

TRANSPORT AND THE ENVIRONMENT COMMITTEE

Wednesday 8 November 2000
(Morning)

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TRANSPORT AND THE ENVIRONMENT COMMITTEE 26th Meeting 2000, Session 1

CONVENER

*Mr Andy Kerr (East Kilbride) (Lab)

DEPUTY CONVENER

*Nora Radcliffe (Gordon) LD)

COMMITTEE MEMBERS

*Bruce Crawford (Mid Scotland and Fife) (SNP)
*Helen Eadie (Dunfermline East) (Lab)
*Donald Gorrie (Central Scotland) (LD)
*Robin Harper (Lothians) (Green)
*Janis Hughes (Glasgow Rutherglen) (Lab)
*Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab)
*Fiona McLeod (West of Scotland) (SNP)
*Des McNulty (Clydebank and Milngavie) (Lab)
*Mr Murray Tosh (South of Scotland) (Con)

THE FOLLOWING ALSO ATTENDED:

Sarah Boyack (Minister for Transport)

CLERK TO THE COMMITTEE

Shelagh McKinlay

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Alastair Macfie

LOCATION

Committee Room 2

Scottish Parliament

Transport and the Environment Committee

Wednesday 8 November 2000

(Morning)

[THE CONVENER opened the meeting at 09:32]

The Convener (Mr Andy Kerr): I welcome everybody to the 26th meeting of the Transport and the Environment Committee this year. I welcome the Minister for Transport and her officials, who are with us again for our main item of business, which is stage 2 consideration of the Transport (Scotland) Bill. We also offer a warm welcome to Linda Smith of British Energy, who is shadowing me for the day. I spent some time at British Energy, and the price of that is that Linda Smith must spend some time with me. I do not know who is the winner in that relationship.

No apologies have been received. I formally welcome Bruce Crawford and Fiona McLeod to the committee. They were with us at previous meetings, but the changes have now been officially made and they are formal members of the committee. They take the places of Kenny MacAskill and Linda Fabiani. I am advised that it is helpful if new members formally declare any interests that they think are appropriate to the work of the committee, and I ask them to do so now.

Bruce Crawford (Mid Scotland and Fife) (SNP): The only interest that I have to declare is that I own a Vauxhall Omega.

Fiona McLeod (West of Scotland) (SNP): I do not think that I have any interests to declare that are relevant to the committee's work.

The Convener: We will have a bonus from Vauxhall for that short advertisement.

In line with our previous practice, I would like to take decisions about whether we will discuss two items in private. Item 3 concerns a draft report on the Executive budget, and item 4 is on the draft terms of reference for our water inquiry. As I said previously, it is usual practice to discuss such matters in private. I therefore seek the agreement of the committee to take those items in private.

Members indicated agreement.

Transport (Scotland) Bill: Stage 2

The Convener: We now come to the main business of this morning's meeting: stage 2 consideration of the Transport (Scotland) Bill. I propose that we allow the Minister for Transport to speak briefly to a paper that was submitted by e-mail late yesterday. It has been circulated to all members this morning. It is entitled "Delivering Integrated Transport Initiatives (ITI) Through Road User Charging and Workplace Parking Levies – Consultation and Approval Process". In the light of our discussion this morning, I think that it would be useful to break with past practice to allow the minister a few minutes to outline the contents of that paper. Does the committee agree to do that?

Members indicated agreement.

The Minister for Transport (Sarah Boyack): I am grateful to have this opportunity to speak to the paper for a couple of minutes. I understand that, due to a misunderstanding between my officials and the clerk to the committee, the paper was only circulated yesterday. I had assumed that it had been circulated before then. I recognise that most members will not have had the time to go through it in depth, and I want to highlight one or two of the issues that it contains which are relevant to some of the amendments that we will be discussing later this morning.

Pages 2 and 3 set out the objectives for the consultation process; pages 3 to 5 describe the two-stage process that we envisage all local authorities following. The first broad-brush stage is consultation and approval in principle. The second stage is consultation and approval in detail—with much more detail about how schemes would be expected to work.

Annexe A of the paper sets that out in a schematic form, so that members may follow the different stages and see the points where options come into play. Because such a large number of the amendments that we will discuss today touch on issues covered in the paper before us, I will refer to matters covered in it at several points during this morning's discussion. I thought that it would be helpful to clarify that at the start so that members know what was included in the paper and that, when I come to refer to its contents later, that makes some sense to members of the committee.

The Convener: Before we come to the amendments, I want to address another issue that has caused me some concern. I wish to record my disappointment about Executive amendments. The minister is well aware that we are working under some pressure. The amendments on today's marshalled list were not lodged until

Monday of this week, the last possible day allowed. I wrote to the minister at the outset of the stage 2 process, expressing the hope that we could deal with such matters more timeously, and that we would deal with final-day amendments as an exception, not as a rule. To date, final-day lodging of amendments has become the norm on the part of the Executive, and I am slightly concerned about the precedent being set.

We have had discussions on this matter, which will continue. I hope that we can correct the procedure for this and for future bills. I simply want to put that view across, but invite the minister to comment if she wishes.

Sarah Boyack: Having piloted through the National Parks (Scotland) Bill and now the Transport (Scotland) Bill, I note that we have set ourselves exacting timetables for delivering the legislation. It is a question—for future committee discussions on bills—of the extent to which the deadlines are deliverable for all of us collectively. On our side, it is a matter of checking amendments that committee members have lodged, and of ensuring that our amendments are absolutely correct. Once we pass this stage, there is only one more opportunity to get things right, at stage 3.

We are moving from the Westminster system to a completely different system. We are focusing on what may be very significant amendments or shifts in policy pretty late in the process; in Westminster, there would still be the option of going through the House of Lords to sort out some of the small details. That is an apology, but not an excuse. I think that this issue is for future discussion between the Executive and Scottish Parliament staff.

I know that this committee will next deal with the water services bill, and I have some strong views on the issue of time scale.

The Convener: I appreciate the effort that is put into bill amendments, as well as that put in by committee members who lodge their own amendments. I hope that we will be able to address some of the concerns.

I have a final point before we begin the formal process of considering amendments. The clerks circulated a procedural note yesterday, alerting members of my intention to invite members to move amendments en bloc, where appropriate. I am aware that some members may not have had the opportunity to read that document. It would be helpful to have a short explanation, so I will go through the matter briefly.

Moving en bloc is a feature of stage 2 proceedings that the committee has not yet encountered. Put simply, the procedure is intended to enable a series of consecutive

amendments to the same section, all lodged in the name of the same member and all previously debated, to be moved en bloc—all at once. It will give members the ability to say, “I move amendments 1 to 5”, or whatever. A single question is then put on that whole series of amendments. The main advantage is that time is saved, since each amendment does not have to be moved separately. It will save us some time, and there is a potential for using the procedure this morning.

I will ask members if they object to a single question being put on the amendments. You therefore have the ability to opt out of that system if you consider it appropriate. That provides a safeguard for members who wish to disagree on one or more of the amendments concerned. If no members object to a single question being put on consecutive amendments, the committee’s only option is to agree or disagree to all the amendments concerned. I hope that members will consider that when we reach the appropriate point in the marshalled list, and that that will allow us to progress more swiftly. If there are no questions on that process, we will proceed to the main business.

Section 40—Charging schemes

The Convener: Amendment 151, in the name of Bruce Crawford, which is grouped with amendments 221, 222 and 230, deals with road user charging schemes on trunk roads. Before calling Bruce to move amendment 151, I should point out that, although his amendment does not pre-empt amendment 221, in the name of Des McNulty, I expect the committee to treat the two amendments as alternatives.

Bruce Crawford: In the light of what the convener has said about amendment 221 being treated as an alternative to amendment 151, I suppose that amendment 222 will be covered similarly. I want to clarify that amendments 151 and 222 will be treated as alternatives to amendment 221. Is that what we are saying?

The Convener: Yes.

Bruce Crawford: I will be speaking to amendments 151 and 222. Although Des McNulty has chosen to couch his amendment 221 in slightly different terms, his view is similar to mine, and I think that Donald Gorrie has lodged something similar to try to deal with the same issue. There is clearly a body of opinion in the committee that we should investigate the possibility of road charging for trunk roads within an urban area.

That opinion is not only represented by the members that I have mentioned. I see that the 11th report of the Transport and the Environment

Committee contained support in principle for that matter to be brought forward and to be treated as achievable. I see from the papers submitted by the Convention of Scottish Local Authorities that it, too, would like that to happen. The most recent paper from COSLA makes it clear that it strongly supports the idea in principle of trunk roads in the urban framework being subjected to road charging.

We should ask ourselves why that support is there. I considered my own experiences of trunk roads in regard to Perth. I do not know how many of the folk on this committee know Perth, but I certainly know it well. South Street is the main Glasgow to Dundee road, and runs through the heart of the city. If it was not possible to include that street in a charging scheme, it would make it almost impossible for the Perth authority to introduce a charging scheme. There would need to be tolls at every single access point, which would be extremely difficult to operate in reality. I also think of the city of Glasgow. Given the number of trunk roads that cut through the heart of Glasgow, it would be difficult for the council to introduce any congestion charging scheme if the trunk roads were not involved.

A number of local authorities would have real logistical difficulties in implementing schemes successfully unless they were able at least to consider including trunk roads in the urban framework. My amendment makes that a possibility, although the approval of the appropriate minister would still be required. The ability to consider a situation and to bring a proposal to the Scottish ministers to make a scheme work better should be in the bill. Ministers might say, "No, we don't think this trunk road needs to be in the scheme"—that is the safeguard—but the local authorities can approach a minister and say, "Look, this transport scheme ain't gonna work unless a particular chunk of trunk road is available as part of that charging scheme."

That is the rationale behind the two amendments. I would be interested at some stage to hear from the minister, Des McNulty and others as to which amendment they believe would be the preferable alternative. If we can agree that the principle should be in the bill, I am not too concerned which amendment the committee votes for.

I move amendment 151.

09:45

The Convener: To pick up on that point, the amendments are alternatives. You cannot have them both.

Bruce Crawford: I understand that, but I want to hear the arguments to discover which is the

stronger of the two.

The Convener: I call Des McNulty to speak to amendment 221.

Des McNulty (Clydebank and Milngavie) (Lab): The basis of amendment 221 is section 74 of the committee's 11th report. We had a fairly lengthy discussion about road congestion charging and its practical impact. It was the committee's view that

"it should be possible to introduce charges for trunk roads—but only where the viability and effectiveness of a local charging scheme to reduce congestion depends on it".

The wording that is suggested, I feel, better reflects the second part of that—viability and effectiveness. Ultimately, it is the minister who has to make a judgment about viability and effectiveness when she receives a scheme from an authority. It seems to me that the wording that I propose is a simpler mechanism, which leaves the onus on the minister to make that judgment.

The issues raised in the committee related to the possibility of introducing an effective congestion charging scheme in Glasgow, where the whole of the road network of the city is influenced by the M8, and the difficulties that the council would have in achieving an effective congestion scheme if it were specifically excluded from extending that scheme to a key part of the road network.

I am conscious that there are particular issues in other cities than Glasgow. Aberdeen is a case in point. There may be other ways of achieving the goal. I am interested to hear from the minister how she would ensure that congestion charging in cities such as Glasgow and Aberdeen would be made effective if the amendment is not accepted. She needs to convince us that mechanisms can be put in place to ensure effective congestion charging schemes within cities. Otherwise, we have to introduce something to the bill that makes it possible for trunk roads to be incorporated into such schemes.

In a sense, this is a probing amendment, but it is perhaps also a challenge from the committee. Our view was that to ensure that schemes were viable, there needed to be some mechanism that allowed us to ensure that trunk roads could be included. We need to explore how that can be done effectively.

The Convener: At this point, I would normally invite Donald Gorrie to speak to his amendment, but he is not here. The amendment remains live and we can discuss it later. I invite other members to speak to the amendments in this group.

Mr Murray Tosh (South of Scotland) (Con): I have signalled from the beginning my opposition to city-entry or city-centre road user charges, so I will not support the amendments. Bruce Crawford

gave the game away when he talked about the difficulty of tolling the M8 in Glasgow. A paper-based city-centre scheme could be operated in Glasgow equally well as the one that is being talked about in Edinburgh if Glasgow City Council were minded to do so.

The core of the city centre in Glasgow is to the south and east of the M8. If the intention is to create a charge for vehicles on the M8, I must warn about the displacement effect, which was the point made strongly, surprisingly, by the SNP last summer when M8 tolling was discussed. If you impose charges on vehicles using the M8, you will displace a proportion of traffic on to other roads, which are not designed, managed or maintained to carry through-traffic. That would be a most unfortunate consequence of the proposal.

The committee should take the view that, although the proposal was discussed by a number of people who gave evidence during the consultation process, the proposal itself was not part of the draft bill and was not up for consultations. It is something on which a great deal of further evidence would have to be collected from the range of local authorities, road users and road users organisations before we could be serious about promoting such a significant innovation and addition to the bill.

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Perhaps surprisingly, I support much of what Murray Tosh has said. I, too, seek clarification from the minister. My recollection of our previous discussion was that the spirit of the bill was not to have road user charges all over the place, but to tackle specific congestion problems. I am a wee bit worried that, if we accept this amendment, our message will be perceived as something different. I want to hear from the minister about how the difficulties in Aberdeen, for example, and Glasgow, which Murray raised, can be dealt with. I have an open mind at the moment. My recollection is that the notion of tolling the motorways, particularly the M8, was not something that we wanted to move on, although we recognised that there could be difficulties. How have those been considered and resolved?

