

# **TRANSPORT AND THE ENVIRONMENT COMMITTEE**

Wednesday 15 November 2000  
*(Morning)*

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## TRANSPORT AND THE ENVIRONMENT COMMITTEE 27<sup>th</sup> 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)

\*attended

### 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 15 November 2000

(Morning)

[THE CONVENER opened the meeting at 10:01]

### Transport (Scotland) Bill: Stage 2

**The Convener (Mr Andy Kerr):** I welcome the press and public to the 27<sup>th</sup> meeting this year of the Transport and the Environment Committee. I also welcome the Minister for Transport and her officials, who are attending for our main item of business—further consideration at stage 2 of the Transport (Scotland) Bill. I have received no apologies.

#### After section 60

**The Convener:** At last week's meeting, we progressed as far as section 60 of the bill. We begin with the first amendment on today's marshalled list. Amendment 240, in the name of Robin Harper, is on the subject of retail parking licensing schemes. I invite Robin Harper to move and speak to amendment 240.

**Robin Harper (Lothians) (Green):** The issue that this amendment deals with might merit a full-scale debate. I have not canvassed opinion from committee members on the amendment, but I am conscious that when, during our evidence taking at stage 1, I asked witnesses whether they thought retail parking licensing schemes would be appropriate, many responded, albeit cautiously, that they thought they might be.

As much as anything, this is a matter of equity. Recently, a consensus was reached that enough large retail parks were being built and that it was time to call a halt to such building, because of the effect that existing retail parks were having on city centres and what I like to call inner-city villages. It was felt that retail parks had an unfair advantage over smaller shops. There does not appear to have been much of an attempt through planning powers to address that inequity.

One of the advantages of retail parks is that they can offer shoppers unlimited free parking, whereas smaller shops find themselves increasingly constrained. The thoroughly laudable greenways policy in Edinburgh—which I fully support—is causing problems for small shops that border on the schemes.

The advantage of free parking at retail parks is offered only to the 60 per cent of people in Scotland who own cars. That means that the pedestrian public, including the old and infirm, who like to be able to walk to shops in their local areas, find that those shops are threatened and are closing down, giving them less and less choice about where they shop and what they buy. By contrast, more and more is provided to the car-owning majority.

This amendment is about equity. I do not see retail parking licensing schemes as a method of traffic control, although I hope that their introduction would encourage larger retail parks to engage with bus companies with a view to improving bus services to their premises. However, my amendment is concerned as much with business equity as with controlling transport. There may be other ways of achieving what I seek—I do not know.

I move amendment 240.

**Mr Murray Tosh (South of Scotland) (Con):** I recognise what Robin Harper has said about the issue of retail parking licensing schemes having been raised by many people from whom the committee took evidence, both independently and in response to questions. Some of those who raised the issue were considering using parking levies in city centres and wanted somehow to balance out costs.

I do not disagree that this is both a transport and a planning issue, and I applaud the convener for accepting the amendment as admissible. However, I do not think it fits into a transport bill. We would be better off considering the issue of retail parking licensing schemes when reviewing planning guidelines for retail developments inside and outside town centres. I do not think that Robin Harper is right to say that no one has paid attention to that matter. In recent years, the guidelines for planning permission for out-of-town shopping centres have become more demanding.

The committee may want in future to consider whether to introduce a measure along the lines of that proposed in the amendment, but I do not think that we have received the comprehensive set of responses that we would need to legislate in this area. We have identified free parking at out-of-town shopping centres as an issue, but we would be deluding ourselves if we thought that we had gone into it sufficiently deeply to be able to legislate on it today. The matter is still under-researched.

**Janis Hughes (Glasgow Rutherglen) (Lab):** I agree with much of what Murray Tosh has said. The issue of charges for parking at out-of-town retail developments was raised because workplace parking charges were being proposed

for town centres and a level playing field was needed. Now that we are no longer considering workplace parking charges, the argument for retail parking licensing schemes is not as strong.

I agree that this is more of a planning matter. I know that most members will have received letters from constituents who are local shop owners and have concerns about out-of-town developments and the effect that those have on their businesses. In future the Parliament—not just this committee—may want to consider that issue. However, it is not an issue for this bill. For that reason, I will not support the amendment.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** I thank Robin Harper for making this proposal, because at some stage we need to consider it seriously and sympathetically. The dichotomy between town centres and out-of-town retail parks is a real issue. However, like Murray Tosh and Janis Hughes, I do not think that it should be dealt with as part of this bill.

Dealing with this issue in isolation could create problems on the street, in any case. In Perth, the retail park is quite close to the town centre. If such a scheme was to be applied there for income-generating purposes—and I can see why a local authority might want to use that money in another way and ring-fence it in the public transport budget, which is what I would like to encourage—it might end up having a negative effect on congestion issues, especially if it was implemented in isolation as this amendment would allow.

If we are to introduce such a scheme, we need to give it a bit more strategic thought and take a more realistic approach. I have some sympathy for what Robin Harper is trying to achieve, but this amendment is not quite the right mechanism to do that.

**Donald Gorrie (Central Scotland) (LD):** My attitude towards amendment 240 hinges on what the minister has to say in reply. Robin Harper has raised an important issue that affects planning. It has always seemed to me that the rating system is averse to small high-street shops and in favour of the sort of shops that people drive to. That issue could be dealt with in the bill.

In the area that I know best—the west side of Edinburgh—the shopping centre is a huge traffic generator in an area with a huge traffic problem. That is relevant to this bill, to some extent. The Executive has inherited a lack of strategic planning, and I strongly urge the minister to address the points that have been raised. I hope that she can assure us that this issue will be taken seriously and that policies relating to it will be introduced. If that happens, Robin Harper will have done a good job.

**Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab):** I have a degree of sympathy for what Robin Harper is trying to achieve. The debate so far has indicated that we have not yet had the opportunity to consider the matter in any depth. We did not take evidence on this issue, but we are getting into discussions of the planning and rating systems and other things that we need to consider in greater depth before we amend any legislation. I hope that the minister will address that in her response, and that we will have an opportunity to revisit this issue.

**The Convener:** As no other committee members have requested to speak, I invite the minister to respond.

**The Minister for Transport (Sarah Boyack):** The Executive cannot support amendment 240. We did not include the idea of a retail park licensing scheme in last year's consultation paper "Tackling Congestion", because we wanted to consider peak-time congestion, the worst kind of congestion that exists in Scotland. We felt that, in introducing measures to tackle that congestion and provide better public transport alternatives, we should focus on the key problems.

I do not think that it would be appropriate to include the concept of a retail park licensing scheme in the bill, as we have not engaged in the kind of thorough debate that committee members have called for. That does not mean that it is inappropriate to discuss such a scheme, and it was right of Robin Harper to put it on the agenda. Nevertheless, we have not consulted on the issue and do not regard it as a priority.

I am aware of the comments that Murray Tosh and Janis Hughes made about the committee's stage 1 report. When you considered the idea of introducing a workplace parking levy, you established whether there was a level playing field. I suggest that, now that we do not have a workplace parking levy, the pressure for including in the bill a measure such as a retail park licensing scheme is not so severe as when the issue was being considered as a complementary measure to a workplace parking levy.

