying that that it is for local authorities and the

Executive to prioritise and address that issue.

The need for integration, co-operation and joint working were mentioned. The issue is about joined-up government—as so many things are. Many agencies have an interest in the area and it has been proven that they can make a difference by working together. Some of the work need not be heavily resource dependent. If this study results in an increased awareness of that and a consideration of the allocation of resources, we will have achieved our objective. However, had we the solution to the resources issue, we would have produced it before now.

Robin Harper: It is difficult not to point out Scotland's appalling record in recycling. At 10 per cent, our best is well below the best in England, which is around 25 per cent. On the continent, the rate is even better.

I am concerned that many councils have committed themselves to huge lorries and wheelie bins, a course that produces millions of tonnes of unsorted rubbish. The only way to recycle unsorted rubbish is to build huge complexes mechanically to sort the rubbish and find the recyclable material that would otherwise go to landfill or compost.

At the moment, of course, no thought appears to have been given as to how we would start up our recycling industry in Scotland. It is difficult for a small recycling operation to get money from landfill tax unless it is a charity. The way that landfill tax is applied must be reconstructed.

Mr Christie, you have done a lot of comparative work, which is useful. Have you done a comparative study of the overall costs of the wheelie bin route and the softer route of collecting rubbish that has been sorted at source and selling it to recycling operations, as happens in many countries, particularly Canada? I know that it costs more to collect it at source, but have you carried out a study that could convince local authorities that that would deliver value for money overall?

Mr Christie: I will leave the issue of the wheelie bins to one side for the moment. The best material that we have on the option of collecting rubbish that has been sorted at source is the diagram from Lancashire County Council, which considered case studies demonstrating ways of disposing of refuse. The bad news is that each way costs more, irrespective of the option chosen.

As Ms Radcliffe said, various sizes of wheelie bin are available. That might be a way in which we could stop households producing more waste than was necessary. They can be introduced at almost no cost because the collection is exactly the same. The savings from the wheeled bin system have been enormous. As I said, the cost of refuse collection has risen by 9 per cent against inflation

of 40 per cent in the same period. The wheeled bin system has obvious health and safety advantages—it protects the men and allows them to work more years in service. The downside is that if people have bins to fill, they tend to take advantage of that.

We understand that councils in England have introduced separate collections—there might be mainstream collections one week and collections of recyclable material the next. We do not have comparable costs for that. The report talks about complete costs for refuse collection and disposal. That is the point that we are trying to make when we consider the commercial refuse side of the equation. We are trying to indicate whether councils balance the books. A very important principle is that the polluter pays. If commercial premises generate a lot of waste, they need to pay the price for that, as disposing of the waste costs money through landfill tax and so on.

Cathy Jamieson: I am sure that if the issue of commercial premises is highlighted to local authorities, they will want to act on that. Council tax payers will not want to think that they are subsidising commercial premises whose occupants are abdicating their responsibilities.

I never thought that wheelie bins would be at the cutting edge of political debate, but I want to raise a wee issue from the report. I notice that you identified some schemes as being worthy of review on the basis that the local authorities pull out more wheelie bins from the house to the side of the road than do other authorities, instead of expecting tenants or residents to do that. The report recognises that bins may be pulled out because people are elderly or infirm, but it seems to suggest that in an effort to drive down costs, certain authorities should review that practice because the expectation is that the level of pull-outs should not exceed 5 per cent of the properties that are served.

Where did the figure of 5 per cent come from? Does it arise from anecdotal evidence? I have a horror of the idea of council officers spending their time running around assessing whether people are able to push a wheelie bin to the front of their house or of people in some areas requiring a medical certificate. Surely that would not be the best way forward for joined-up government.

On recycling, I notice that one of the recommendations of the report concerns

“making the case to councillors for an appropriate amount of council subsidy to support expensive, but environmentally desirable services”.

How do we square the idea that the council and the council tax payers should subsidise that essential service with the fact that, as has been pointed out, the private sector appears not to be

taking responsibility by creating a market for recycled goods?

Mr Christie: I will answer those points in order. On the level of pull-outs, the evidence for the figure of 5 per cent is a wee bit more than anecdotal. We obtained that figure from the experience of the practitioners. In conducting the study, we worked closely with council refuse collection managers. Five per cent was their benchmark of what would be expected, rather than what was reasonable, given a mix of demographic characteristics in a council area.