Fiona McLeod: I first want to clarify what Murray Tosh said. In no sense do Bruce Crawford's amendments talk about tolling the M8 and in no sense does his argument lead to tolling the M8. I want to pick up one of the points that Murray made, which is important. The proposed section 40(a)(ii) in amendment 151 recognises the problem of displacement. We have included displacement in the amendment to ensure that it is taken into consideration.

I started with the same open mind as Bruce Crawford, thinking that we should make the

arguments and listen to the debate. However, I feel that the part about displacement in Bruce's amendment strengthens it over Des McNulty's amendment. We do not want the result to be tolling, with traffic being displaced on to minor side roads because folk want to avoid paying the tolls. Given the debate so far, I feel that the proposed subsection (a)(ii) in amendment 151, which ensures that we do not have displacement, makes Bruce's amendment superior.

Robin Harper (Lothians) (Green): I will come back to this theme later, but I want to mention it briefly. I see this bill as a statutory toolkit on which local authorities can draw. Therefore, the toolkit should be as big as possible. Bruce Crawford's amendments and Des McNulty's amendment add to the toolkit, which is a thoroughly good thing. However, we are not imposing the ideas on councils. We are saying: "Here is another part of the toolkit. Use it if you like."

Helen Eadie (Dunfermline East) (Lab): I am not sure that I agree with Robin Harper. The road that goes through Glasgow, the M8, takes you all the way to the airport. Are we saying that we would charge for the bit from when you enter the precincts of the Glasgow area all the way to the other side of Glasgow to the airport? It is better to make the message clear: this is about congestion charging, not road user charging.

If you go to America, you can see the way that the system operates in some places in Florida. That system enables people to use the motorways without creating problems for the cities, and we ought to follow suit. We need to be clear about what we are tackling. We are tackling the congestion in cities, which is a big problem, and problems of access—not congestion—in rural areas. I am interested to hear the minister's views, but I am disinclined to support the amendments.

Nora Radcliffe (Gordon) (LD): We are getting too prescriptive. We are trying to apply the proposals in the amendments in different situations. The amendments are not designed for motorway tolling, but for cities where trunk roads are not of motorway standard. It is all very well for people in the central belt to say, "We are well served, thank you very much." In my part of the world, many places that might be interested in congestion charging are faced with trunk roads that are similar to ordinary A-class roads going through the city. If those roads are excluded, holes will be blown in the system.

Sarah Boyack: In November last year, after we had carried out extensive consultation, I made it clear that we would not legislate to raise charges on the motorway and trunk road network. We reiterated that when we published our proposals for an integrated transport bill in February. Today, I am still not convinced that we should change our

position.

I will pick up on some of the detailed points that members were correct to raise. Cathy Jamieson was right to talk about focused congestion problems. The road user charging powers are intended to tackle city centre congestion. Bruce Crawford and Fiona McLeod showed some misunderstanding about how we propose that congestion charging schemes would work—they will not be linear schemes. There is also some misunderstanding about displacement, as is betrayed by Bruce Crawford's drafting of amendment 151.

All the amendments in the group would, by slightly different means, allow a section of trunk road to be included in a local charging scheme. We have considered that issue extensively. I have read the committee's report and the representations that COSLA made. Our strong view is that none of the amendments is necessary. Such provisions would be inconsistent with the congestion test that we have set ourselves, which considers focused congestion problems in our city centres.

Members are right to identify the fact that, in practice, trunk roads often act as bypasses or through-routes in Scottish cities. Given the congestion test, why should a driver be charged simply for driving straight through the city and avoiding the small roads about which Bruce Crawford and Fiona McLeod talked? Would it be right for somebody to be charged on the city of Edinburgh bypass? That person does not enter the city. They are certainly travelling on a road, but they are not adding to the congestion in the city that a congestion charging scheme has identified and is meant to tackle. Would it be right to charge somebody driving along the M8 from Lanarkshire to Glasgow airport? That person is travelling through Glasgow, but not through the city centre. They are travelling on the motorway and trunk road network. We do not want to toll trunk roads and motorways, so charging such users in a city centre charging scheme would be inconsistent. Let us think about the details. Surely a congestion charging scheme for a city centre should kick in when the driver leaves the trunk road or motorway and heads for the congested city centre.

From the developments that are taking place across the world, we know that technology is moving fast. We are no longer considering paper-based schemes. We are thinking about straightforward electronic charging schemes that do not cause traffic queues. Such technology already exists; I saw it working in Norway this summer. In other cities across the world, people are thinking about operating congestion charging through an electronic system.

Aberdeen was discussed, and the points that

Nora Radcliffe made must be taken on board. There are different ways to skin this cat, and we have thought about the issue extensively. Big discussions are taking place in Aberdeen, where the business community and the council have ambitious plans to generate income to spend on a series of transport improvements.

It is the Executive's strong belief that the amendments are not needed to enable us to have sustainable, effective and viable congestion charging schemes across Scotland, in the areas that have already been considered. I suggest that the committee should not agree to the amendments, on grounds of principle and practice.

Des McNulty: I am somewhat reassured by the minister. On Bruce Crawford's amendment, it is a bit pious to argue that trunk road charging would not lead people to displace themselves on to neighbouring minor roads. There is illogicality in amendment 151, which is why I lodged an alternative probing amendment. If the minister believes that a mechanism such as off-ramp charging for people entering the congested areas would not, for example, prevent Glasgow from establishing a congestion charging scheme and would allow Aberdeen to use alternative mechanisms, I am prepared to accept her view and not move my amendment.

The Convener: I do not know whether Donald Gorrie, who has just arrived, has had time to gather his breath. We are on the first group of amendments, which includes one that he lodged. Bruce Crawford will sum up later, because his amendment is the lead amendment in the group. However, I feel that it is fair to allow Donald to speak to amendment 230 at this point.

10:00

Donald Gorrie (Central Scotland) (LD): I lodged amendment 230 in response to views from COSLA. I have talked to the minister, and if she can give an absolute assurance that schemes would charge people who left a trunk road to enter a community, she will deal with the point that we are trying to make. It was the view of some councils that stretches of trunk roads in their cities were integral parts of what might be local charging schemes. If the minister can persuade us otherwise, I am happy to listen to her point of view. Other amendments have different wordings, but would achieve the same objective as mine would.

Bruce Crawford: Let us make the position clear. There will be no tolls on motorways or trunk roads, outwith focused parts of urban congestion. At no stage did I mention the M8. I mentioned Glasgow, but it was Des McNulty who talked about the M8. Murray Tosh can check the record later if he wishes.

Mr Tosh: It is a fine distinction to draw.

Bruce Crawford: It may be fine, but it is important, and I am not sure whether Murray Tosh made his remarks for mischievous reasons.

The minister made it clear that she did not think that a person who was driving through a city to travel from one place to another should be charged for that. I understand that argument. In those circumstances, perhaps the minister would not give a local authority approval to levy a charge on a trunk road in that area. However, what happens when a city has a bypass but the route through the city is shorter in miles, and, on a good day, quicker? If a city had a good bypass network, perhaps the minister would want to give approval to a local authority that proposed an urban charging scheme. Des McNulty calls that illogicality; I say that it is recognition that there is a problem of displacement, which the bill must deal with. If there is a significant displacement problem from an urban charge, the minister should have the powers to refuse to include a trunk road in the scheme. I think that my amendments take care of that issue.

My amendments are intended to provide options. Robin Harper used the word "toolkit", which is a good description of the purpose. A charging scheme may not work because an authority has a problem with a particular road. There may be only one problem, but it is worth having the power in the bill to allow the option to be used. For most charging schemes, the power might never need to be used, but we have the opportunity to give local authorities that wee bit extra to enable them to develop proposals that work. Without such a power, some cities might not be able to make the schemes work properly. A tiny section of one trunk road may be all that is involved, but without the power, local authorities will not be able to run a scheme. I will press my amendment.

The Convener: Bruce Crawford has confirmed that he wants to press the amendment. The question is, that amendment 151 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Harper, Robin (Lothians) (Green)
McLeod, Fiona (West of Scotland) (SNP)

AGAINST

Eadie, Helen (Dunfermline East) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)
Radcliffe, Nora (Gordon) (LD)
Tosh, Mr Murray (South of Scotland) (Con)

The Convener: The result of the division is: For 3, Against 8, Abstentions 0.

Amendment 151 disagreed to.

The Convener: We come to amendment 221, in the name of Des McNulty. The amendment has already been debated with amendment 151.

Des McNulty: Given the assurances that we have received, I have decided not to move my amendment.

Amendment 221 not moved.

The Convener: We come to amendment 138, in the name of Murray Tosh, which is on the making of charging schemes and joint transport strategies.

Mr Tosh: As long-standing members of the committee will know, I am irrepressibly helpful. I thought that I was helping Bruce Crawford by identifying the M8 as the only trunk road in the city centre of Glasgow—although I stand to be corrected. Similarly, when I picked my way through the bill last week, determined to lodge my amendments so as to allow enough time for members to consider them, it occurred to me that some local authorities may not have transport strategies but may take section 1 of the bill into account and participate in joint transport strategies. Therefore, I introduce my sensible and helpful amendment. It is relatively minor and the minister may have arguments as to why it is unnecessary, but it struck me as a helpful suggestion.

I move amendment 138.

Sarah Boyack: I am happy to clarify for Mr Tosh that I do not think that amendment 138 is required. The bill requires that, before pursuing a charging scheme, a local authority must have a local transport strategy, which should include the charging scheme as part of its delivery. The bill requires local authorities to consult on such a scheme. The draft consultation paper, which has been issued to everybody, makes it clear that authorities will be expected to consult neighbouring authorities about proposed charging schemes and the package of transport improvements to be funded by them. I am grateful to Mr Tosh for giving me the opportunity to clarify the issue. A requirement to have a joint transport strategy as an alternative to a local transport strategy would not add anything new to the bill.

Mr Tosh: I lodge many amendments in order to elicit a response and to seek information and assurances. As the minister has clarified the point, I ask the committee for permission to withdraw the amendment.

Amendment 138, by agreement, withdrawn.

The Convener: We come to amendment 139, in the name of Murray Tosh, which is grouped with amendments 223, 224, 143, 225, 144, 152, 145, 153, 226, 227, 228 and 154, on the subject of charging schemes: consultation and inquiries. Members will note that amendment 139 is starred due to a minor textual correction that has been made since the initial publication of the list.

Mr Tosh: The purpose of the amendments in my name—amendments 139, 143, 144 and 145—is to address what I consider to be a deficiency in the consultation arrangements. At our first stage 2 meeting, the minister stated that she would introduce proposals on consultation. However, those did not reach the committee until late yesterday evening. I accept that that was no one's fault, but it meant that the committee did not know what the proposals on consultation would be. Like many members, I have had many representations from business organisations, road user organisations and a range of commercial and individual concerns about the need for firm and clear guidelines on consultation to be built into any proposed scheme. I was trying to realise that aim by creating a clear provision under section 40 that a scheme cannot proceed unless there has been a full study on its impact before the final, most detailed element of consultation. That would ensure that the people who are being consulted know what is involved.

The other amendments that I have lodged on the matter relate to other sections of the bill and are effectively pre-empted by the minister's amendments—223 to 228—which were lodged on Monday. Those amendments have been fleshed out by the guidance that we received yesterday evening. I would be happy not to move amendment 143, which substitutes “may” for “shall”, because the minister's amendment takes care of that. I am happy not to move amendment 144, which details the impact study, because the guidance about which the minister has spoken takes care of that. I am also happy not to move amendment 145, which specifies consultees, because, again, the guidance makes it clear that the people whom I had identified as potential consultees are to be consulted. I accept the minister's amendments on those subjects and therefore I will not move amendments 143, 144 and 145, unless the minister's amendments are beaten. However, the minister's amendments will not be beaten—not even in Florida.

I do not consider amendment 139 to be in conflict with the minister's amendments. It provides a platform on which to build the rest of the consultation procedures and guidelines. Amendment 139 would include in section 40 the requirement for consultation and for an impact

study. Those are reasonable benchmarks to be included in the bill. I will accept the minister's amendments on consultation in other sections of the bill. However, I intend to move amendment 139 because it strengthens the principle of consultation and will ensure that the people affected by the schemes are fully involved in their design.

I move amendment 139.

Bruce Crawford: Consultation has been a strong theme in discussions on the bill. Initially, consultation was a missing factor in relation to congestion charging. However, like Murray Tosh, I recognise that the minister has lodged amendments on consultation issues and that the committee has just received the paper on consultation, which I have not yet had a chance to read. The paper may impact on one of my amendments. I will leave it to the minister to clarify that point.

I wanted to ensure that the bill included more on consultation; initially, the minister intended to deal with consultation through regulations. This is a difference in approach rather than a question of whether consultation needs to be improved or strengthened. I lodged amendment 152 to introduce a requirement to advertise a scheme in the press. That has been required in similar matters, such as quality contracts and partnerships in relation to buses. As a charging scheme might cause more difficulty in a community than a quality contract would, I was surprised that the bill did not specify such a requirement.