We acknowledge that parking provision at retail developments is a significant traffic generator, which is why a traffic impact assessment is required for every planning application that is made. The issues of public transport and traffic generation are taken into account in consideration of any planning application. We are aware of the fact that many retail developments surrounding our towns and cities were designed with car users in mind, not for non-car users or those who prefer to use a car on some days and a bus on others.

We know that people with no access to a car might be marginalised from some of those

developments. In a sense, that is the land use transport planning pattern that we have inherited and that Donald Gorrie referred to. NPPG 17 was significantly beefed up to address the issue through the planning system and to ensure that new retail developments, regardless of their location, are more accessible to people who walk, cycle or use public transport. Developments should be sited where there is a choice of transport and should not be predominantly dependent on car access. I am very keen to encourage initiatives by developers, retailers, local authorities or the transport operators to bring together more choices for people.

In his opening comments, Robin Harper asked about other methods of transport. I think that what I have just outlined is currently the key way that we can address this issue. Over the past year, a number of planning consents have been given that contain an agreement to provide cycle parking and public transport facilities. We are now moving in that direction. Furthermore, given that committee members are flagging this up as a future subject of discussion, I should point out that the Commission for Integrated Transport is investigating this whole issue.

That said, although the issue should be on the agenda for future debates in the committee and in Parliament, today we are discussing a bill that was not crafted with the intention of including those provisions. Neither the committee nor the Executive consulted on the matter. For those reasons, we should wait for the conclusions of the study from the Commission for Integrated Transport and should not include the provisions in this bill. We will return to the issue in later debates.

10:15

**Robin Harper:** I want to thank members and the minister for their contributions. I will come back on a couple of points. Bruce Crawford mentioned Perth. Because my wife's parents live in Perth, I regularly allow myself to be driven to Perth by her or even—I should confess—drive the car myself. I try to make those visits coincide with Perth farmers market. Perth Council has provided fairly good parking facilities at the market for which one pays, if there are any spaces. If people cannot find parking places in the supermarket, they will use pay parking.

The point is that the community is entitled to a return from the land in the city, whether the land is owned by a supermarket or the council; therefore, as a matter of equity, the community should benefit from the parking spaces that are owned by supermarkets to the same extent that it benefits from the parking spaces that the council provides. However, seeing that there is a consensus of opinion that the matter was not consulted on or

was not the subject of extensive debate, I will withdraw my amendment.

*Amendment 240, by agreement, withdrawn.*

### **Section 61—Financial provisions about schemes**

*Amendment 192 moved—[Mr Tosh]—and agreed to.*

*Section 61, as amended, agreed to.*

### **Schedule 1**

#### **ROAD USER CHARGING AND WORKPLACE PARKING LEVY: FINANCIAL PROVISIONS**

*Amendment 241 moved—[Sarah Boyack]—and agreed to.*

**The Convener:** Amendment 242 is grouped with amendments 244, 245, 253 and 254, in the name of Sarah Boyack.

**Sarah Boyack:** Schedule 1 contains the financial provisions for road user charging schemes. When we introduced the bill in June, we made it clear that we would seek expert opinion on the detailed elements of the proposed accounts to ensure that we had got everything right. These amendments are the result of our consultation with Local Authority (Scotland) Accounts Advisory Committee, which has in turn discussed the issue with the Chartered Institute of Public Finance and Accountancy.

These amendments, which are technical, are part of our commitment to ensure that the net revenue from each charging scheme will be ring-fenced for local transport expenditure. We are also committed to ensuring that a local authority that introduces a charging scheme is required to establish a transparent, ring-fenced account in which the income and expenditure of both the charging scheme and the local transport improvements that are funded by the scheme are set out.

Amendments 242, 244 and 245 are driven by the requirements of CIPFA's "Best Value Accounting Code of Practice (2000)", which is the authoritative guide to financial accounting for local authorities working in the best value environment. In particular, the amendments provide that the expenditure that is charged to the road user charging account is specified in regulations rather than in the bill.

Following our close examination and careful consideration of that issue, it is clear that it would be more appropriate to deal with the level of detail required in regulations. In addition, that approach would provide a degree of flexibility, as the definition of the relevant expenses could be amended as expertise develops or in the

circumstances where the original definition might be found by the authorities to be too rigid.

Amendments 253 and 254 simply ensure that the local authority is required to submit the road user charging accounts at the same time in the financial year as all other local authority accounts. That is important for transparency and will enable members of the public or businesses to understand where the local authority is spending its money, where it is raising revenue from road user charging accounts and how it is spending that money. All accounts will be available to people at the same time. That is the most transparent way of enabling people to examine those accounts, which is important in the context of the backdrop to road user charging. When we published our proposals earlier in the year, we made that a strong commitment.

I move amendment 242.

**The Convener:** As no other members wish to contribute to the debate on this group of amendments, are there further comments that you wish to make, minister?

**Sarah Boyack:** No.

*Amendment 242 agreed to.*

**The Convener:** The next 13 amendments on the marshalled list are all in the name of the minister and were debated with amendments 167 and 242.

*Amendments 243 to 245 and 247 to 256 moved—[Sarah Boyack]—and agreed to.*

**The Convener:** Amendment 135, in the name of Donald Gorrie, deals with additionality.

**Donald Gorrie:** My colleagues in local government brought the subject of additionality to my attention. They fear that if a city council were to introduce congestion charging, from which it would gain income, some future, much less satisfactory, sneaky Government might remove some of that council's grant. Such a Government might say, "City X is quite well off because of congestion charging and therefore we will reduce its grant." In those circumstances, the council would be no better off.

The question of how additionality can be calculated precisely is difficult—I have read various papers on the subject, and one could go for a percentage or for average figures over several years. However, the principle is quite straightforward and the addition of a simple measure, as in the amendment, to the bill would help to ensure that a future, less satisfactory, minister could not take advantage of councils in that way. I think my amendment is worth pursuing—I am keen to pursue the issue—and I will listen with interest to the minister's comments.

I move amendment 135.

**Mr Tosh:** I suspect that this Executive is the sneakiest that Scotland is ever likely to have. For that reason—well, not really for that reason—and in principle, Donald Gorrie is quite right. The generation of additional resources is the philosophy on which charging schemes are based, and additional resources should be seen to be additional. There should be no attempt to squeeze down core allocations.

I am not certain whether the amendment is necessary, but the minister's response will be important. Donald Gorrie has hit on an important point and we should be satisfied that his aim can be achieved.

**Helen Eadie (Dunfermline East) (Lab):** I will pick up on Murray Tosh's point. I do not wish to change the tone of consensus and friendship that has built up in the committee, but considering the fact that the previous Conservative Government did not accept the principle of additionality for European funding, it strikes me as rich for a member of the Conservatives—

**The Convener:** I think that we will stick to the subject of transport.

**Helen Eadie:** I knew that you would take that line, convener.

I will return to Donald Gorrie's amendment. What is the definition of "a relevant authority"? Complications could arise from that, especially in the realms of partnership authorities. The partnership that I know best is the south-east Scotland transport partnership; if it, for example, engaged in a scheme to raise charges that would enable it to invest in public transport, is Donald suggesting that the partnership would be classified as a relevant authority? He could be implying that the City of Edinburgh Council was the relevant authority, and that raises a question mark in my mind. I understand what Donald is trying to do, but complications could arise from his arrangement. I want the partnerships to be able to receive congestion charging revenues, to allow them to invest in public transport.