The main point of reaching an indicative plus or minus figure was that schemes at the 10 per cent end of the spectrum might need to be reviewed because of abuse. Those schemes might not be providing a higher-quality service than is required, but there might be people who no longer need a service that is being continued because information is not up to date. Conversely, it is not necessarily the case that councils at the lower end of the spectrum are good, as they might not be providing support to people who need it.

Cathy Jamieson: The report identifies as worthy of review the schemes in which the percentage of pull-outs is above 5 per cent. Why should the other schemes not be reviewed to ensure that they are providing a proper service?

Mr Christie: Both sides could be looked at.

The point on subsidy was broader and was about councils knowing the costs of individual services. It is only in knowing the income and expenditure related to services that councils' policies can be formed, knowing the costs of what they have agreed to do. If councillors and policy makers knew that recycling or separate collection would cost X, they could take a decision.

11:00

Helen Eadie (Dunfermline East) (Lab): I apologise for missing the start of the evidence this morning. I am coping with the stress of a teenage daughter who is sitting her highers at the moment—it is not easy. Dare I say that I have also had to deal with the train service in Fife?

Mr Magee: That gives us two further subjects for reports.

Helen Eadie: By coincidence, I arranged to visit a paper mill in my constituency on Friday. The people at the mill told me that they are facing difficulties in reaching the market to provide them with paper at an affordable price. Previously, we heard that the price of paper has plummeted, but they say that that is not the case. My question links to Tavish Scott's point about joined-up government and communication between departments. Who is talking to organisations such

as paper mills to find out what the market opportunities are and to relay that information back to councils?

Cathy Jamieson made a point about the opportunities open to local authorities; we are all very sympathetic to local authorities because we have all had representations made to us. When it comes to local government powers of general competence and the fact that local authorities have no opportunity to react commercially, is there a case for changing local government legislation, so that, to benefit the environment, councils could act commercially in the collection of waste? The hands of local government are tied.

I know about Fife because I served on the council. According to the report, "The Environment", Fife Council's record on the amount of household waste that is recycled plummeted from 10.7 per cent to 1.8 per cent. That was because of several factors, not least the storage issues when the market dropped—there were fires in the local yards. We need to consider how we can make the market opportunities link up with local government, given that it is the largest body in the community.

Mr Christie: I have no direct knowledge about who is talking to paper mills. However, you raise a good point, which is that to complete the circle of people working together, there needs to be a better link into the market for the use of recycled material.

Mr Magee: I will try to address the point about the powers of local authorities. We know that the Executive is reviewing the legislative position of local authorities, particularly in relation to the compulsory competitive tendering regime and the potential introduction of best value legislation. One of the recommendations of the best value task force was that there should be legislation on the best value duty. Some of the issues surrounding general competence and the commercial powers of local authorities lie in that area.

The Executive is addressing the issue in a general sense. I am not aware of any specific issues coming through our study on refuse collection about particular concerns that local authorities have about the legislation. The legislative position has to sit in the general context of the potential for market activity. That is being actively pursued.

Helen Eadie: I should be glad if someone would examine the issue of the paper industry relative to local councils as a matter of urgency.

Mr Tosh: Little has been said this morning about waste minimisation. One has to look quite hard to find anything on the subject in the report—some recommendations are made on pages 30 and 31—but a high proportion of household waste

is putrescible and much of it could be removed entirely from the collection and disposal process if householders took the responsibility for dealing with it.

Tavish Scott and I enjoy boring the committee with stories of our time as councillors, and I will take this opportunity to do so again. In the death days of the district council on which I served, we introduced a scheme in a village to install green cones in gardens. That scheme has died since reorganisation, presumably for financial reasons. However, there is tremendous scope for the promotion of recycling and the removal of a huge amount of material from the waste stream.

I suggest that subsequent reports would benefit from having performance indicators and a league table of some sort. It would be useful to see which councils are promoting recycling, particularly through education and things such as on-going leafleting—using recyclable paper of course—to convince communities that the exercise is worth while. If we can provide every house with a plastic bucket on wheels, we might be able to provide every house with a green cone.