Amendment 152 also returns to a familiar theme: disabled people. Disabled people have particular needs, which must be considered in relation to charging schemes to address urban congestion. Disabled people are more reliant on cars than able-bodied members of the community, so the bill should emphasise their needs. Fiona McLeod has lodged amendments that also address the issue. Disabled people might need regularly to reach hospital or clinic appointments and so the schemes raise wider issues for them. Often, disabled people do not have the option of using public transport, particularly because of access issues.

I am prepared to listen to the minister, because a lot of new material has arrived on the table since the amendment was lodged—including the paper that I shall now try to digest.

10:15

Sarah Boyack: I have listened to Murray Tosh and Bruce Crawford and it is worth emphasising that there is not a great deal of difference between us. The difference lies not in what we are trying to

achieve, but in the details of how we want to achieve it and in the extent to which proposals should be in the bill or in regulations. In the committee and in the Executive, there is general agreement that an authority that produces a road charging scheme will have to undertake full and effective consultation before the scheme can be introduced and before Scottish ministers will be prepared to approve it. I hope to reassure members that my amendments, and the paper that I have submitted on the Executive's proposals, cover the range of issues that members have raised today. I think that Murray Tosh indicated that he broadly accepts that.

The Executive's paper on consultation and the approval process sets out guidance on the steps that every authority will need to go through in introducing a charging scheme. The consultation will have to be comprehensive and effective, both on the principle, at the first stage, and on the detail, at the second stage. The regulations mentioned in section 41(3) will set out more details about consultation. For example, authorities will have a statutory duty to consult certain people.

I will briefly go through my amendments. Amendments 223 and 224 will give effect to our intention that the authorities should be under a statutory duty to consult all those people who are set out in the regulations. Amendment 225 makes it absolutely clear that, in addition, the authorities can consult any other people not mentioned in the regulations whom they see fit to consult. The powers are very broad.

In relation to amendments 226, 227 and 228, the paper on consultation makes it clear that we see the ownership of the schemes as lying with the authorities. We believe that it should be the authorities, rather than the Scottish ministers, that hold inquiries if there are objections. However, the power for ministers to hold inquiries is retained so that it can be used in exceptional circumstances where we feel that certain issues need to be addressed or probed in more detail. However, in general, it would be local authorities that conducted inquiries.

We have lodged amendment 226 to make it absolutely clear that the authorities promoting schemes can hold inquiries. In the regulations that are enabled under section 43, we will set out clearly the circumstances in which inquiries can be required—that is the intent of amendment 227. The paper on consultation says that we envisage that an inquiry will be triggered if unresolved objections to the scheme remain. That is an important caveat. Amendment 228 is a technical amendment to ensure that all the relevant subsections of section 210 of the Local Government (Scotland) Act 1973 are applied. I am sure that members will be reassured to know that.

Murray Tosh has already indicated that, subject to my clarification of certain matters to his satisfaction, he is prepared not to move amendments 143, 144 and 145. Executive amendment 224, taken in conjunction with section 43(2), is intended to cover the issues raised in his amendment 139. The paper on consultation makes it clear that we will require authorities to submit full impact assessments; we specify in detail what we expect those to cover. Scottish ministers must be satisfied that there has been appropriate consultation on schemes that authorities are considering or proposing.

As Bruce Crawford rightly says, we have already debated the issues raised by amendment 152 on the buses element of the bill. We strongly believe that the detail of who is consulted should be left for the regulations. However, provision for consultation should be made in the bill itself.

We made it absolutely clear at stage 1 and in our initial proposals that people with mobility problems or with disabilities are a particular category of people who should be exempt from road user charging. I know that Bruce Crawford and Fiona McLeod were not present for those discussions, but I would like to put our view on the record. We can return to the matter during discussion on other amendments later this morning.

Amendment 153 would remove ministers' options of directing authorities to consult further prior to giving final approval to a scheme. I do not know whether that was the intention of the amendment, but that would be its effect. It would mean that if ministers—after considering a proposed scheme, or variation or revocation—were not happy with the extent of consultation, our only recourse would be to turn the scheme down or to undertake consultation ourselves. We think that a degree of flexibility should be retained, as in the existing provisions.

Amendment 154 would move section 43 to directly after section 40. Bruce Crawford did not talk about that in detail. We cannot see why it is being suggested. We think that the structure of the provisions in the bill is appropriate. They begin by dealing with the making of schemes and move on to consultation and what needs to be contained in a scheme. We believe that that order is logical and sensible, so we ask the committee to resist the amendment.

Donald Gorrie: I may not have fully understood Executive amendment 227. The minister said that she was retaining the power for Scottish ministers to hold an inquiry. Amendment 227 gives ministers the power to compel a local authority to hold an inquiry. Will she clarify whether the bill now contains both those measures—that Scottish ministers may compel a local authority to hold an

inquiry, and that, as a last resort, ministers may hold an inquiry of their own?

Sarah Boyack: Both options remain in the bill. We intend local authorities to have ownership of schemes, but Scottish ministers should have powers if we think that issues have not been addressed that should have been addressed in the consultation process.

Bruce Crawford: I have listened carefully to the minister and I understand many of her points. I will not press my amendments, but I am still concerned about some issues. Section 5(6) makes it clear that the making of a quality partnership scheme would be announced in at least one newspaper as part of the consultation process, yet that is not the case for an urban charging scheme. That seems inconsistent. I would have thought that the minister could have dealt with that. I hope that, by the time we reach stage 3, the bill will be more consistent.

I apologise for not having covered amendment 154 in my opening statement; it, too, was about consistency. When the bill deals with the making of a scheme, or of quality partnerships and contracts, that is immediately followed by a section on consultation. Amendment 154 was an effort to apply the same rationale to section 40. I thought that I was being helpful, but perhaps I was not being as helpful as I had thought. Perhaps the minister can come back to that at a later date.

I will need to read the paper that the minister has presented to find out how many times disabled people are mentioned. From a quick skim through, I do not see many mentions. I may come back to that issue at stage 3.

Sarah Boyack: Bruce Crawford is right about the section on buses. The difficulty lies in accepting everything that he proposes. I am prepared to consider amendment 152 and come back to it at stage 3. I am not convinced that it adds a great deal, but I am prepared to look into the issue of consistency.

Mr Tosh: The document that the minister has produced on consultation takes care of a great many issues—indeed, it takes care of all of them, with the possible exception of the issue that Bruce Crawford had reservations about. I was still working at my desk last night when the e-mail came through, so I had the chance to read it. As I did so, I saw that the amendments that I had lodged last week were no longer necessary.

I thought it appropriate to move amendment 139 to allow this discussion to take place. For the interest of the many people who will read the *Official Report* of this debate, the minister has put on record the fact that an impact study is an essential part of consultation. She has made it clear that consultation will need to be thorough

and detailed. In the light of that response, I seek the committee's permission to withdraw amendment 139.

Amendment 139, by agreement, withdrawn.

Amendment 222 not moved.

Section 40 agreed to.

Section 41—Charging schemes to be made, varied and revoked by order

The Convener: We now move to amendment 140, in the name of Murray Tosh, which is grouped on its own and is on the subject of charging schemes for joint structure plans. I invite Murray Tosh to speak to and move the amendment.

Mr Tosh: As the committee knows, mine is a very inclusive form of conservatism. In an ecumenical spirit, having taken representations and suggestions from many organisations, I thought that it would be appropriate for me to move this amendment, which comes from the Scottish Association for Public Transport. The wording of the amendment is not precisely as proposed by the association, but it raises an issue that the association wanted to be clarified in the bill.

If I may be so foolish as to talk about a part of the country that I do not know particularly well, I imagine that the amendment would apply to the circumstances in Aberdeenshire. There, Aberdeenshire Council and Aberdeen City Council would have to move jointly on a charging scheme and Aberdeenshire would have a genuine interest in what Aberdeen was proposing to do. Given that the two authorities are a joint structure plan area, it struck me as appropriate that we should consider specifying that a joint approach be taken in such areas. The same point might arise in the Lothians in relation to Edinburgh. It could conceivably arise in the Clyde valley, or even in Ayrshire.

I thought that it would be worth making this proposal to hear the minister's views on it and to consider whether it might be worth including it in the bill. To allow that discussion to take place, I move amendment 140.

Sarah Boyack: I cannot support Murray Tosh's amendment. As the paper on consultation made clear, any authority wishing to introduce a charging scheme will have to consult neighbouring authorities. There is also provision in the bill for submission of joint schemes across authority boundaries. Murray Tosh gave the example of Aberdeenshire Council and Aberdeen City Council. Under the bill, it would be possible either for Aberdeen to pursue a scheme and to consult Aberdeenshire, or for the two councils to promote a joint scheme together.

In practice, the amendment would place an automatic veto on any authority that is part of a joint structure plan pursuing its own scheme. I do not think that that can be right. It would not matter that there was a clear majority in favour of the scheme, or that the objections of a particular authority were frivolous—the wording of the amendment would automatically give it the power of veto.

The amendment also raises issues about the amount of fit between the structure plan area and the travel-to-work area of a particular city. That is a matter for another debate, but the way in which the amendment is crafted makes it relevant. Fife Council, for example, is not party to the joint structure plan that covers the Lothians area. However, given the number of commuters from Fife to Edinburgh, it would be inconsistent to say that Fife Council's views should carry less weight than those of the authorities within the Lothians joint structure plan area. The same could be said of Scottish Borders Council.

There are strong arguments for saying that, in practice, amendment 140 would not be sensible. Glasgow and Clyde valley structure plan area, which Murray Tosh cited as an example of an area to which the amendment might apply, covers eight authorities. It would be entirely possible for one authority to establish a congestion charging scheme and to consult all the others, but for another authority that did not have a great geographical interest in the scheme to object and to scupper the scheme.

For the practical reasons that I have outlined, I strongly urge the committee to reject the amendment and ask Murray Tosh to consider withdrawing it.

The Convener: Does Murray Tosh wish to seek the committee's leave to withdraw the amendment?

Mr Tosh: The minister has made a sensible and practical response. I shall be careful to ensure that the Scottish Association for Public Transport receives a copy of the relevant section of the *Official Report* of this meeting. I seek the committee's permission to withdraw the amendment.

Amendment 140, by agreement, withdrawn.

Section 41 agreed to.

Section 42—Confirmation of orders

The Convener: Amendment 141, in the name of Murray Tosh, is grouped with amendment 142 and is on confirmation of orders for charging schemes. I ask Murray Tosh to speak to and move amendment 141, and to speak to amendment 142.

Mr Tosh: Amendment 141 is a probing amendment. When I read the bill line by line, as we are expected to do, it was not clear to me what the intention of subsection 42(2) was and why ministers wanted to have the powers that are specified in that subsection. The purpose of the amendment is to give the minister an opportunity to explain and justify the reasoning behind that subsection.

Amendment 142 is designed to include something that I had understood to be part of the Executive's intention, but which I could not find in the bill: that no area should be subject to both a charging scheme and a licensing scheme. That statement may be buried somewhere in the bill, but I could not find it and amendment 142 is my way of dealing with it. Lodging the amendment may have been an academic exercise—further discussion may show whether that was the case—but that was my thinking behind doing so.

I move amendment 141.

10:30

Sarah Boyack: Amendment 141 is an entirely reasonable probing amendment. Subsection 42(2) is intended to allow very minor amendments to a charging scheme to be made without the approval of Scottish ministers. We will set out the detail of that in regulations.

I shall give the committee some examples of the sorts of changes that we envisage. The boundary of a charging scheme could be extended by a few metres, to meet public or business requirements. Without such provision, any such change—however trivial or minor—would have to undergo the kind of extensive consultation process that is set out in the paper that we forwarded to the committee. Such consultation is important in dealing with the principle or the detail of schemes, but not in enabling very minor changes—that would involve major delay and increased costs, and I suspect that that is not what members of the committee would want. I reassure Murray Tosh that we do not regard this as a back-door power, whereby local authorities can escape the rigours of consultation; it is more a question of a commonsense solution for use in circumstances that could change slightly over time.

I suggest that amendment 142 should not be pressed, as it will probably be overtaken by later events.

Mr Tosh: I thank the minister for her explanation of the matters that are addressed by amendment 141. The provision sounds reasonable and sensible, and that explanation of what the subsection means is an important addition to the record. On that basis, I seek the committee's permission to withdraw amendment 141, and I will

not move amendment 142. The media have been calling this result for some weeks, but it appears that an amendment may be unnecessary. If the media have miscalled it, I will have the opportunity to raise the matter again at stage 3.

Amendment 141, by agreement, withdrawn.

Amendment 142 not moved.

Section 42 agreed to.

Section 43—Charging schemes: consultation and inquiries

Amendments 223 and 224 moved—[Sarah Boyack]—and agreed to.

Amendment 143 not moved.

Amendment 225 moved—[Sarah Boyack]—and agreed to.

Amendments 144, 152, 145 and 153 not moved.

Amendments 226 to 228 moved—[Sarah Boyack]—and agreed to.

Amendment 154 not moved.

Section 43, as amended, agreed to.

Section 44—Matters to be dealt with in charging schemes

The Convener: Amendment 146, in the name of Murray Tosh, is grouped with amendments 155 and 156.

Mr Tosh: Amendment 146 is another probing amendment and was lodged in the absence of any clarity in the Executive's intentions towards the scale of charges to be imposed through a charging scheme over the lifetime of that scheme.

Members who have not had the opportunity to read the consultation report, which the committee received last night, may be unaware that the document touches on charging schemes. It refers to "inflation uplift"—I think that is the expression used—which is the latest ministerial formulation for price increase.