**Des McNulty (Clydebank and Milngavie) (Lab):** I have three concerns. In the past couple of years, hypothecation has been a constant theme in local government's complaints against the Executive. There must be a balanced argument about that. People cannot argue that central Government should not allocate money that local authorities can spend only under specific heads, then argue the reverse policy when it suits them.

I am also concerned that the amendment might limit central Government's capability to monitor whether the proceeds were being spent effectively on public transport and other transport matters. An



authority might use the proceeds from its charging strategy for another purpose, and the mechanism in the amendment might disturb the monitoring of that authority.

Another issue concerns who is entitled to benefit from the revenue that is collected. I have raised previously the difficult issue of people who live in authority areas around, for example, Glasgow, and who are being charged for congestion charging or other mechanisms. They find that all the money that is collected on their behalf is spent by the city authority, and that nothing goes back to the neighbouring authority in which they live. The logical transport strategy might be to invest in parking schemes or traffic measures that would redeem the city authority's activities in a neighbouring authority area. Central Government can attempt to balance the expenditure between authorities with which that problem arises.

Donald Gorrie's argument is superficially attractive, as it guarantees one of the principles of the bill, but the detail may generate more problems than it resolves, and could inhibit the objective that we all wish the bill to set.

**Bruce Crawford:** As a former local authority leader, I had much sympathy with the amendment when I first saw it, and I understand what Donald Gorrie is trying to achieve. I will need to hear what the minister says but, although there are some areas that attract me to the amendment, I also see some problems with it.

Amendment 135, as drafted, refers to "a relevant authority"; that could create a difficulty, as two or three authorities could be involved in a scheme. That wording would have to be reconsidered to make the amendment work for all the partners that might be involved in a scheme.

The other area that causes me some concern is the process for the distribution of resources that happens in local authorities throughout Scotland. We could find ourselves in a situation where one or two authorities, particularly in cities or large towns, could bring in resources that other authorities do not have. We might then end up with a dispute between local authorities in rural areas and those that cover more congested urban areas.

The cities and larger towns may be able to apply resources to public transport, because of ring fencing and additionality, but rural authorities would not have that opportunity because they would not have the funds coming in from a scheme. There would have to be a distribution of resources through the existing Convention of Scottish Local Authorities formula, however arcane it might be. Although some of us feel that that formula has, on occasion, been abused internally, it is none the less the only available

scheme to ensure that resources are applied as equitably as possible across Scotland. The proposed amendment could distort that.

Donald Gorrie may be able to refute the points that I have made. If he can, I shall be quite willing to listen. I have a lot of sympathy with him, but my concerns may undermine the central theme of what he is trying to achieve.

10:30

**Sarah Boyack:** The amendment touches on the complex matter of the distribution of revenue support grants. As Donald Gorrie has raised additionality, I want to take this opportunity to put certain things on the record. It is important to say that revenues that are raised by urban road user charging will be ignored for revenue grant distribution purposes, just as other locally raised fees and income, such as admission charges to recreational facilities, are ignored. The Executive does not intend to alter that long-standing practice.

The amendment also refers to specific grants; such grants are paid in support of expenditure that is usually and actually incurred on certain key facilities, for example the 50 per cent of grant that is paid in expenditure on police services. One of the key commitments that I made when I launched our proposals document in February was that the bill would deliver hypothecation, transparency and fairness, and that those things would have to sit alongside additionality if we were to make road user charging schemes acceptable to the public and to local authorities. Those commitments are critical.

In responding to Donald Gorrie's amendment, I want to focus on those issues, which have been raised by several members. Our view is that the best way to deliver additionality is by transparency. The Executive amendments that I have moved are part of that picture and aim to ensure that people can understand where the money is raised and how it is spent. Road user charging sits alongside other local government expenditure, and that can be viewed straightforwardly.

I will make a number of detailed points about how that will be delivered. First, the distribution of revenue support grant is subject to consultation with COSLA and is considered annually in Parliament. That gives two opportunities for any deviation from the Executive's clear commitment to additionality to be exposed to debate and challenge. We intend that such deviation would not happen, but it is open for discussion and it is open to us to demonstrate that it has not happened.

Secondly, schedule 1 of the bill already requires that all net revenue that is raised should be ring-

fenced for local transport expenditure. In that way, we meet one of the key concerns of people who support road user charging and those who do not: that it must be demonstrable that the revenue raised from road user charging schemes is ring-fenced for local transport expenditure. The schedule also provides for annual transparent accounting procedures that will show the transport schemes on which revenues have been spent.

We tend to regard this matter as a local authority concern, but Des McNulty is absolutely right: the transparency ensures that the Scottish Executive can see what local authorities are doing and can check that they are indeed reinvesting revenue that is raised through road user charging in local transport.

Bruce Crawford raised some valid concerns about the drafting of Donald Gorrie's amendment. To some extent, the definitions in the amendment have been overtaken by events and one or two things are now slightly out of step. For example, we do not want to use the term "relevant authority" in the bill; now that we have dropped work place parking provisions, we want to use the term "charging authority".

I hope that I have reassured Donald Gorrie that we indeed intend to have additionality. I have explained the practical and transparent mechanisms by which we will deliver it. The mechanisms must be capable of interpretation by individual members of the public, by local authorities and by the Parliament when we review how local authorities have spent their money. I reaffirm our commitment to additionality; the bill, as worded, will deliver it.

**Donald Gorrie:** I would enjoy knocking back some of the extraordinarily perverse arguments that some other members have made. However, I will deny myself that intellectual entertainment for the moment.

The minister has made it clear that any revenue that is derived from a scheme would not be taken into account in the distribution of revenue support grant. That is the key point. The derived revenue should be spent, for example, to help people who come into a city because they want to shop. If there were a better bus system, those people would not have to drive. Points such as that are included in the bill, and I hope that they are properly dealt with.

*Amendment 135, by agreement, withdrawn.*

*Amendments 257 to 260 moved—[Sarah Boyack]—and agreed to.*

**The Convener:** Amendment 261, in the name of the minister, is on the subject of the application of net proceeds.

**Sarah Boyack:** Amendment 261 is based on

expert opinion that we sought from the Local Authority (Scotland) Accounts Advisory Committee on the detail of the proposed accounts. The amendment reflects the move away from a value-for-money approach towards a best value accounting environment. The best value framework is still being developed, so we propose to amend the bill to ensure that authorities achieve the three Es—economy, efficiency and effectiveness. That would accord with the general duty on authorities under section 122A of the Local Government (Scotland) Act 1973 to make proper arrangements for securing economy, efficiency and effectiveness in the use of their resources. The amendment is straightforward.

I move amendment 261.

**Mr Tosh:** Can the minister explain why the phrase "shall endeavour to apply" has been used in the amendment? It seems rather wishy-washy. Should we not simply require authorities to apply the proceeds in the ways that are specified? When would we decide that an authority was not endeavouring hard enough? What constitutes endeavour?

**Bruce Crawford:** I would be interested in the minister's response to an e-mail that I received from COSLA, which says that amendment 261

"implies that local authorities will use proceeds in a manner which is not economic, efficient and effective. Local Authorities will use proceeds to address the priorities of their local transport strategy in accordance with the requirements of Best Value and mindful of the need to have all expenditure audited. The amendment is inappropriate and unnecessary."

Local authority representatives may feel that the drafting of the amendment is rather negative. Before I make up my mind about it, I would like to hear the minister's response.