The politics of this will go beyond you, but if you are able to consider the costs and benefits of such an exercise, you might be able to create a framework in which other people could argue the case that the landfill tax could be recycled to councils that provide green cones. You have an opportunity to go beyond simple monitoring of local authority progress, although you do admirable work in that context. The wheelie bin exercise demonstrated the value of benchmarking because councils learned from each other. However, the Government cut the grant-aided expenditure allocation to councils and took the savings for itself. Benchmarking could involve us all in waste minimisation.

Mr Christie: We examined home composting schemes and concluded that they fell into abeyance quickly. We suffer from a bad climate in Scotland and the development of the manure and so on was unsuccessful.

On-going education is important. We are trying to stimulate action on the part of councils and SEPA. The area waste management plans are the important catalyst. All the options are up for grabs. Local context will decide which option is best. The area waste plans are bound to include waste minimisation because there will not be enough recycling. We will not reach our recycling target of 25 per cent of the 95 per cent level solely by recycling paper and glass. If one cannot recycle, one is left with the unattractive option of incineration. The best incineration options link into schemes to produce energy from waste. Broadly speaking, the solution lies somewhere in that wide spectrum.

Nora Radcliffe: Have you found any evidence that work force absence has improved with the introduction of wheelie bin collection?

Mr Christie: In health and safety terms, the introduction of wheelie bins has significantly reduced the number of accidents at work, but one is then left with the question why sickness rates are so high. That is why we are looking to use a benchmark of 5 per cent. In councils that have a smaller work force, one or two absences will have a greater effect. There is an issue about loaders and drivers, because drivers tend to have fewer sickness absences than loaders.

The Convener: The discussion has ranged widely, and many interesting matters have been raised. Cleansing departments do not reach the top of the political agenda in political authorities because other matters take that place. Those departments are in the front line regarding some big environmental issues, such as those that we have discussed this morning. If there is more realisation of that, cleansing departments will get more power.

I agree that we will not get things going without providing some sort of incentive to authorities. There are always pressures to reduce budgets and costs—that is why there are reduced numbers of vehicles and employees. The contracting process does not fit well with the expansion that is required for recycling, but we acknowledge councils' good performance in terms of economic and performance indicators for cost, employee ratios and so on. There are difficulties related to recycling and we will raise them with the Executive.

There are schemes such as REMADE. Challenge funding paid for a sizeable part of the materials recycling facility at Polmadie in Glasgow. Government money is going into the system, but it is clearly not enough and it is not as well focused as it should be. The former Association of Direct Labour Organisations, which is now called the Association for Public Service Excellence, also does a lot of good benchmarking work on DLOs and in particular on recycling. Producers' responsibilities and packing regulations are all about trying to reduce the amount of waste that is created, but not enough is being done and we must, through the Parliament, try to encourage and develop recycling. Many cleansing departments are now using natural gas vehicles and low-sulphur diesel vehicles.

When I was in Glasgow City Council's land services department, I set up a separate route for the collection of newspapers. During the time when the leaflet on that was at the printers, the selling price for paper that had been uplifted had gone from £100 to minus £15 per tonne—a charge for taking the paper away. Managers in local

authorities must make clear commercial decisions, but unless we can underpin the market and examine the matter more strategically, local authorities will never solve the problem. I agree that local authorities are being exposed regarding many local strategic issues and that that is not their fault.

The committee will review the evidence that has been given this morning and pass its views on to the Executive and to local government. There is scope for work in the future, particularly on questions relating to landfill tax credits. Who gets them? How are they accessed? Why do some people get them when others do not? It seems that those who need the funds for recycling and re-using goods are not getting the money that we want them to get.

In answer to your question, the work in Glasgow was not too onerous, which shows that we were well organised in the first place—but I would say that anyway.

Mr Magee: I welcome your support for the recommendations of the study. We said earlier that we relate mainly to the Local Government Committee, which is true, but we will be happy to come back to speak to this committee the next time we are—if you like—in your territory. I am grateful for the opportunity to discuss the matters that we have covered and if there is a fair wind for the recommendations, that pleases us.

The Convener: Thank you. We now move to item 5, which the committee has agreed to consider in private.

11:14

Meeting continued in private until 12:59.

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