At this stage, I am looking for an explanation from the minister of what the charging schemes will be required to say about inflation uplift. Can we expect charges to be increased over the lifetime of a scheme only by the rate of inflation? Might real-terms increases be permitted if circumstances are considered to have changed in the lifetime of a scheme?

I lodged the amendment to allow the minister to explain the Executive's position and to let the committee debate the issue of increases over what might be, after all, the 10 to 15-year period that we are being invited to consider.

I move amendment 146.

The Convener: I thank Murray Tosh for his uplifting comments.

I invite Fiona McLeod to speak to amendments 155 and 156.

Fiona McLeod: Thank you, convener. I hope I can be as uplifting as Murray was.

Amendment 155 contains four paragraphs, the first of which relates to one of my well-worn themes. In paragraph (f), I want to ensure that the charging scheme specifies

"those persons or classes of vehicles that are entitled to exemptions from, or reduction in, charges".

The thinking behind that proposal is that we should ensure that a national system of exemptions for disabled badge holders is set up.

Bruce Crawford referred to the fact that the motor car is an essential mode of transport for many disabled badge holders, because existing public transport services cannot provide them with the access and mobility that they need to be able to live their lives by, for example, going to essential appointments. I am related to a disabled badge holder and I am sure that everyone is aware that that such access and mobility is required not just for essential appointments. Disabled people want mobile lives and being a disabled badge holder ensures that they can have that mobility.

I want to include the provisions of amendment 155 in section 44(1) because the subsection begins "A charging scheme shall", rather than "A charging scheme may". It is important to send out a message, especially to disabled drivers and badge holders, that they will be exempted from charging schemes and that we will consider access and mobility issues.

If the provisions of amendment 155 were included in section 44, disabled drivers and badge holders would be covered by the consultation that is outlined in section 43, to which the minister said we would return. That would ensure that those who are essential car users were part of the consultation process on proposed charging schemes.

With paragraph (g), I am trying to be helpful by ensuring that we do not end up in a situation similar to that of the Skye bridge. We must know who is authorised to collect charges, to avoid a five-year running battle in the courts on whether charges should have been paid to the person who asked for them. I hope that that is taken in the spirit in which it is intended. As a regular user of the Skye bridge, who every year has to debate with herself whether legally she should pay that charge, I think there will be huge public interest in the manner in which charges are collected and recorded.

The amendment would ensure that the public could see clearly in any scheme how charges would be made and recorded. Under section 43, that can be the subject of a consultation process so that the public can give their views. The bill represents a huge change in how we drive our motor cars along roads. It is only appropriate that the public be part of the process of reaching decisions on how the charges should be paid, collected and recorded.

Amendment 156 is consequential on the acceptance of amendment 155.

Sarah Boyack: Two separate but related issues are involved here. The first concerns charges that are proposed in any scheme and the second relates to the operation of any proposed charging scheme.

I think that Murray Tosh's amendment 146 is covered by section 44(1)(d). Moreover, I draw members' attention to page 6 of the consultation paper, which sets out our thoughts on the criteria and level of detail that we will require from the authorities at the detailed submission stage. That makes it clear that authorities will have to submit information not only on the level of the proposed charge, but on any change that is proposed over the life of the scheme. An example is increases in line with retail price increases. There is clearly no disagreement between Murray Tosh and the Executive on this, but I do not think that the amendment adds anything of substance. The key point is that anyone who lives in, or has an interest in, an area that will be covered by a congestion charging scheme should know the local authority's plans over the life of the scheme, which, as Murray Tosh said, might be a lengthy period of time.

Amendments 155 and 156, which were lodged by Fiona McLeod, would require that the operational details relating to payment, collection and recording of the charge be included in the charging scheme. We believe that we make it sufficiently clear in sections 43 and 44 what issues should be covered in any proposed scheme. However, there is a strong argument that setting out operational matters in great detail on the face of the bill risks freezing the scheme. Instead, we should encourage innovation, best practice and improvements in the operation of schemes and in the technology that is used.

One lesson from schemes in different parts of the world has been that the technology can change over time and can be developed to the benefit of the users of the scheme. Amendment 155 focuses on the means, but we want schemes to focus on the outputs rather than the means. We think that there is sufficient detail in the bill on all the issues that are covered by amendment 155. In particular, it would be inappropriate at the start of

a scheme to be as specific as proposed new sections 44(1)(g), 44(1)(h) and 44(1)(i) would require a scheme to be. Amendment 155 would rule out innovative technological improvements, so we recommend strongly that the committee reject amendments 155 and 156.

Another matter that is covered by amendment 155 is the authority collecting the charges. We do not think that that should be specified in a proposed scheme, as that might change over time to the benefit of the operation of the scheme. We have enough detail in the bill. The amendments do not add anything and could limit the operation of schemes in future.

Fiona McLeod: On proposed new section 44(1)(g), I refer the minister to the five-year campaign, run by Skye and Kyle Against Tolls, about who has the authority to collect. I think that it would help the situation if we knew clearly who had the authority to collect charges; there could be no dispute over whether an individual driver should pay the charge at the time once the charge had been properly constituted. Dealing with the matter in the charging scheme under proposed sections 44(1)(h) and 44(1)(i) would not limit innovation but would ensure that the public knew the ideas that were being considered and could be part of the process of deciding what was coming their way.

Paragraph (f) in amendment 155 would make it clear that we are including disabled drivers; the words "classes of vehicles" are designed to ensure that we could have exemptions or reductions for community buses or school buses. It is important to include that provision in the bill.

10:45

The Convener: I invite Murray Tosh to respond to the debate and to indicate whether he wants to press or withdraw amendment 146.

Mr Tosh: The minister said that amendment 146 added nothing to the bill; I want to point out that it did when it was drafted last Wednesday but, having seen the consultation paper that addresses the issues, I concede that amendment 146 appears to be unnecessary. It has been useful to have the minister place the Executive's intentions on the record and clarify the direction in which we are heading on the issue of assessing inflation uplift. With the committee's permission, I will withdraw amendment 146.

Amendment 146, by agreement, withdrawn.

Amendment 155 moved—[Fiona McLeod].

The Convener: The question is, that amendment 155 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
McLeod, Fiona (West of Scotland) (SNP)
Radcliffe, Nora (Gordon) (LD)
Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 155 agreed to.

Amendment 156 moved—[Fiona McLeod].

The Convener: The question is, that amendment 156 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

Bruce Crawford: On a point of order. I thought that amendment 156 was consequential on amendment 155. In other circumstances when an amendment has been consequential on another, there has been no process—

The Convener: I am sorry to interrupt, but, although I accept the point about consequentiality, we must still go through the formal process of moving the amendment and agreeing or disagreeing to it. If members object to the amendment, they have the right to vote on it.

I will put the question again. Are we agreed on amendment 156?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
McLeod, Fiona (West of Scotland) (SNP)
Radcliffe, Nora (Gordon) (LD)
Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)

The Convener: The result of the division is: For 6, Against 5, Abstentions 0.

Amendment 156 agreed to.

The Convener: Amendment 229, in the name of the minister, is grouped with amendments 147, 148, 157 and 149.

Sarah Boyack: I will start by explaining my amendment 229 before going on to set out the reasons why I do not think that Murray Tosh's amendments 147, 148 and 149 and Bruce Crawford's amendment 157 are necessary.

It is the Executive's intention that charging authorities should be allowed the maximum level of flexibility in designing a scheme to meet their own local needs and aspirations. That is why section 44(5) confers a general power on a charging authority. Section 44(5) allows authorities to levy differential charges in five different specified cases, which may mean providing exemption—in other words, there would be no charge.

Amendment 229 specifies two further cases for which local authorities might impose differential charges. The first case specifies that a scheme provide for different charges to be imposed on the

"different purposes for which motor vehicles are being used".

That might, for example, exempt buses on a scheduled service or vehicles that are involved in road repair or vehicle rescue. That is something that Fiona McLeod mentioned a few minutes ago. We think that those are appropriate issues to be addressed by local authorities. The second case specifies that a scheme may provide for different charges for "different numbers of occupants". That would allow authorities to provide discounts as an incentive to high-occupancy vehicles. We think that the amendment is important and helpful, as those changes would give local authorities more scope.

Amendment 147, in the name of Murray Tosh, specifies holders of residential parking permits. We argue that the bill already allows authorities to offer such discounts or exemptions. The intention behind amendment 148 is misplaced, because what it covers is already in the bill. I therefore urge Mr Tosh not to press those amendments.

Amendment 149 deals with a matter that we believe would be best left to guidance. The consultation paper makes it clear that local authorities will have to consult on the level of charges proposed, including any differential charges in their area, and will have to justify the charging structure that is adopted in the final submission to ministers. I therefore think that amendment 149 is not required.

Bruce Crawford's amendment 157 further classifies the different characteristics of a vehicle that could lead to differential charging. We do not believe that it adds anything of substance to

section 44(5)(e), and I feel strongly that that level of detail is inappropriate. Developments in vehicle technology are rapid and changes are taking place all the time. Given the sort of time scales that are involved in congestion charging schemes, it would be better to revise secondary legislation to keep pace with developments in vehicle technology, rather than having to amend the bill itself. I hope that Bruce will accept that argument.

Finally, I want to make it clear that authorities will not have to make different charges for differing cases. They will have discretion to impose different charges for differing cases, and that is expected to include provision for charges that are appropriate to local circumstances. I do not think that the committee can second-judge at this point what those local circumstances might be. Various business circumstances and community issues will need to be addressed by local authorities. Their decisions must be informed by our guidance and must be scrutinised and approved by ministers as part of the approval process. Local authorities must put those arguments to their local communities and involve them in discussion, before ministers consider the proposals.

What we propose strikes an appropriate balance, and I urge committee members not to support the other amendments. I move amendment 229.

The Convener: I invite Murray Tosh to speak to amendments 147, 148 and 149.

Mr Tosh: I will begin by responding to amendment 229, to which I am not sympathetic. The proposal to insert

“different purposes for which motor vehicles are being used”

is difficult to judge. My concern is that the amendment clearly does not relate to motor cars, as one could never know the purposes for which cars were being used. I am concerned that the insertion of that line would allow local authorities to apply differential rates against freight traffic, which has been a matter of great concern to many interests as the debate has evolved.

We heard recently that Ken Livingstone has decided that there will not be additional charges for freight traffic in London. I realise that he is not the official Labour party candidate for mayor, but I hoped that that level of commitment would have been given to people who operate delivery services and freight traffic in any scheme in Scotland.

I am also uneasy about the provision for different numbers of occupants—that would build in a bonus for people who carry more than one person per car. Although that sounds fine in principle for a large employer such as the Scottish

Executive, which has many employees who can pool cars, how would self-employed people and small business people—who are essentially one-man and one-woman shows—group people in cars when they have to travel into city centres? The amendment potentially discriminates against people who necessarily drive alone into city centres—people who were once called commercial travellers, but who are probably now called something like peripatetic enterprise centres.

On amendment 147 in my name, I accept the minister's comment that the schemes may permit concessions for residential parking permit holders. However, the word “may” is not strong enough. It must be very clear that it is accepted as reasonable that people who live in a city centre should be able to park as close to their houses as possible. If somebody has coughed up money for the privilege of parking in a city centre, it is only reasonable that they should expect some discount. Some local authorities charge significant amounts for city centre parking permits and city-centre residents should be entitled to think that they do not have to pay the full whack. Indeed, they might expect to pay nothing to enter the city centre. The bill contains a congestion charging proposal, but if people need to park their cars at their houses, they will not be deterred from doing so—congestion will not tackled by imposing charges on them.

Amendment 148 is an attempt to stop differential charges, particularly against freight traffic, which section 44(5)(e) appears to permit. I have lodged amendment 149 on the assumption that I will lose the vote on amendment 148. If the intention is that there should be differential charges, or that local authorities should have powers to impose such charges, it must be made extremely clear that the case for such charges must be very carefully and well argued. I am not convinced that anything else in the bill or the guidance specifies that clearly enough. At the moment, I oppose amendment 229 and will press my own amendments.

The Convener: Bruce Crawford will speak to amendment 157.

Bruce Crawford: As this process develops, I am constantly amazed by how the language changes to suit the arguments. Earlier in the passage of the bill, it was not in vogue to have dirty great lists of things that would make it difficult to implement the legislation. However, with amendment 229, the minister has added another two categories to the list of types of user—that brings the total to seven that would not be dealt with through guidelines or regulations. That said, I support her two additions, particularly when we consider the potential double-whammy impact on the taxpayer, were fire emergency vehicles, police

emergency vehicles and dustcarts to be subjected to road charging to tackle congestion in cities. That would seem to be a bit ridiculous, although I share Murray Tosh's concerns about the future of freight. Perhaps the minister will dwell on that point further.

As for the issue of the number of car occupants, we need to be involved in some incentive work to ensure that fewer cars come into the city centre. People need to use their imagination when it comes to car sharing. It is not beyond the capacity of an individual or a business that comes into the city to be a bit imaginative or, for example, to place advertisements for car sharing. I understand that such a system works superbly in Maryland.

The purpose of my amendment is straightforward and should be easy to understand. When we consider what we need to do for the future, the key words are flexibility and innovation. The bill must contain powers that will allow us to deal with issues that might not yet be visible. The minister deals with such matters in her amendment, which refers to "different purposes" and "different numbers of occupants". However, my attempt to introduce specific matters that charging schemes should take account of is seen as being a step too far. That is contradictory.