**Sarah Boyack:** I will try to tie together the comments of both Murray Tosh and Bruce Crawford, as they are related. We want charging authorities to do as much as they can to ensure that the net proceeds of their charging schemes are applied only in economic, efficient and effective ways. However, it would be difficult to apply an absolute test of the sort that Murray Tosh is requesting. If we were to do that, we would end up in the situation that Bruce Crawford described, in which local authorities, even though they had tried extremely hard and were able to demonstrate that, were forbidden from applying the net proceeds of their charging schemes.

We are seeking a balanced approach that meets the concerns of local authorities, while putting the onus on authorities to do their best to ensure that the net proceeds of charging schemes are applied in economic, efficient and effective ways. Authorities will have to account for what they do with any revenue that is raised. Both members

have indicated that this is not an exact science. However, local authorities will have to demonstrate to their electors that they have done their best to comply with the provisions of the bill.

**Mr Tosh:** If a local authority tells the Executive that it is endeavouring to spend its money economically, efficiently and effectively, but that it cannot find things to spend it on, it could just reduce the charge. I do not propose to force a vote on the amendment, but I am not sure what it is for.

**Bruce Crawford:** I agree. The rules and regulations that are already set down for local authorities require them to do such things, so I am not sure that the amendment is necessary. However, the amendment will not impose a more onerous burden than those to which authorities are already subject, so I will not squabble about it.

**The Convener:** Minister, do you wish to comment before we proceed to a vote?

**Sarah Boyack:** I want to respond to the point that Murray Tosh has just made. To get to the stage of having net proceeds, a local authority will have had to consult people, both in principle and in practice, on the purpose of a revenue raising scheme for road user charging and on how it intends to use the resources that are raised. The process must be transparent and the money will be raised for a specific purpose. We were advised that this was the best way of wording the amendment.

Bruce Crawford approached the issue from the local authority perspective. I think that we have got the balance—between meeting authorities' concerns and ensuring that the net proceeds of schemes are applied in economic, efficient and effective ways—as correct as we could in legislation. If local authorities want to introduce a charging scheme, they must persuade local residents, those with an interest in the scheme and Scottish ministers of its merits. Those are pretty tough tests.

*Amendment 261 agreed to.*

**The Convener:** Amendment 136, in the name of Donald Gorrie, is on the subject of borrowing.

**Donald Gorrie:** I came up with this amendment while thinking about the London underground. Before, during and after the London elections, a number of people proposed ways of funding the underground better. The Liberal Democrat candidate for mayor of London, Susan Kramer, who is professionally involved in this area, came up with a good scheme, and other people have proposed something similar. She argued that, because there is a guaranteed revenue stream for the underground—from fares—financial institutions would be prepared to lend large sums of money and to take out bonds that would provide

capital for early improvements. That would avoid the need to wait for all the money from fares to come in before spending it.

In my view, the same system could apply to the charging schemes for entry to cities. There would be a guaranteed revenue stream, on the basis of which financial institutions might be prepared to take out bonds or to lend money in some other form. That would provide the city in question with early capital that it could use to make important improvements to its public transport system.

We often get caught up in an argument about whether public transport improvements need to be made before sanctions can be imposed on motorists. Everyone agrees that making improvements to public transport is a good idea, but how would the improvements be paid for? My proposal would be a way of doing that.

A sound principle is being explored in London and we should explore it here. The amendment sets that out. The money from the borrowing would have to be spent on the achievement of the policies in the local authority's local transport strategy. I think that that is a sensible idea and I am happy to move amendment 136.

10:45

**Mr Tosh:** I applaud Donald Gorrie's ingenuity, but I wonder how relevant the amendment is in a transport bill. Obviously, from time to time we debate capital controls and how public bodies might fund major projects, but I do not think that we should deal with that by tacking something on to a bill that deals with something else. I applaud the decision to accept that the amendment is admissible—we should discuss such matters—but the bill is not the mechanism by which we can unscramble the system of controls on capital expenditure. We should not support the amendment.

**Bruce Crawford:** It is interesting how certain matters return to visit us in different ways. I remember my party's being rubbished by certain Liberal Democrats in the election campaign for introducing ideas that were similar to the ones that we are discussing now. We pushed the idea of bonds and I will be tempted to vote for Donald Gorrie's amendment, depending on what the minister says about how we will deal with the overall concept of capital borrowing.

I would also like to know whether the bond would be off balance sheet. If it were not off balance sheet and was still scored against section 94, it would create more difficulties. If it were off balance sheet, the proposal might be a flier.

**Sarah Boyack:** The origin of the amendment is interesting. I want to say, however, that the

amendment adds nothing to existing local authority borrowing powers under the Local Government (Scotland) Act 1975. At present, local authorities are allowed to borrow moneys secured on the whole funds, rates and revenues of the authorities. The way that the amendment is worded adds nothing to the process. To allow a local authority to borrow a sum that was secured on one year's revenue from charging would not help us, given the scale of investment that we are looking for.

I would have some strong concerns about the effect of the amendment. It could inhibit local authorities' ability to raise capital, because a one-year limit on borrowing would, by implication, rule out borrowing based on five or ten years' worth of estimated revenues. That could become a problem because if, for instance, a local authority were trying to introduce a major improvement in public transport, of the order of a tram scheme, on the back of a charging scheme, there would have to be a substantial borrowing capacity. For those reasons, I urge the committee strongly not to support the amendment. It would not help us to let local authorities get on and borrow the money that they need for implementing schemes.

Bruce Crawford is right to say that local authorities need section 94 consent for expenditure. However, money that was raised from the charges and spent within the year would be covered by existing general consents, while money that was borrowed on the back of charging revenues would not. The situation regarding money that would be spent within the year is straightforward. It would be difficult for me to give a commitment on section 94 consents in every case, and I suspect that members would not expect me to be able to do that. However, any authority that approached the Executive with a well thought out charging scheme would be viewed favourably. It is important to point out that section 94 is currently under review. We want to ensure that issues relating to the delivery of efficient and effective charging schemes are key considerations in any such review.

Donald Gorrie's amendment could be counterproductive. I understand why he has raised the issue, however, and I hope that my on-the-record comments about local authorities' having the borrowing requirements that they need for such ambitious schemes will convince him of the reasons why we do not think his amendment would help them.

**The Convener:** I invite Donald Gorrie to sum up and indicate whether he wishes to press or withdraw his amendment.

**Donald Gorrie:** Before I decide whether to withdraw my amendment, I would like the minister to say whether there is any way in which capital

that is raised on the basis of the charges could be outwith the local government capital control system.

**The Convener:** Is that your last question for the minister?

**Donald Gorrie:** I have a further question. If a future amendment referred not just to the following year, but to future years, would that be more acceptable?

**Sarah Boyack:** There is no control on local authorities in relation to in-year income and expenditure. Equally, if an authority pursued a public-private partnership scheme, it would not be subject to that constraint. Authorities already have the power to borrow, and that is acknowledged in the bill. I do not believe that we need an extra amendment to give local authorities a power that they already have.

**Donald Gorrie:** I am not entirely convinced, but I think that there is a flaw in the amendment as it refers to only one year, although I discussed it with others who gave reasons for limiting the period to one year. I will not press the amendment. However, the issue is important and I may try to clarify it at stage 3.

*Amendment 136, by agreement, withdrawn.*

*Schedule 1, as amended, agreed to.*

### **Section 62—Powers of authorities**

**The Convener:** The next seven amendments on the marshalled list are in the name of Murray Tosh and were debated with amendment 167. I invite Murray Tosh to move amendments 193 to 199 en bloc.

**Mr Tosh:** I had prepared seven speeches, convener.

**The Convener:** That is a further reason for moving the amendments en bloc.

*Amendments 193 to 199 moved—[Mr Tosh]—and agreed to.*

*Section 62, as amended, agreed to.*

### **After section 62**

**The Convener:** Amendment 263, in the name of the minister, concerns grants to local authorities.

**Sarah Boyack:** In February, I told the Parliament that I was prepared to provide matching support on a case-by-case basis to assist local authorities that were seriously considering introducing a charging scheme. The money was designed to help to meet the often considerable research and development costs that may be involved.

Amendment 263 would give Scottish ministers

the specific powers to provide such support. I emphasise that the payment of a grant does not commit an authority to introducing a charging scheme and that it does not commit ministers to approving a charging scheme.

We are aware that the introduction of charging schemes will not be easy and that numerous issues must be addressed, such as technology, traffic modelling and the economic impact. I am sure that the committee will agree that the requirements that are set out in the paper on consultation, which we have circulated to members, are extremely onerous, as they must be. It is important that local authorities do a good job and the intention of these grants is to enable them to do so.

I move amendment 263.

**Mr Tosh:** I shall be consistent. As I have indicated that we will oppose the charging powers, I must also oppose the proposal to give Executive grants to the charging authorities. I therefore suggest that we should not agree to the amendment.

**Donald Gorrie:** The basic idea of amendment 263 is sound. However, I am concerned that the Executive might dangle such attractive grants under the nose of a council that the council might go ahead with a charging scheme against its better judgment. There are parallels in the proposed housing arrangements in Glasgow, whereby a huge bribe is dangled for people to vote in a certain way. I would be concerned if the Executive made a charging scheme so attractive.

If no council showed great enthusiasm for going ahead with charging, the Executive might feel that, as it has put so much time into the idea, the grants would have to be extravagant. If the minister can assure me that the grants will not be extravagant, and tantamount to a bribe, I shall support amendment 263.

**Bruce Crawford:** I, too, would support the amendment. I would like to know whether it would allow the minister to pay a grant in specific circumstances. If it would not, it may need to be reconsidered.

If several authorities came together to form a new authority—not a local authority, but a wholly owned local authority company that was limited by guarantee—would the minister be able to pay a grant to that new body? In such circumstances, would any expenditure that the new body undertook for capital works be off the balance sheet as far as the public sector borrowing requirement was concerned? That issue will be important in the future.

**Sarah Boyack:** Amendment 263 would allow a grant to be paid to the charging authority, not for

capital works, but for research and development. Expenditure on capital works would come much further down the track, after a local authority had been through the extensive consultation processes, decided that a scheme was appropriate and had that scheme approved by Scottish ministers.

As there is general consensus among the major political parties—with the exception of the Conservative party—that congestion charging schemes could be an important tool for tackling congestion and raising revenue, we must remove the key blockages that currently exist. One of the blockages is the issue of research and development, as we do not yet have congestion charging schemes in the UK. Any authority that is considering such a scheme has to put in a fair amount of effort, especially on research and development.

I stress to Donald Gorrie that the Executive will provide matching funding, not money that local authorities would receive gratis. The authorities would also have to be pretty committed to research and development and would have to match any money that came from the Executive. I do not think that any local authority would bid for such money without taking the matter seriously.

I stress again the point about consultation. Any local authority has to consult on the principles of charging schemes as well as on the details. I know that that sounds like a mantra, but it must be emphasised. Local people need to know that that commitment is being made. These schemes are about giving the local authorities the opportunity to research properly and to consider research and development issues in practice before they implement a charging scheme. They are intended as an enabling mechanism, rather than as a requirement. I stress the fact that the money is matched and that it is for research and development. The grants are not for the capital cost of a scheme, but they should allow the authorities to do the groundwork much earlier.

**The Convener:** As these are fairly detailed and technical matters, Bruce Crawford may want to say more on them.

**Bruce Crawford:** The minister may want to respond in writing at a later date, as I am trying to address a technical issue. I understand what she said about research and development; that was useful to hear. However, several local authorities have set up hands-off companies to deal with their leisure facilities. In such circumstances, the capital borrowings that those companies are involved in are off the balance sheet and do not score against the PSBR. I am not talking just about research and development money and any grants that can be given. If local authorities came together to set up a company as a charging authority, would any

capital expenditure that they then undertook be off the balance sheet for the purposes of PSBR? If so, large amounts of capital could be spent to make large-scale improvements in public transport without scoring against a section 94 issue for the individual authority.

**Sarah Boyack:** I shall write to Bruce Crawford and the committee on that issue. I could answer the string of questions that he raises one by one, but they do not all relate to amendment 263. I suspect that members would like some time to examine my answers and will not want just to read them in the *Official Report* of this meeting. I would be happy to respond in a letter if that would be helpful.

11:00

**The Convener:** The question is, that amendment 263 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)  
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 9, Against 1, Abstentions 0.

*Amendment 263 agreed to.*

### **Section 63—Information**

**The Convener:** I dangle the prospect of coffee before members, but first there are two sets of amendments to move en bloc. The next 12 amendments were on the marshalled list in the name of Murray Tosh and were debated with amendment 167 on day 4. I invite Murray Tosh to move amendments 200 to 211.

*Amendments 200 to 211 moved—[Mr Tosh]—and agreed to.*

*Section 63, as amended, agreed to.*

### **Section 64—Determination of disputes, appeals and evidence**

**The Convener:** Amendments 212, 213 and 214, in the name of Murray Tosh, were debated on day 4, with amendment 167.

*Amendments 212 to 214 moved—[Mr Tosh]—and agreed to.*

*Section 64, as amended, agreed to.*

*Section 65 agreed to.*

11:01

*Meeting adjourned.*

11:09

*On resuming—*

### **Section 66—Crown application**

*Amendment 215 moved—[Mr Tosh]—and agreed to.*

*Amendment 264 moved—[Sarah Boyack]—and agreed to.*

*Section 66, as amended, agreed to.*

### **Section 67—Interpretation of Part 3**

*Amendment 216 moved—[Mr Tosh]—and agreed to.*

*Amendments 128 and 129 moved—[Sarah Boyack]—and agreed to.*

*Amendment 217 moved—[Mr Tosh]—and agreed to.*

*Section 67, as amended, agreed to.*

### **Section 68—Travel concession schemes**

**The Convener:** We now come to amendment 266, which is grouped with amendment 267.

**Sarah Boyack:** This group of amendments is small but important. Amendment 266 is a technical amendment to clarify the fact that it is the operators of eligible local services who can be reimbursed for providing travel concessions. Amendment 267 ensures that operators will be required to take part in any statutory scheme that is made under the bill. There is little point in having provisions to enable the introduction of statutory schemes if transport operators are able to opt out of them. The amendment makes it a criminal offence for an operator to fail systematically to comply with a statutory scheme.

I move amendment 266.