"Engine capacity" and "technical specifications" are wide areas. Amendment 157's reference to "technical specifications" could allow for things such as catalytic converters and for pollution reduction systems that we have not yet seen. "Engine capacity" could deal with any issues that relate to the cubic capacity of the motor. "Means of propulsion" is a wide term, which could refer to electric, hydro-powered or—dare I say it and God forbid it—nuclear-powered cars. The classes in that amendment are pretty wide. Without the amendment we could not include a carrot that would encourage people to obtain a certificate that proved that their car was reasonably pollution free. That is important.

11:00

If we cannot include the reference to disabled people in this section of the bill, what will we do for them? The matter is crucial to how they go about their lives. At the end of the day, amendment 157 does not introduce compulsion; it uses the word "including" and the amendment excludes nothing. There are possibilities that need to be included to deal with the future. I understand the minister's concern about secondary legislation and there might be other classes of car user that would have to be addressed through secondary legislation, but it would be helpful to include the classes in my amendment from the beginning to enable a wide-ranging position to be adopted. If secondary legislation is necessary for addressing other

matters later in the process, so be it.

Donald Gorrie: I am inclined to support the minister's amendment 229. On the question of the "different purposes" of vehicles, it is reasonable to allow councils to introduce schemes that have a charging structure that discriminates to discourage vehicles from unloading their wares during the rush hour. That is a reasonable option.

I do not think that Murray Tosh's argument on the option of levying different charges according to the number of occupants in vehicles stands up. Having different charges would not harm the person who—for whatever reason—could not share a motor car; he or she would still pay a charge. If a scheme could get four employees of Scottish Widows to share one car instead of using four cars, that would help society as a whole. That is a reasonable aim to pursue.

Murray Tosh's amendment proposes discounts for people who have residential parking permits. I think that that again is a matter that should be left to councils. Councils must implement the schemes and take the political flak for them. The legislation that we are discussing will merely enable councils to implement schemes. In a particular town or city, there might be a perfectly good reason for charging some people, even if they have residential parking permits. The amendment is too restrictive.

I have some sympathy with Bruce Crawford's amendment. It would be helpful if the minister could clarify whether the points that Bruce raises are covered in the bill or in relevant guidance. It seems to be a good idea to discriminate in favour of disabled people's vehicles.

Des McNulty: Clearly, in any charging scheme, attention should be paid to the vehicles of people who have disabilities. My concern about Bruce Crawford's amendment is that it could be regarded as asking local authorities to make judgments about vehicles—judgments that it would be inappropriate for councils to make. Local authorities have responsibility for considering the broad remits of the schemes. In amendment 157, the list of additional matters that can be taken into account is fine, but I am worried that if we agree to Bruce Crawford's amendment, local authorities will be pushed into being a kind of road traffic authority. Local authorities are not equipped or resourced to discriminate between different types of vehicle.

It is essential that we consider what the authorities are being asked to take into account and that we ensure that they are given options in areas in which they have expertise and for which they are accountable.

Robin Harper: I would like to support Bruce Crawford's amendment as a toolkit—a local

authority could pick one or two of the cases or none or all of them. In relation to engine capacity, there is a question of inclusive thinking. If local authorities include engine capacity in their specifications, people will think about the size of car that they buy before they start going in and out of cities in the first place. That would be a thoroughly good thing.

Mr Tosh: I do not wish to prolong a wrangle, but Bruce Crawford said something about emergency service vehicles and how my amendment would not permit those to be exempted from charges. I understood that emergency service vehicles were likely to be exempted by a national exemption scheme. I seek the minister's clarification on that. If she tells me that amendment 229 is necessary in order to create a national exemption scheme, I will reconsider. However, that was not my interpretation of amendment 229.

Sarah Boyack: We have made a commitment that emergency services should be exempt from the measure.

I want to clarify the situation with regard to what Robin Harper and Bruce Crawford talked about. Our interpretation of amendment 157 indicates that what it aims to do is already included in section 44(5)(e), which mentions

"different classes of motor vehicles."

Our interpretation is that all of the issues that are listed in the amendment relate to different classes of motor vehicles. We intend that local authorities should have that degree of flexibility and the opportunity to use it as appropriate.

I support the comments that were made by Donald Gorrie on timing. We are trying to give local authorities the opportunity to set up schemes that are appropriate. In managing congestion, we know when the peak hours are. There might be differing peak hours in various local authority areas, as well as different charging schemes. That is important. We see the car occupancy issue as an incentive to people to engage in car-sharing or car-pooling schemes, thereby reducing the number of cars on the roads. From that perspective, Donald Gorrie is absolutely right.

We have built flexibility in. We thought that an amendment along the lines of amendment 229 was required. There are various purposes for motor vehicle use—local authorities should be able to pick up on that.

On residential parking permits, we think that it is up to local authorities to make the judgment. They have to be able to win the argument with residents and others who would be covered by such a scheme. It is up to them to decide where the balance lies. If people object, there are opportunities for inquiries to ensure that issues are

thrashed out properly. There is a basket of options for local authorities, but individuals' rights would also be protected.

We have got the balance right in our amendments. The extra amendments that have been suggested—particularly those in the name of Bruce Crawford—are not required.

On amendment 149, in the name of Murray Tosh, I refer members to the part of our consultation paper that deals with detailed submissions. We think that differentials for various classes of vehicles, an hours-enforced boundary, exemptions from the duration of the charging scheme and so on—in addition to uplifts for inflation—must be set out and justified by the local authority before Scottish ministers would consider a scheme favourably. The consultation process has enabled us to take a belt-and-braces approach. I do not know whether my words give Murray Tosh the reassurance that he seeks, but we believe that we have argued the point strongly. We return to the disability issue in our consideration of the next group of amendments and I hope that we can deal with the matter properly then.

The Convener: The question is that amendment 229 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McNulty, Des (Clydebank and Milngavie) (Lab)
Radcliffe, Nora (Gordon) (LD)

AGAINST

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

The Convener: The result of the division is: For 10, Against 1, Abstentions 0.

Amendment 229 agreed to.

Amendment 147 moved—[Mr Tosh].

The Convener: The question is, that amendment 147 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

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

AGAINST

Crawford, Bruce (Mid Scotland and Fife) (SNP)

Eadie, Helen (Dunfermline East) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 1, Against 10, Abstentions 0.

Amendment 147 disagreed to.

The Convener: Agreement to amendment 148 will pre-empt amendment 157, which need not then be called.

Mr Tosh: In the light of what the minister has said and, as my reading of her consultation document was overtaken by football highlights and coverage of the American presidential elections, I will not move the amendment.

Amendment 148 not moved.

The Convener: Amendment 157 was debated with amendment 229. I ask Bruce Crawford whether he intends to move the amendment.

Bruce Crawford: I have to move it, do I? Well—I was tempted by what the minister said, but I did not hear enough, so I will move the amendment.

I move amendment 157.

The Convener: On the basis that Bruce was not quite tempted enough—[*Laughter.*]

Janis Hughes (Glasgow Rutherglen) (Lab): The minister should not take that personally.

The Convener: On that basis, the question is, that amendment 157 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)

AGAINST

Eadie, Helen (Dunfermline East) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Tosh, Mr Murray (South of Scotland) (Con)

The Convener: I am tempted to announce the result under “Tempted” and “Untempted”, but I will stick to the usual form of words: the result of the division is: For 2, Against 9, Abstentions 0.

Amendment 157 disagreed to.

Amendments 149 and 230 not moved.

Section 44, as amended, agreed to.

11:13

Meeting adjourned.

11:23

On resuming—

The Convener: I call the meeting to order. We need to get motoring. There are still several amendments and issues on which we must make progress.

Section 45—Charging schemes: exemptions etc

The Convener: Amendment 158, in the name of Bruce Crawford, is grouped with amendments 159, 231, 160 and 161 and deals with exemptions and reductions in charging schemes. Members will note that amendment 158 is starred, to alert them to a minor textual change that has been made since the list of amendments was published.

Bruce Crawford: Amendment 158 should have been lodged in Fiona McLeod’s name. We made a mistake in lodging it in my name, so I invite Fiona to speak to it.

The Convener: Okey-dokey. I invite Fiona McLeod to speak also to amendments 159, 160 and 161.

Fiona McLeod: The minor textual change to amendment 158 was to take out “the vehicle” to make the proposed provision less closely tied in. Practically, it makes very little difference.

The committee has accepted—by a slight majority—the argument that we must ensure that any charging scheme recognises the needs of disabled badge holders. Amendment 158 would ensure that under section 45, which deals with exemptions, any person who holds a disabled badge that has been issued under section 21 of the Chronically Sick and Disabled Persons Act 1970 is exempt from charges. It is important for such a provision to be included.

I refer to the Chronically Sick and Disabled Persons Act 1970 because it includes the supporters of disabled badge holders; the disabled badge holder is not necessarily the driver. The driver of a car who transports a person with a disabled badge should be able to gain the exemption. That is important, as badge holders need the freedom and mobility that their cars provide. A member of the public who is a disabled badge holder told me that if they were made to pay as part of the charging scheme, they would be

taxed for their disability. We must ensure that that does not happen.

Amendment 159 is similar in intent to amendment 231, as it introduces the possibility not just of exemptions but of reductions in charges. We must consider categories or classes of users who may be entitled to be considered for a reduction in, rather than an exemption from, charges. I have no fixed views on who those people should be—it should be up to the authorities to decide that—but I suggest that pensioners and the unemployed should be in the category of people for whom reductions would be considered.

It is important that we have national schemes of exemptions and reductions. That would accord with the minister's thinking on the recently announced national concessionary fares scheme. For example, if a disabled badge holder travels through several local authorities, they should be guaranteed exemptions in all authority areas. That is the thinking behind amendment 159.

The issue of vehicles that have been adapted or manufactured for use by disabled drivers—which was raised in the debate on amendment 157—is covered in amendment 160. As amendment 157 has been disagreed to, it is important that we ensure that when someone has physical needs for a car to be manufactured or adapted specifically for them, that happens. *[Interruption.]* Sorry, I am getting a bit confused here. Please bear with me until I find my place.

Paragraph (b) proposed by amendment 160 states that exemption from charges can be made if

“the vehicle, at the time a charge is made, is being used or kept in connection with the welfare, business or interest of such a person”.

The person who is exempted does not have to be the disabled driver: it could be their supporter or carer in discharging their functions as a carer.

We have already had a debate on proposed paragraph 45(1)(c). The minister said that she intends that emergency vehicles should not be subject to charging. Bruce Crawford pointed out that a local authority vehicle—a police car or a fire engine—would have to pay a charge to its local authority, which would be ludicrous. I am glad to hear the minister say that guidelines will ensure that that does not happen, but including “registered essential vehicle” or “registered essential vehicle user” would ensure, by allowing the definition to be wider, that it does not happen.

I have had representations from volunteer ambulance drivers. They are not disabled badge holders and they do not always transport disabled badge holders, but when they do, theirs is an essential vehicle being used for essential purposes. Similarly with meals on wheels, a

vehicle is used for private purposes most of the day but for an essential purpose for part of it.

11:30

A definition such as appears in amendment 160 would allow us to take account of exceptional circumstances, such as the flood evacuations in Edinburgh the other night. In such circumstances, someone could be registered as an essential vehicle user. Section 21(5) of the Chronically Sick and Disabled Persons Act 1970 states:

“A local authority shall maintain a register showing the holders of badges issued by the authority . . . and the vehicle or vehicles for which each of the badges is held.”

That is a specific reference to disabled badge holders, but it could be widened to a register of essential car users.

Amendment 161 is consequential on amendment 155.

I move amendment 159.

Sarah Boyack: There are three related issues here. The first is the issue of exempting people with a disability from charges. The second relates to giving Scottish ministers the flexibility to set not only national exemptions from charges but national rates of concessions from charges. The third is about providing local authorities with local flexibility. I want to deal with each in turn.

I completely endorse the intent of Bruce Crawford's amendment—amendment 158. I made a strong political commitment on day one that emergency vehicles and people with disabilities should be exempted from road user charges or whatever range of charges would come into play in the bill. We have strongly reiterated that on a number of occasions. The number of national exemptions should be few, to maximise the effect of any scheme on congestion. I noted that the committee made the same point in its report on the bill at stage 1. Exemptions should be set out in regulations rather than in the bill. I especially want to take up that issue because Fiona McLeod and Bruce Crawford have referred to it several times this morning.

It is important to stress to the committee that the orange badge scheme is currently being reviewed and that we may end up with a blue badge scheme. However, we do not know the details of that scheme or of its operation. I want to ensure that whatever comes out of that review is addressed in our regulations and that we do not put in the bill today something that limits the scope for that review to be applied as fully as possible.

The review will consider who is eligible for a blue badge—there is currently a debate about eligibility for orange badges—and how the scheme should be administered and enforced. It will also consider

how road user charging schemes can fit with the new blue badge scheme. The review is being carried out at a UK level, because there may be road user charging schemes across the UK.

When we legislate in Scotland, it is important that we say that there should be a national exemption for people with disabilities. We want to ensure that people with disabilities in Scotland would not suffer a disbenefit if they travelled south of the border or that the same would happen if people from England and Wales came north. There is a strong case for us to wait until we have the results of the research and then to draw up our regulations and ensure that we get them right.