*Amendment 266 agreed to.*

*Amendment 267 moved—[Sarah Boyack]—and agreed to.*

**The Convener:** Amendment 268, in the name of the minister, is grouped with amendment 270, which is in the name of Fiona McLeod.

**Sarah Boyack:** Amendment 268 delivers the commitment I made at stage 1 on enabling powers to extend eligibility for concessionary fares to more than pensioners and people with disabilities. It meets the Executive's commitment, when resources permit, to look at extending the categories of concession recipients. It could include carers or other groups.

Amendment 270 would include carers and persons accompanying disabled persons, and young people under the age of 17, in the categories automatically eligible for concessionary travel. The committee will remember that at stage 1 I expressed our commitment to keep the categories of eligibility under review. I also emphasised the serious financial implications of extending eligibility to other groups. The committee recognised in its report that that would be likely to rule out any such extensions for the foreseeable future. Amendment 270 would result in those additional groups being automatically eligible as soon as the statutory powers commence. Everyone here probably recognises that there are good arguments for extending concessionary travel entitlements, but that would be at a significant cost. The report that I have made available to committee members gives a sense of the options available.

The proposals that I announced in September target our available resources at pensioners and people with disabilities. I plan to proceed on a voluntary basis by extending existing concessionary travel schemes in the first instance—I want to get us moving on this. Section 68 underpins that aim; amendment 268 would ensure that it is possible to extend the definition of eligible groups in the future, should additional resources become available.

I am aware that local authorities have variations, but the proposal is about deciding the matter for the future and allowing extension of eligibility where we think it appropriate to do so. The financial and practical difficulties that are associated with Fiona McLeod's amendment mean that I cannot recommend it to the committee. I ask her to not to press it.

I move amendment 268.

11:15

**The Convener:** I should point out that there was a manuscript amendment to Fiona McLeod's original amendment and that the age specified in amendment 270 is now 18 years.

**Fiona McLeod (West of Scotland) (SNP):** I am pleased to hear the minister say that she will not limit future concession schemes to those of pensionable age and those suffering from a disability, but any transport bill must make it clear

that there are certain groups in society who depend more heavily on public transport than do others and need more help to use it. It is important that those groups are clearly identified in the bill and that a commitment to them is clearly made.

The two groups identified in section 68(6)(a) and 68(6)(b)—the elderly and the disabled—can often be mobile only with the assistance of someone such as their full-time carer or a person who is helping them with a specific trip. It is important that we ensure that the elderly and the disabled can use their concessions by being able to take their carer along with them.

The Parliament has had a couple of debates on carers. I hope that the statistics that have been given of the number of hidden carers in Scotland and the disproportionate poverty they suffer because of their caring commitments lead members to support the amendment, which would ensure that carers have access to concession schemes. Carers provide vital support for people and, as our debates have identified, save the country around £6 billion a year. It is important that the bill says clearly that carers and those caring for the elderly and the disabled will be part of national concession schemes.

Members will notice that the new paragraph (d) that amendment 270 proposes would include young people who have not yet reached the age of 18. Young people are a vulnerable group and rely heavily on public transport. It is important that society recognise that young people have a disproportionate need to use buses and that they are disproportionately financially vulnerable because the state requires that they pay the full fare when they are 16 and 17, although unemployed people of that age do not have access to benefits and employed people of that age receive a lower rate of minimum wage. It seems inappropriate that society financially penalises such young people and does not allow them the concession as a recognition of the fact that they need help to use buses.

I am pleased that amendment 268 proposes that, in the future, the minister may extend the national concession scheme, but I think that we have to take the present opportunity to ensure that the concession scheme is extended to the vulnerable groups I have mentioned.

**Robin Harper:** I should declare a slight interest in that, as rector of Edinburgh University, I have been approached by students who have asked me to ensure that the committee recognise the needs of students.

Poorer students, many of whom live a long way away from their colleges and universities, can have quite high transport costs. At the other end, students who can afford to travel by bus are using

cars. A general student concession scheme would achieve greater and easier access and would help to address students' considerable financial problems. It would also dissuade students from using cars.

**Cathy Jamieson:** It is fairly well known that, during stage 1, I took a particular interest in concessionary fares and the extension of eligibility. I welcome the minister's commitment to introduce a concessionary fares scheme and the possibility of extending that scheme in the future. I have considerable sympathy with what Fiona McLeod seeks to do, particularly in relation to carers and young people. The point is well made: they are some of the most disadvantaged people.

However, there are other groups that could benefit if the concessionary fares scheme were extended, such as families on low incomes, people attempting to get back into work after long periods of unemployment and the unemployed. My concern is that identifying only two groups at this stage might limit our opportunity to do something in the future. So, reluctantly, I must say that I am unable to support amendment 270. I am looking for assurances from the minister that there is a commitment to consider the matter and to seek to make resources available in the future, given the current financial position.

**Janis Hughes:** I agree with Cathy Jamieson. The committee has always had a strong commitment to considering concessionary fares. I know that Fiona McLeod has not been involved in the committee from its early stages, but we flagged up the issue as a priority at the very beginning. We were of the strong opinion that we should consider the situation of various groups—such as people on low incomes, young people and carers who accompany people—who qualify for concessionary fares.

We must focus on what we can do and how it can be done, notwithstanding the financial implications. I am concerned about amendment 270 because it refers to someone who

"cares for or is accompanying a person specified in paragraph (b) above".

One of the things we must consider is the definition of a carer. There are many issues that we must consider more carefully; that is something the committee wants to investigate.

I sympathise with the aims behind amendment 270. It would be helpful if the minister would give us further clarification and a commitment to look into the matter in the future.

**Des McNulty:** I agree with Cathy Jamieson and Janis Hughes. I would like to focus the minister's attention on one specific group: people accompanying blind people using public transport.

Notwithstanding the difficulty of defining carers and the financial issues in relation to young people, there is a specific requirement to extend the scheme to people accompanying blind people using public transport. I would like the minister to make a specific commitment on that and to consider introducing an amendment at stage 3 to take account of that group.

**Bruce Crawford:** There is clearly much support for what amendment 270 tries to achieve, although members have some concerns. Amendment 268, which introduces the opportunity to add other groups to concessionary fares schemes—perhaps those on low incomes or those looking for employment—will still stand and such opportunities can be taken later.

Fiona McLeod, rightly, is trying to make a real start to address matters about which the committee has expressed concern: the problems that are faced by carers, those who accompany people who are disabled and, for the reasons she gave, people who have not yet reached the age of 18. Many other categories over and above those that are covered by amendment 270, which other committee members have mentioned, could be included, but it is important to make a fundamental statement.

If the committee is sympathetic to the intention of amendment 270 but thinks that the words are not 100 per cent right, the minister can tell us that she will introduce another amendment to achieve our purpose. That is in line with Des McNulty's suggestion. The committee has an opportunity to stamp its mark and say that this issue is important and should be addressed in the bill. We should recognise that there are other groups who need to be included and welcome an amendment from the minister to achieve that objective. I encourage everybody to think closely about what Fiona McLeod has said.

**Mr Tosh:** Perhaps it was a mistake to specify any category in the bill rather than to indicate that there would be eligible people as specified by regulation. The difficulty that is caused by specifying two categories is that it leads to competitive bidding. Might I throw in the category of people with learning disabilities and those who accompany them, particularly on longer journeys? We can all identify deserving categories. I understand why the Executive wanted to include the elderly and disability.