I do not want us to disbenefit anyone who has a disability by putting something in statute today that is not right for future circumstances. I strongly support Fiona McLeod's and Bruce Crawford's objectives—our differences lie more in the means than in the ends. We all agree on where we want to be; the issue is how we deliver it. We are committed to ensuring that charging schemes take the needs of disabled people fully into account and that they do not in any way result in disbenefit.

Exemptions are not solely a matter for the Scottish Parliament. The phrase "our judgment" slipped into Fiona McLeod's comments. Our judgment is not the only one that is relevant. We should be able to specify national exemptions, but there should also be scope for local authorities to meet their own circumstances and develop appropriate proposals. I hope that the committee will reject amendments 158 and 160 in the same spirit of achieving the right balance.

As for giving flexibility to set national exemptions and national rates of concession, I hope that the committee will agree that, although amendment 159 points in the right direction, amendment 231 fulfils the same function and is more precisely worded. We agree with the principle, but a minor detail of wording makes our amendment more acceptable. It gives ministers the power to make regulations requiring charging schemes to contain provision for the application of reduced rates of charges. Ministers can already make regulations under section 45 to provide for exemptions. Amendment 231 extends that power to allow ministers to fix a national rate of concession.

When we first published our proposals, we received strong lobbying from the motorcycling and two-wheeled powered vehicles community—I will get that name right—which includes people with mopeds or motorbikes. That community argued that people using such transport should pay only a percentage of the charge for cars. We should be able to reflect on that. Before proposing any regulations under the provision that amendment 231 would insert, it is the Executive's intention to consult widely, as it will on regulations for

exemptions. The committee and people in Scotland at large will have the opportunity to debate in detail what the exemptions should be and how they should be crafted in the regulations. That is more appropriate than our setting the framework in detail today.

Amendment 161 would remove local authorities' discretion to provide exemptions additional to those we required by regulation. Local authorities should have the maximum flexibility to shape local exemptions to local circumstances, subject to the content of regulations. The more local exemptions, the less money the scheme raises, but that is a judgment call that the local authority should make as the owner of the scheme.

Donald Gorrie: I support the minister. As I understand it, section 45(1) is good enough to cover the issues. It says:

"The Scottish Ministers may make regulations requiring charging schemes to contain provision for or in connection with exemptions from charges."

They will also have the power to vary charges. Each council should be encouraged to develop its own ideas. Fiona McLeod made some interesting points about disabled people. Any scheme should be able provide for them or people who are on important voluntary work. For them, a car may be the only way of reaching elderly or young people to help early in the morning or late at night. We must also consider meals on wheels. Many issues are involved that are best dealt with by the council. Given the minister's assurances and the forthcoming changes, I feel that it is better for the bill not to be made too detailed, because then we might be caught out by any developments that took place. In this instance, I am with the minister.

The Convener: Bruce, you will have the chance to sum up at the end of the debate. Do you have a particular question for the minister now?

Bruce Crawford: Yes, I have questions. Will Fiona McLeod have the chance to sum up instead of me?

The Convener: Yes.

Bruce Crawford: Paragraph (c) proposed by amendment 160 refers to a "registered essential vehicle". I listened carefully to the minister. I need to understand how the regulations or other form of stipulation that will eventually be produced will tell an authority to deal with such vehicles. Does the minister intend to include vehicles that are used by people such as those who drive dustcarts, supply teachers going to work, building control officers, food safety officers and planners going to examine a site? Unless everyone on such local authority activity is exempted from the charge—I know that that will mean that less money is collected—I repeat that we will hit the council tax payer with a double whammy. The charge will not stop such

people doing their essential jobs; it will just rack up the costs for the local authority, which will pass them on to the council tax payer.

I need to understand in more detail how the minister intends to respond, because I am not sure what I am being told. It is similar to what happens with the fuel tax, which gets applied to local authorities and is passed on to the taxpayer. I do not want to see the same thing happening with this charge. I need more information on what is being proposed.

The Convener: No other members wish to speak, so I will go to the minister to respond and then to Fiona McLeod to sum up.

Sarah Boyack: At stage 1, we said that we would conduct research before drawing up regulations. We need to take more time to look at this matter. Bruce Crawford suggested that we exempt all local authority staff from charges. Would that be extended to all public sector staff? We need to debate these issues in a lot more detail than will be possible this morning because, at the end of the day, local authorities collect the money. The purpose of congestion charging schemes is to reduce the number of vehicles that are travelling at particular times—perhaps so that some vehicles do not make the trip at all—and to put a price on those trips, because a problem is being caused by congestion. That should not apply just to the private sector; it should apply to the public sector.

There are lots of internal accounting issues, but rather than pretend that we can thrash this out today, I would like to put down a marker that this issue is complex. I would prefer to deal with this through research and then come back with consultation and regulations. Too much is at stake; we must not pretend that we can solve it all in the bill. There are many complex issues and I would rather that we examine them properly, because they are the issues by which the road user charging powers will stand or fall. We cannot do anything today that would weaken or undermine the intent behind what we are trying to do, and which almost everyone has signed up to today. We want to make this work. Our commitment is that we will come back and consult you on the details.

The Convener: Fiona, do you intend to press or withdraw amendment 158?

Fiona McLeod: I think that only Bruce Crawford can do that.

The Convener: Yes.

Fiona McLeod: I wish to respond to a couple of the minister's points. On the difference between the orange and blue badge schemes, I agree that if we are to change we have to ensure that the

change is correct and that what we do today does not affect the benefits of that change. Section 21(1) of the Chronically Sick and Disabled Persons Act 1970 states:

"There shall be a badge of a prescribed form".

If the blue badge has better benefits, it will be of the prescribed form as per the act. That is important. Nobody doubts the minister's or any committee member's commitment to this issue, but the minister said that we should do this and ensure that the needs of disabled people are met. I say that we must do it and that we can ensure that that happens by making it a commitment in the act.

On "registered essential vehicle" and "registered essential vehicle user" the consultation and so on that the minister described can still be done because paragraph (c) proposed by amendment 160 says that those terms

"have such meaning as is prescribed in regulations made by the Scottish Ministers."

That would ensure that there was consultation and that registered essential vehicles and users are exactly that.

The Convener: Bruce, do you wish to press or withdraw amendment 158?

Bruce Crawford: Following consultation, I will press the amendment.

The Convener: The question is, that amendment 158 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
McLeod, Fiona (West of Scotland) (SNP)

AGAINST

Eadie, Helen (Dunfermline East) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Radcliffe, Nora (Gordon) (LD)
Tosh, Mr Murray (South of Scotland) (Con)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Convener: The result of the division is: For 2, Against 8, Abstentions 1.

Amendment 158 disagreed to.

The Convener: I call Fiona McLeod to move amendment 159, which was debated with amendment 158.

Fiona McLeod: In light of amendment 231, I will

not move my amendment.

Amendment 159 not moved.

Amendment 231 moved—[Sarah Boyack]—and agreed to.

Amendment 160 moved—[Fiona McLeod].

The Convener: The question is, that amendment 160 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
McLeod, Fiona (West of Scotland) (SNP)

AGAINST

Eadie, Helen (Dunfermline East) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Radcliffe, Nora (Gordon) (LD)
Tosh, Mr Murray (South of Scotland) (Con)

The Convener: The result of the division is: For 2, Against 9, Abstentions 0.

Amendment 160 disagreed to.

Amendment 161 moved—[Fiona McLeod].

The Convener: The question is, that amendment 161 be agreed to. Are we agreed?

Members: No.

11:45

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
McLeod, Fiona (West of Scotland) (SNP)

AGAINST

Eadie, Helen (Dunfermline East) (Lab)
Gorrie, Donald (Central Scotland) (LD)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McNulty, Des (Clydebank and Milngavie) (Lab)
Radcliffe, Nora (Gordon) (LD)

ABSTENTIONS

Harper, Robin (Lothians) (Green)
Tosh, Mr Murray (South of Scotland) (Con)

The Convener: The result of the division is: For 2, Against 7, Abstentions 2.

Amendment 161 disagreed to.

Bruce Crawford: On a point of order, convener. There is confusion. Amendment 161 was

consequential to the successful passing of amendment 155. The normal practice in committee has been that you point out when an amendment is consequential, so that people understand what they are voting on and the impact of it.

The Convener: I appreciate that. Members have the right to disagree to any amendment. On most occasions, it is pointed out when amendments are consequential—but not on every occasion.

Bruce Crawford: When do we know when that will be pointed out and when it will not?

The Convener: I am advised that it is based on the ability of the clerks to note as many consequentials in the documents as possible. Members who moved the amendments indicated their consequential effects, so it was clear to members. Likewise, members also have the opportunity and the right to vote against amendments.

Mr Tosh: On a point of order. Presumably it would be in order to point out that if anyone is unhappy about the decisions that are taken and about when amendments are consequential, they have the opportunity between stages 2 and 3 to redress that, and that if an argument is made and the point is clarified, it is expected that the Presiding Officer will look favourably on a subsequent amendment to rationalise the situation.

The Convener: That is correct. There is always an opportunity at stage 3.

Bruce Crawford: Thank you for clarifying that.

Section 45, as amended, agreed to.

Section 46—Penalties and liability for charges

The Convener: We now come to amendment 162, in the name of Bruce Crawford, on charging schemes, penalties and liability for charges.

Bruce Crawford: This is interesting. Initially, I lodged this amendment as a probing amendment, but as the morning has moved on it has become more relevant.

The bill is being introduced to try to reduce congestion, so why would we want to give a driver a discount for paying up front? That would give people an incentive in the other direction and would almost contradict the objective of the bill, which is to try to reduce the number of cars in our city centres. There may be a good reason behind this provision, but I cannot see what it is. If the minister tells me what that reason is, I will withdraw my amendment.

I move amendment 162.

Sarah Boyack: I will be brief. The point of subsection 46(2) is to enable Scottish ministers by regulation to make provisions for or in connection with setting the rates of charging scheme penalty charges. As the bill notes, that might include provision for “surcharges or discounts”. Such provisions are common across a range of commercial enterprises. For example, many household utility bills offer discounts for early payment. The subsection simply extends such options to charging schemes. If members read the subsection carefully, they will know that the measure is intended to incentivise people to pay their bills on time. That is the critical point. The provision relates to charging scheme penalty charges. I hope that, on reflection, Bruce Crawford will accept that it is about the efficient operation of the charging scheme and that he will withdraw his amendment.

The Convener: Bruce, are you tempted or not tempted?

Bruce Crawford: I am tempted, but I am even more confused now. At first, when I heard that the subsection related to penalty charges and so was about a process to encourage early payment of what would in effect be a fine, I could understand it. However, it has now been linked to people paying their electricity bills up front—

Sarah Boyack *indicated disagreement.*

Bruce Crawford: The minister may shake her head, but I am even more confused. If the subsection is only about people paying a penalty charge early and is nothing to do with them paying up front to reduce their bill, I will be happy to withdraw the amendment. However, it would not be appropriate for the bill to offer a discount on, for example, buying a bunch of tickets in advance or paying early to get more credit on a card that allows one to get past a barrier.

Helen Eadie: We are aware of the principle from parking charges. I know from experience that, if one pays one's parking fine early to the City of Edinburgh Council, the fine is reduced from £40 to £20. The principle is well established—says she, feelingly.

The Convener: As no other members feel inclined to confess to parking fines or to contribute to the debate, I call the minister.

Sarah Boyack: Helen Eadie spoke with great feeling. The subsection is about penalties and liability for charges. Bruce Crawford's amendment would remove the opportunity for people to receive a discount if they paid their penalty charge in good time. It is a good economic principle to encourage people to pay penalty charges early.

Amendment 162, by agreement, withdrawn.

Section 46 agreed to.

Section 47—Examination and removal of vehicles etc

The Convener: Amendment 232, in the name of the minister, is grouped with amendments 233 to 236 and amendment 150. The amendments are on enforcement and penalties.

Sarah Boyack: I hope that we all agree that an effective charging scheme has to be properly enforced. This group of amendments is intended to ensure that the enforcement of penalties for offences in relation to a charging scheme under section 46, and the use of immobilisation devices as an enforcement tool, can be effective. The amendments largely follow those that were tabled to the Westminster Transport Bill.

Section 47(1) allows ministers to make regulations that enable or require charging schemes to confer powers on persons to examine vehicles to ensure that they comply with the provisions of the charging scheme. Section 47(2) allows for those regulations to contain powers for authorised persons to enter vehicles for that purpose. Amendments 232 and 233 will allow those regulations to provide for the seizure of evidence. The amendments are needed to ensure that there is effective enforcement. They provide that when an enforcement officer examines a vehicle and finds that a permit has been forged or that electronic equipment has been tampered with, they will be able to take away that permit or piece of equipment and use it in evidence to prove that an offence has been committed under section 46(4) or 46(5).

Amendment 235 allows regulations that deal with the removal and storage of vehicles to provide for the sale or destruction of such vehicles. It will ensure that authorities do not wind up with large numbers of vehicles in storage, which they cannot dispose of but for which their owners have no intention of paying removal or storage charges. Such cases might arise with cars that are approaching the end of their lives and do not have much monetary value. There needs to be a provision in the bill to deal with such vehicles.

Amendments 234 and 236 set out in more detail what should be specified by the regulations that will deal with the immobilisation of vehicles whose owners have failed to pay a road user charge.