Our continuing to add one group after another is not the right way to proceed. We must consider the cost implications. The committee has been very disciplined about doing that. Those who have been on the committee throughout this process can testify to the fact that the committee has been anxious about this issue and has discussed it. There is a desire for the bill to go further, but the



committee is realistic.

Everyone's interests are taken care of by amendment 268. Any conceivable category can be covered by amendment 268, so that is the best way in which the committee can progress this matter. It is not a question of the committee stamping its authority. The committee should pursue this issue as it evolves, as we see schemes being introduced and as we learn what resources are involved in running schemes. We can then consider whether we should try to persuade the Executive to release further resources.

I am not against the categories mentioned in amendment 270, but they are just another two categories of people: there are more we could add. Either we include everyone, or we proceed as we agreed previously, which is to start with what is in the bill as it stands and review the situation later.

**Fiona McLeod:** In response to Janis Hughes, I say that although I have not been a member of the committee, I have followed its discussions. In response to the question why now, I ask how long will we continue to consult and deliberate. We are considering a transport bill today, so we can start to put into practice some of the ideas the committee has discussed and agreed.

Des McNulty talked about the people who accompany blind people using public transport. It is to meet their needs that amendment 270 refers to a person who

"cares for or is accompanying a person"

who suffers from a disability. We do not need to return to this issue with the appropriate words, as they are present in amendment 270, which would ensure that blind people's companions are included.

I am pleased that amendment 268 has been proposed as well as amendment 270, as I do not think that we should be prescriptive. However, the minister has already included two categories of people who deserve concessions now. Amendment 270 supports those categories. New paragraph (c) would support the categories of the elderly and the disabled who cannot be mobile without their carers or someone accompanying them.

I tell Murray Tosh that people with learning difficulties would also be covered by new paragraph (c), because it refers to paragraph (b), which mentions

"a disability . . . of such description as Scottish Ministers may by order specify".

That disability could be a learning disability, so concessions could be given to the carers or

companions of people with a learning disability.

It is important to note that there are vulnerable and financially vulnerable categories of people. We have identified two such groups and I suggest that the two further groups I have identified should be included in the bill without having to wait for further deliberation or consultation.

**The Convener:** I think the committee has made a considerable mark on concessionary travel in Scotland. We made it a priority early on, and that was picked up by the Executive. Whatever happens with these amendments, and however our performance is measured, this committee has played a significant role in promoting concessionary schemes.

11:30

**Sarah Boyack:** In addition to the two categories that Fiona McLeod has suggested, Robin Harper has suggested students, Cathy Jamieson has suggested people on low incomes and unemployed people and Murray Tosh has suggested people with learning difficulties. That illustrates the point that there are an awful lot of people we would like to help in future. However, merely extending the categories in the bill will not deliver that.

In her introductory remarks, Fiona McLeod said that including more categories would ensure that schemes were extended. It would not. Including those categories would be a false promise. We have set out our priorities—ensuring that we can deliver access to local bus services for pensioners and people with disabilities. I dispute the assertion that including more categories would give practical help or support to people. Including them would mean that I had a less effective scheme than I have promised for pensioners and people with disabilities, because I would have to spread my resources.

I want to get on with the scheme as it is and make it work. That does not rule out future improvements. Fiona McLeod has not told us the costs of extending the scheme. A false promise helps nobody. We have to be politically responsible. We have set our priorities, we have said what we can deliver and we will work to do so. In the long run, we want to extend eligibility. I want the bill to enable the Scottish ministers to do that. That is why it is so important to accept amendment 268 and to reject amendment 270.

Janis Hughes and Cathy Jamieson talked about setting priorities, assessing impact and considering the people we would want to add to the list, how we would do that and how we would work with local authorities and operators. Those are important points. Des McNulty spoke about the voluntary blind person's scheme. I am keen to

consider how that can be improved. I am told that there are circumstances in which it is possible for someone who is accompanying a blind person to have a concession.

I am keen to consider improvements to the bill, but amendment 270 does not add anything. It would raise false hopes and expectations that I am unable to deliver tomorrow or in the next two years. I welcome the support that the committee has given me in the past; I look forward to extra support in the future. However, the bill is about what we have promised can be delivered. The bill should be honest, so I ask members to support amendment 268 and to reject amendment 270.

*Amendment 268 agreed to.*

*Amendment 270 moved—[Fiona McLeod].*

**The Convener:** The question is, that amendment 270 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 270 disagreed to.*

**The Convener:** Amendment 269, in the name of the minister, is on its own.

**Sarah Boyack:** I will be brief. Amendment 269 is a technical amendment that extends the definition of travel concession. Section 68(6) of the bill refers to a "reduction of the fare", which, by definition, cannot include free travel. The amendment makes it clear that travel concessions can be made available, either by reducing the fare or by waiving it altogether.

I move amendment 269.

*Amendment 269 agreed to.*

*Section 68, as amended, agreed to.*

#### **After section 68**

*Amendment 54 not moved.*

**The Convener:** I call Donald Gorrie to speak to

and move amendment 218.

**Donald Gorrie:** Amendment 218 is a long amendment, but it refers to a specific issue. In urban areas there are off-street car parks that belong either to commercial undertakings or to groups of residents in the surrounding flats or houses. In 1992, the High Court ruled that the owners of such car parks were not allowed to hire firms to clamp illegally parked vehicles in those areas. At the time, there was a lot of concern that those clamping companies were cowboys, and that influenced what seemed to me an extraordinarily bad High Court decision. Since then, there has been no control over illicit parking in those privately owned parking spaces.

The current arrangements can have quite an effect. For example, if somebody persistently parks just outside the door of a publishing company's warehouse, it can make it very difficult for the firm's staff to move boxes of books in and out. The firm has no redress against the person who parks outside its premises. A similar situation arises for private residents, a number of whom have raised the matter with me. In fact, one extremely exalted Edinburgh resident has spoken to me privately about this issue.

At the moment, people may park in somebody else's parking area without any penalty, which is, in effect, theft, because the other person has paid for that parking area. I am suggesting that there could be an agreement between the council and the owners to designate the area as a car park, which would then be patrolled in an agreed manner by traffic wardens or police. I do not think that they would need to come round regularly, but if somebody persistently parked where they should not, the owner or resident should be able to phone the parking wardens or police and get them to come along and deal with the problem. That would generate some income from parking fines or from recovery fines if they removed the vehicle and its owner had to get it back.

Proposed subsection (6) of amendment 218 has, I suppose, been overtaken by the removal of the licensing scheme, but I do not think that that should destroy my amendment, as there may be some future licensing scheme that could produce revenue. Even without that, the issue stands up. I originally introduced the amendment to go with the licensing scheme, but this is a free-standing issue. Other members may not have come across this problem, but I can assure you that my long experience as an Edinburgh politician tells me that it is quite an issue for some people. I am sure that that is also true in other urban areas.

The amendment tries to address a specific point, and I think that it is worthy of support. I shall be interested to hear what the minister says. I have no doubt that her civil servants will have advised

her of all sorts of technical reasons why the Executive cannot support this amendment. The current arrangements are condoning theft, because people can park on somebody else's ground without any redress. That is unacceptable.

I move amendment 218.

**The Convener:** Perhaps some of those exalted citizens are civil servants. You never know, but we shall find out in due course.