Murray Tosh will speak to amendment 150, which seeks to insert the word “public” in section 47(5) so that the examination of a motor vehicle, the fixing of an immobilisation device to a vehicle, or the removal of a vehicle can take place only if the vehicle is on a public road. We have considered the amendment and take the view that, if a vehicle is in a charging area, it makes no difference whether the road it is on is public or private. The definition of a private road relates only

to the maintenance liability of the road. A private road is subject to the same road traffic regulation as a public road is. Therefore, we see no reason to exclude private roads from this charging scheme provision. I hope that that clarification of the intention of section 47(5) will be helpful for Murray Tosh and that it will lead him not to move his amendment.

I move amendment 232.

Mr Tosh: The minister has clarified the point that amendment 150 raises, so I will not press the matter.

Amendment 232 agreed to.

Amendments 233 to 236 moved—[Sarah Boyack]—and agreed to.

Amendment 150 not moved.

Section 47, as amended, agreed to.

Section 48—Equipment etc

The Convener: Amendment 163, in the name of Bruce Crawford, is on planning permission for equipment for charging schemes.

Bruce Crawford: I do not want to spend too much time on this amendment. It is a probing amendment to ensure that equipment that will be installed will be subject to planning permission and that we will not find that there are objections from neighbours who have not had the opportunity to contribute to the debate over whether a piece of equipment should be installed outside their house. I wish that I had thought of the idea that COSLA chucked in, which was to add at the end the words "which shall not unreasonably be refused". However, I cannot add them now.

I move amendment 163

Sarah Boyack: I am happy to reassure Bruce Crawford that there is nothing in the bill that would allow a local authority to sidestep the planning process. In implementing a charging scheme, a local authority will be subject to the same planning regime as applies to it in other cases. No specific statutory provision is necessary, nor would it be appropriate, as it might cast doubt on cases in which specific provision on the need for planning permission was not made. The amendment is not necessary, so I ask Bruce Crawford to withdraw it.

Amendment 163, by agreement, withdrawn.

Section 48 agreed to.

Sections 49 and 50 agreed to.

Section 51—Licensing schemes

The Convener: Members are reminded that at this point on the marshalled list there are amendments that seek to leave out a section of

the bill. All amendments to the section in question are taken first. The amendment to leave out the section is always taken after the amendments to the section. If an amendment to leave out a section is agreed to, the entire section, regardless of whether it has been amended by any preceding amendments, is removed from the bill.

The next amendment for debate is amendment 164, in the name of Murray Tosh, which is on workplace parking licensing schemes for joint transport strategies.

Mr Tosh: Amendment 164 follows a similar amendment in relation to the charging schemes set out in the first part of part 3 of the bill. The issue was dealt with there, so I do not need to move amendment 164.

Amendment 164 not moved.

12:00

The Convener: We now come to amendment 165, in the name of Murray Tosh, which is grouped with amendments 174 to 178, also in the name of Murray Tosh. Amendment 165 is on consultation and inquiries for licensing schemes.

Mr Tosh: The amendments follow amendments that were agreed to earlier in the meeting. The issues to which they relate have been dealt with and I see no requirement to move amendment 165.

Amendment 165 not moved.

The Convener: The next amendment is amendment 166, in the name of Murray Tosh, on the subject of licensing schemes for joint structure plans.

Mr Tosh: I risk permanently damaging my relationship with the Scottish Association for Public Transport but, given that earlier we accepted that the association's proposed amendment 140 was inappropriate, I will not move amendment 166.

Amendment 166 not moved.

The Convener: Amendment 167, in the name of Murray Tosh, is grouped with amendments 169, 170, 173, 179, 183, 188 to 192, 241, 243, 247 to 252, 255 to 260, 193 to 215, 264, 216, 217, 219 and 220, and is on whether licensing schemes should be removed from the bill.

Mr Tosh: I will say a little more about this group of amendments, if I may, although I hope that I will not exhaust the committee's patience.

In dealing with the bill, I have tried to do two things simultaneously. The first is to oppose in principle those parts of the bill that my party has made clear it opposes on political grounds—principally those relating to road user charging

schemes and workplace parking charging schemes. Secondly, I have tried to amend schemes on the assumption that they may be approved.

I have always drawn a distinction in my mind between workplace parking levies and road user charging. It was clear to me that there was some support for road user charging; the evidence in favour of it had been submitted to the committee. Although I did not agree with that evidence and will vote against road user charging, I see that a case can be made for it. I never saw that a case could be made for workplace parking charges. No convincing argument or research was advanced to show that charging schemes would contribute significantly or usefully to tackling congestion. Indeed, the further the committee went into the evidence, the more firmly the majority of members held the view that they would not.

It became increasingly clear that it would be hard to identify methods of assessing effectively the existence and number of parking places, which parking spaces were in use and how people who owned or controlled those spaces could identify surplus spaces and decommission them. It became hard to see how a cost that would fall on the owners of schemes—usually people running a business or renting out property—could affect the behaviour of their employees or tenants, who would be the motorists but would not be the ones to pay the charge. The more that we went into the proposal, the more it appeared to unravel.

Section 51 does not add usefully, even in terms of the Executive's objectives, to the toolkit of measures. It has been opposed strongly by almost all the organisations that we have consulted. Many business organisations, feeling that they would bear the brunt of workplace parking charges, have argued convincingly that they would be severely affected and that they would be disadvantaged in a number of ways. Small businesses, in particular, advanced the argument that it would be very difficult for them to escape significant charges, as there were no ways in which they could vary their behaviour to ease congestion.

Amendment 167 would delete section 51 of the bill. I understand that we cannot deal with the amendments en bloc, as they are not numbered sequentially. However, I intend to press the other amendments in this group on workplace parking licensing schemes. The indications are that the Executive is prepared to accept the amendments. If so, that is a reflection of the strength of our procedures. The Executive and the Parliament have consulted, the evidence has been gathered, listened to and absorbed, and it has been decided to amend what was proposed. That bodes very well for the future of the Parliament. When we find that what is proposed is not acceptable, we should

be prepared to change our minds. If that happens today, we should celebrate it as a success for our young Parliament and our emerging procedures.

I move amendment 167.

The Convener: Thank you. I will invite comments from other members once the minister has spoken.

Sarah Boyack: I will accept the amendments in this group. I know that, at stage 1, members of the committee were not convinced that the case for workplace parking levies had been made—not because the need to reduce car use was in doubt, but because members were not convinced that the levy would have an effect on congestion. That view was echoed in other committees' reports on the bill, of which we are also mindful.

The Executive believed otherwise. For us, the workplace parking levy was never the answer to Scotland's congestion ills. Rather, it was a strategic measure—part of local authorities' toolkit for tackling congestion. However, from the cross-party sentiments that have been expressed over the past few weeks—by the business community, trade unions and others—it is clear that workplace parking charges are not universally considered to be appropriate to Scottish circumstances. As a listening and, above all, a pragmatic Government, consensus matters a great deal to us. We do not want to jeopardise the support that exists for many of the other provisions in the bill. For that reason, we do not intend to oppose the amendments in this group. Later, I will move a number of minor consequential amendments to ensure that the rest of part 3 of the bill is workable.

It remains clear that we need new measures to combat urban congestion and to protect the environment. The spending review outcome, with its 45 per cent real-terms increase in funding for transport solutions, marks a significant step forward. It is a huge increase. I will shortly announce the results of the third round of the public transport fund—another £32 million for innovative projects, with more to follow.

Government alone cannot deliver the transport system and the quality of environment that Scotland deserves. To bring about the change that is required, we need a broad consensus. Business, local authorities, transport operators and local communities all need to be part of that transformation. In essence, we need change for the better through better transport choices for everyone. That means using the range of powers set out in the bill to promote higher-quality bus services, using the ScotRail franchise to offer greater choice to travelling commuters, and using the combination of congestion-charging powers, land-use planning and green commuter plans to provide focused and targeted public transport

choices. We all agree on that, which gives us a clear way forward. We want a listening Parliament and a listening Executive, but also a Parliament and an Executive that are prepared to act to tackle our most important problems.

Janis Hughes: I thank the minister for her comments. It is encouraging for us to know that persistent lobbying over the months since the committee took evidence on workplace parking charges has led to this change of heart. As Murray Tosh said, that bodes well for the future of the Parliament.

In its report in June, the committee expressed serious reservations about workplace parking charges. At that time, we were lobbied hard by the business community, which saw the imposition of workplace parking charges as an additional tax on business. However, some of the most convincing lobbying came from the trade union movement. We took evidence from the Scottish Trades Union Congress, which expressed concern that, in the absence of other options that would allow a shift in behaviour, penalties on car users would disadvantage lower-paid workers. The possibility that employers might pass on charges to employees was of great concern to us.

The health and safety implications of this measure are also important. Nowadays, many people work shifts, and 12-hour shifts are increasingly common. More unsociable hours working means that people will be expected to use public transport, where it is available, late at night or very early in the morning. If workplace parking charges led to employers doing away with their parking facilities, many people who rely on cars would be unable to get to work.

I accept the minister's premise that workplace parking charges were never the answer to Scotland's congestion problems. The main thrust of the argument against them is whether their use would change people's habits in relation to the use of public transport. The evidence that we have taken strongly suggests that it would not. I therefore support Murray Tosh's amendments, which would mean that the measures on workplace parking charges would be removed from the bill.

Robin Harper: Murray Tosh talked about the lack of evidence on workplace parking charges. The evidence from Perth in Australia and Singapore, where workplace parking and licensing schemes have been integrated into overall transport strategies, is that such schemes have worked. It is not that there is no evidence; the evidence exists, but we have not examined it. We should have been calling in evidence from all over the world. I know that it is difficult for a committee to do that. I provided the minister with a copy of the document on the experience in Perth and I will

provide all members of the committee with research by Professor George Hazel, which shows how effective those workplace parking schemes can be if they are integrated into an overall transport strategy.

It would be ill advised to remove from the bill the possibility of implementing those schemes. We should not prevent local authorities in Scotland from incorporating those schemes if, having done research, they see that they will work.

I will give the committee an example. Firm A may produce a green transport plan and do everything to encourage people to cycle to work, walk or use buses. Firm B might go down the other route of providing parking places when it builds a new building and of providing cars for its employees. Which firm do we want to encourage—firm A, which has a green transport plan, or firm B, which is sucking in more cars to cities and towns by building parking places? The provision of untaxed, free parking places at workplaces would seriously undermine other aspects of the bill. As it stands, the bill will do nothing to restrict the provision of parking places, especially by large businesses.

I am greatly concerned by the fact that the minister will accept the amendment. The time for decisions to be made and for evidence to be taken is when a local authority starts to make its plans. It can examine the issues, and the opinions of all the people who have objected to the proposal can be heard again—they might even win. However, it would be a retrograde step to remove the possibility of using such schemes.

Donald Gorrie: Members may find this of some entertainment value, as I will vigorously defend coalition policy. I will oppose the amendment for several reasons.

The bill merely enables councils to do things if they wish. If the council in Edinburgh, Glasgow, Aberdeen or wherever thinks that the political price is too high or that there will be too much hassle, they will not introduce a scheme. However, they should have the right to do so. Local people and their local representatives—who can be booted out if the people do not like what they have done—should make the decision.

Despite Murray Tosh's remarks, the scheme is easy to administer. It has the same benefit as the rating system, in that buildings and parking spaces do not disappear—the council merely has to count the parking spaces. There could be arguments around the margins about whether an area contains nine or 10 spaces, but that could easily be sorted out. The council then imposes a charge of so many hundreds of pounds or whatever per space, and that is it.

The owner of the parking spaces pays. The

suggestion that someone would have to pay because they park for five minutes while they buy something is complete rubbish. It is certainly not how I understand the scheme. As I said, the scheme is easy to administer, unlike other matters that we have been discussing—such as controlling access of vehicles to an area—which, although they might be good ideas, are much more complicated to manage. This is a simple measure.

12:15

A scheme may not reduce traffic, but it would produce an income for transport measures. That is its value. Whether or not the income is huge, it would help to produce better public transport measures, which might wean some people from their motor cars. The principle of the polluter paying becomes the principle of the commuter paying, because he is the polluter.

The tax would be on the owner of the premises. The Edinburgh lawyer, for example, with several partners and employees will have car parking spaces. As Robin Harper says, if someone has a free car provided by their employer and a free parking space, the incentive to use that car is enormous. We should get away from that. There should be a tax on the employer for providing the parking space.

Doing all the good things that Murray Tosh mentioned, such as consulting, listening and then responding, is fine. However, there is a subtle difference between that and giving way to powerful pressure groups, which is not fine. It was argued that the Confederation of British Industry is against the proposal. The CBI is against any tax on any business anywhere. It does not like paying tax; it likes making money. That is fine; it is what it is there for. However, if the CBI argues in favour of a proposal, I examine its argument carefully. I am not criticising the CBI; it is arguing its corner. However, we are giving out the wrong message—as we did on section 28—in giving way to strong pressure groups. That is dangerous.

The idea that, in order to save money, employers would remove all the parking places so that people who came in for the midnight shift would find nowhere to park is, with all respect, ludicrous. No intelligent employer would do that. We can work out a sensible way of dealing with people who work shifts and need cars. That is a cost that the employer must pay. It is also an incentive to the employer to help to produce better public transport.

Although this is not the world's greatest scheme, it is a good scheme, which we should support. I strongly deplore the Executive's retreat on this issue.

Cathy Jamieson: I do not think that many

workers who are on the minimum wage get free cars or free parking spaces from their employers. Like Janis Hughes, I was taken with the evidence from the STUC and the trade unions, which are concerned that the levy would be passed on, directly or indirectly, to employees who had no option but to use their cars. For many, especially shift workers, public transport is not available.

I am concerned about the line that Donald Gorrie has taken, because my understanding was that any such schemes were supposed to be an attempt to reduce traffic congestion. Such a scheme was not to be seen as a revenue stream, yet Donald's argument seemed to be that that was why he was arguing in favour of it.

I am greatly concerned about the environmental aspect. I have sympathy with the notion that we should always work towards reducing congestion and towards giving people options for alternative transport. However, I do not believe that we have seen evidence that the workplace parking levy would achieve that end in a Scottish context. Further evidence may be forthcoming in future and I am sure that the situation will be kept under review, but at this point, I disagree with Donald Gorrie, who seems to think that the scheme would be easy to implement. I do not think that it would.

So many anomalies were exposed in evidence. The bureaucracy and the time taken to implement a workable scheme would outweigh any benefits. I would prefer us to concentrate on getting good employers to consider putting in place measures to encourage the use of public transport or, if that posed problems for shift workers and others, to lay on transport to get them to work. There should be positive incentives for employers who do that. I support what the Executive is doing.

I thank Murray Tosh and Janis Hughes for ensuring that amendment 167 appears on the list.

Helen Eadie: I join the debate, because amendment 167 has an impact on amendment 184, which we will discuss later. I, too, express my appreciation to Janis Hughes, Murray Tosh and the Executive. I have always been of the opinion that our aim was to consider the scenario in the big cities, which are almost at gridlock, and to consider what could be done about congestion. As members know, I come from Fife and lament the terrible rail system that we have there—the required public transport system is not there. I was at dinner last night with a person who shall remain nameless, who commented that coming in on the train from Fife during peak hours is almost as bad as coming in on a train from Calcutta—the only thing missing is the people on top of the train. Until the public transport alternatives are in place for people in places such as Fife and other semi-rural areas in Scotland, we cannot introduce the double whammy of workplace and congestion charging.

As Cathy Jamieson and Janis Hughes pointed out, it would be great if people who are on very low incomes even had the option to use a car. I know people in Kelty who cannot access employment opportunities in parts of the world that they would like to access. Those people, who are on the very lowest incomes, would be unduly penalised. We are coming at this from the point of view of giving Edinburgh, Dundee, Aberdeen or any city the option to take the double whammy approach.

I understand that amendment 184 will fall if amendment 167 is accepted, so I will need to reconsider the hospitals issue, because I want to get some kind of exemption for them. I am curious about Donald Gorrie's amendment 218, which we will come to later. I may support him and see whether I can get an exemption in there for patients and hospital staff throughout Scotland in rural and semi-rural areas.

The Convener: From Fife, Perth and Singapore to Des McNulty.

Des McNulty: Anybody who has travelled in Scotland during the past three or four weeks and has experienced the rail disruption and severe road congestion will be aware of the need to address congestion. We must be clear that the most effective means of addressing congestion is to introduce positive alternatives, such as improved public transport and more effective systems of traffic management, rather than negative penalties. Negative penalties have a place and we have agreed to proceed with congestion charging, but the emphasis must be on positive incentives for people to use public transport and to use alternatives to the car, including cycling and walking.

The arguments for workplace parking levies are not conclusive. We may at some stage have to return to them, along with other issues, but there are problems—which I and other members of the committee identified—such as the complexity of the system that would need to be introduced to make workplace parking levies effective, the difficulty in ensuring that the system is fair and is not discriminatory in any way and the differential impact that it may have on particular groups within the business community. Those problems would need to be addressed for the scheme to be effective.

The clinching argument was the difficulty in demonstrating that workplace parking levies would have a positive impact on congestion. There is an assumption that they would, but the more that that was looked into, the more difficult it became to identify how the scheme would bear fruit. One would have to begin to reduce the number of parking spaces before there was a positive impact. To address Robin Harper's point, the way to do

that might be through planning legislation. If city authorities and other authorities affected by congestion problems used their planning powers to restrict the number of parking places that are allowed when new buildings are planned, that might be an effective way in which to squeeze parking out of city centres.

On that basis, I think that the committee probably has moved towards the correct decision. The case for workplace parking levies has not been made effectively enough at this stage. However, we should emphasise, as I have indicated, first, the need for greater investment in public transport and more effective traffic management schemes, including congestion charging. Secondly, when we respond to the strong lobbying of the business community, the trade unions and others who have argued against workplace parking levies, we must put the ball back in their court and tell them that although workplace parking levies have not been considered acceptable or beneficial at this stage, alternatives must be found.

The minister mentioned green commuter schemes. We should pursue employers and others who have the capacity to do something about such matters to take positive steps voluntarily to provide real incentives to people not to use their cars and to demonstrate how effective their voluntary schemes are in achieving the gains that were initially sought through the introduction of workplace parking levies.

We are not going ahead with this measure, but we are saying to the business community and other employers that we have listened to what they have said, and that we now want them to pick up the challenge of congestion management and to start to motor down that route. I encourage the minister to begin an early dialogue with the business community to take such measures forward.

The Convener: Three more members want to make short contributions.

Bruce Crawford: How we arrived at this point is interesting. Was it through consensus and listening or through pragmatic politics and the recognition of the hard realities out there? Murray Tosh illustrated some of those hard realities and I thank him and Janis Hughes for lodging amendment 167 and giving me the opportunity to speak to it.

It was interesting that the paper that we received, albeit late, by e-mail last night and in hard copy today, still included workplace parking levies. Minds have changed very late on, even if, at the end of the day, it is good that the Parliament has returned to discuss the matter, however it came about.

There is a real danger of putting the cart before the horse. Donald Gorrie let the cat out of the bag. If we had given local authorities the opportunity to proceed now, there is no question in my mind but that they would have gone ahead and, as he said, raised cash to fund public transport. In its own right, that is no bad thing, but it would not half have grated with many members of the public, who would not have seen the immediate benefits. We need the infrastructure in place before the scheme is introduced. There might be a time in future when it can be, although as far as I am concerned, the jury is out.

On Helen Eadie's points about hospitals, I would point out that staff at hospitals and universities that have car parking charges ain't stopping turning up; they are turning up, paying their cash and going to work. I am not sure that the case is proven.

Nora Radcliffe: It is accepted that the case is not proven. However, because the bill is enabling legislation, we should leave the option open in case people can come forward with convincing arguments in specific cases where it could be beneficial. I support the people who oppose the amendment.

12:30

Robin Harper: We have been given a paper on the detailed consultation processes that local authorities would have to go through before introducing any plan. Nearly all the arguments that we have heard so far seem to be predicated on the suspicion that local authorities would ignore consultation and move straight to workplace charging levies. That is a ludicrous proposition. Even if local authorities wanted to introduce such plans, many of them might find, after going through a consultation process, that the plans were not suitable for their context. On the other hand, they might find that the plans were suitable. By removing the section from the bill, we remove that possibility entirely.

Mr Tosh: We live in an age of globalism, but I think it is a bit much to ask the committee to legislate on the basis of evidence that it has not heard and which is said to exist in relation to a scheme in Australia that has scarcely been running for any length of time. The committee is entitled to make a judgment based on the evidence that it has heard.

Government bases itself on consent and, given that the proposal would impact on businesses rather than individuals, it is appropriate that the views of businesses and trade unions—which are stakeholders, after all—are listened to with respect and taken into account. Businesses pay rates for their parking spaces; many also pay rent for them. The people to whom I have spoken view the

charging of a third tax as an imposition.

The fact that people have raised many issues contradicts what Donald Gorrie said about the matter being simple. In certain contexts, it is not at all simple to establish what workplace parking would be. The bill suggested that parking at cash-and-carry outlets and builders' merchant yards might be considered to be workplace parking, although we might assume that that would be more a retail use. I had an amendment down that tried to clarify that point.

What is the definition of a parking space? Last week, I talked to a business that rents nine spaces and uses three. Would it be charged for all nine? Could it do anything to take the unused ones out of commission? That was not clear and I lodged an amendment to raise some of the arguments around the minimum threshold. An awful lot of detail on this matter caused great concern and we have not got to the bottom of it. Many people who gave evidence brought up quite concerning issues about how the plan would work in practice.

It is not for me to tell Donald Gorrie what the coalition's policy is, but I was clear about the fact that the purpose of the bill was to tackle congestion, not to raise revenue. Much of my party's attack has consisted of questioning whether the bill does one rather than the other. When Donald Gorrie said that he accepted that the proposal would not affect traffic flows but that it would raise income, he was wrong if he thought he was speaking for the coalition. I think that he gave the game away, as Cathy Jamieson said.

I have answered some of the points that were made and am ready to press the matter to a vote. I move amendment 167.

The Convener: It would be remiss of me to let this matter pass without comment. I was pleased to hear the minister say that she had read the will of the committee in our stage 1 report. There has been much talk about pressure groups, and I think that the committee has played its part in applying the pressure where it needed to be applied. I think that this will be seen as a good day for the committee.

The question is, that amendment 167 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McNulty, Des (Clydebank and Milngavie) (Lab)

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

AGAINST

Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 167 agreed to.

Section 52—Workplace parking charges

The Convener: Amendment 168, in the name of Murray Tosh, concerns licensing schemes and the definition of a business customer. Do you wish to move amendment 168?

Mr Tosh: The amendment was designed to tackle one of the anomalies that I referred to. In the circumstances, it would be immaterial and I will not move the amendment.

Amendment 168 not moved.

Amendment 169 moved—[Mr Tosh].

The Convener: The question is, that amendment 169 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McNulty, Des (Clydebank and Milngavie) (Lab)
Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 169 agreed to.

Section 53—Licensing schemes to be made, varied and revoked by order

Amendment 170 moved—[Mr Tosh].

The Convener: The question is, that amendment 170 be agreed to. Are we all agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley)

(Lab)

Kerr, Mr Andy (East Kilbride) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McNulty, Des (Clydebank and Milngavie) (Lab)
Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 170 agreed to.

Section 54—Confirmation of orders

The Convener: Amendment 171, in the name of Murray Tosh, is grouped with amendment 172, also in the name of Murray Tosh, on the subject of licensing schemes and confirmation of orders. Murray, do you wish to move the amendment?

Mr Tosh: Both the amendments have been debated with regard to road user charging, which has been dealt with. I will not move the amendments.

Amendments 171 and 172 not moved.

Amendment 173 moved—[Mr Tosh].

The Convener: The question is, that amendment 173 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McNulty, Des (Clydebank and Milngavie) (Lab)
Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 173 agreed to.

Section 55—Licensing schemes: consultation and inquiries

The Convener: Amendments 174 to 178, in the name of Murray Tosh, were debated with amendment 165.

Robin Harper: On a point of order. We have not voted on whether to approve sections 52, 53 and 54.

The Convener: They have been deleted by the amendments, so we do not vote on them.

Amendments 174 to 178 not moved.

Amendment 179 moved—[Mr Tosh].

The Convener: The question is, that amendment 179 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McNulty, Des (Clydebank and Milngavie) (Lab)
Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 179 agreed to.

Section 56—Matters to be dealt with in licensing schemes

Amendment 237 not moved.

Amendments 180, 238 and 182 not moved.

Amendment 183 moved—[Mr Tosh].

The Convener: The question is, that amendment 183 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McNulty, Des (Clydebank and Milngavie) (Lab)
Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 183 agreed to.

Section 57—Licensing schemes: exemptions etc

Amendments 239, 184 and 186 not moved.

Amendment 188 moved—[Mr Tosh].

The Convener: The question is, that amendment 188 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McNulty, Des (Clydebank and Milngavie) (Lab)
Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 188 agreed to.

Section 58—Licences

Amendment 189 moved—[Mr Tosh].

The Convener: The question is, that amendment 189 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
Eadie, Helen (Dunfermline East) (Lab)
Hughes, Janis (Glasgow Rutherglen) (Lab)
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
Kerr, Mr Andy (East Kilbride) (Lab)
McLeod, Fiona (West of Scotland) (SNP)
McNulty, Des (Clydebank and Milngavie) (Lab)
Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Gorrie, Donald (Central Scotland) (LD)
Harper, Robin (Lothians) (Green)
Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 189 agreed to.

Section 59—Penalties and liability for charges payable on a licence

Amendment 190 moved—[Mr Tosh].

The Convener: The question is, that

amendment 190 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 190 agreed to.

Section 60—Rights of entry

Amendment 191 moved—[Mr Tosh].

The Convener: The question is, that amendment 191 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)

AGAINST

Gorrie, Donald (Central Scotland) (LD)
 Harper, Robin (Lothians) (Green)
 Radcliffe, Nora (Gordon) (LD)

The Convener: The result of the division is: For 8, Against 3, Abstentions 0.

Amendment 191 agreed to.

The Convener: Colleagues, you may be relieved to know that I do not intend to go any further with the bill today. At next week's meeting, we will not go beyond part 4, so I advise you that all amendments to part 4 of the bill must be lodged by Monday 13 November at the latest.

The committee has agreed to take the last two items on today's agenda in private. I thank all those who have stayed with us throughout this morning's discussions.

12:45

Meeting continued in private until 12:59.

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