**Mr Tosh:** Apart from subsection (6), which has been overtaken, I have quite a bit of sympathy with Donald Gorrie's amendment. I have also been lobbied on this issue and I have exchanged correspondence with the minister, who is aware of the difficulty and is sympathetic. The minister's view is that there are devices that the local authority can use to deal with the problem. As Donald said, the judgment was made in 1992. Eight years on, on the eve of the new millennium—if we count these things properly—people are still waiting for effective action to be taken.

I am willing to be persuaded by the minister if she has good arguments that this is not the way to do it, but I would like to hear what the Executive thinks it can do. If it is a question of exploring more legal devices and not holding out any hope, the committee should consider putting this amendment in the bill. In principle, I agree with Donald Gorrie.

**Nora Radcliffe (Gordon) (LD):** I acknowledge that the problems that Donald Gorrie has described exist. They do not happen only in Edinburgh. I have personal experience of similar problems in Inverurie, which is a small but growing market town. The same thing can happen in rural areas, where people may want to leave their cars at the road end in severe winter weather. If those spaces are occupied by someone else who is not authorised to park there, that can cause severe inconvenience to the person who owns that land or has the right to park there. It is not a problem only in major urban areas; it is a universal problem.

**Sarah Boyack:** I am genuinely grateful to Donald Gorrie for raising this issue. As Murray Tosh said, it is a matter that has crossed my desk and I have considered it quite carefully. I appreciate the problems that Donald is trying to address with amendment 218, as there is clearly a need to tackle unauthorised parking in private residential areas.

I support the intention behind the amendment. I have considered the issue, and it is my view that the powers that currently exist to adopt roads under the Roads (Scotland) Act 1984, and to introduce traffic regulation orders under the Road Traffic Regulation Act 1984, can establish such

things as residents parking schemes. Under the Road Traffic Regulation Act 1984, local authorities have a general duty to ensure the expeditious, convenient and safe movement of traffic and to provide suitable and adequate parking facilities, both on and off the road.

The Roads (Scotland) Act 1984 currently provides for the adoption of private roads subject to certain conditions, such as the majority of frontagers being in favour. There is already provision in existing statutes to allow that to happen. The question that must be asked is why it does not happen. Local authorities already have that power and can exercise it. If we were to give them new powers, which I would argue are even more bureaucratic than the powers that I have just described, could we have any confidence that local authorities would actually use them?

Donald Gorrie has raised an important point. Should we give local authorities yet another route to achieve a solution to the problem that members have identified? I am not convinced that amendment 218 would provide a solution. It is a matter that must be taken up at a local level. The powers exist and can be used. The question is why they are not being used. I am concerned that the introduction of those powers would add additional burdens to local authorities. They could be very bureaucratic. Given that local authorities are not using an appropriate route at the moment, I do not think that adding another route to those that exist would solve the problem.

I note that Donald Gorrie's amendment could have the effect of allowing an employer to have its car park taken over and controlled by the local authority. Any two neighbours could also apply to the local authority to have their driveways designated as a controlled private car park. I do not see that as a fault with amendment 218. It is difficult to craft perfect amendments. However, there is a bigger question about local authorities already having the powers to deal with the problem.

For those reasons, I do not agree that the amendment should be added to the bill. I think that there is a solution to the problem, but I do not think that this amendment would provide a solution. I would therefore argue against the amendment.

**The Convener:** Murray Tosh has a question, which he assures me is a technical question.

**Mr Tosh:** Yes, it is about designation. The minister has said pretty much what she said in a letter that she sent me last week, but there was no time to address the issue by replying to that letter. If a local authority uses its powers to designate areas as private parking spaces and bring them within the framework of enforceability, can it do so in relation to parking spaces that are on or off non-

adopted roads, or must the local authority adopt the roads as well for maintenance purposes? If that is the case, that is a powerful reason why local authorities will be reluctant to exercise those powers. If it is not the case, we would like that to be clarified.

**Sarah Boyack:** It is the case that if they adopted the roads, they would then be responsible for them, which would raise the issue of parking. There would be an opportunity—

**Mr Tosh:** So they would have to adopt the roads to be able to designate private parking spaces.

**Sarah Boyack:** That is right. Then they would be able to bring them within their parking powers, as with other roads.

**Mr Tosh:** With respect, that is my point. Local authorities generally require owners to bring roads up to adoptable standards. Bringing roads into public maintenance involves expenses.

**The Convener:** Murray, to be fair, you have clarified the technical point; you are now making a speech about that technical point. I would rather that we move to Donald Gorrie's summation. Your point was well made, and you got the clarification that you sought. It is time that we moved to Donald.

**Donald Gorrie:** I have one point. The minister adequately covered residential parking, but she did not cover commercial parking. The same arguments apply for commercial parking—for example, parking for offices and housing associations, which have parking spaces that people illegally park in.

11:45

**Sarah Boyack:** It is exactly the same point. If parking were brought under local authority control through the adoption of a road, if requested the local authority would be able to charge for the parking, which addresses Murray Tosh's point. The point that has been made is not that there are unadopted roads that are not being maintained properly, but that there is a lack of enforcement of parking. That is the core issue. The worry is not that there would be huge stretches of roads that would have to be paid for, because there would be a funding mechanism through parking charges. I hope that that addresses Murray Tosh's point.

On Donald Gorrie's point, under the Road Traffic Regulation Act 1984, one of the core conditions is whether the owners of an area are in favour of the road being adopted. If they are in favour, it could come under the local authority's scope. I hope that that answers the question about commercial enterprises.

**The Convener:** I am being fairly lenient in letting

people back in and letting the minister respond. It is time that we moved to Donald Gorrie's summation.

**Donald Gorrie:** I find this difficult because, as the minister says, the issue is, if these powers exist, why do councils not use them? If she is right, and the powers exist, we should explore the matter more fully than we have done. To be accused of being over-bureaucratic is a nasty attack, coming from my political standpoint.

**Mr Tosh:** It is a sneaky counter-attack.

**Donald Gorrie:** It is. I am unsure what to do.

**Janis Hughes:** Phone a friend.

**Donald Gorrie:** I will push the amendment to a vote.

**The Convener:** That was a pertinent comment from Janis Hughes, but we cannot access that option.

The question is, that amendment 218 be agreed to. Are we all agreed?

**Members:** No.

**The Convener:** There will be a division.

#### FOR

Gorrie, Donald (Central Scotland) (LD)  
Radcliffe, Nora (Gordon) (LD)  
Tosh, Mr Murray (South of Scotland) (Con)

#### AGAINST

Eadie, Helen (Dunfermline East) (Lab)  
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)

#### ABSTENTIONS

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

**The Convener:** The result of the division is: For 3, Against 6, Abstentions 2.

*Amendment 218 disagreed to.*

**The Convener:** I call amendment 271, in the name of Donald Gorrie.

**Donald Gorrie:** I will have to take lessons from Murray Tosh, who has an enormously high batting average for getting his amendments through.

Amendment 271 deals with the transport implications of publicly funded projects. The issue first hit me a few years ago when visiting a pensioners lunch club in what might be called a poor housing estate. Often, the people who should and could have benefited from the lunch club did not get to it because, for example, the weather was poor and there was no arrangement to get them there. Some organisations are better

organised in that respect. Like other members round the table, I have been exploring the delightful area of Glasgow known as Anniesland. I visited an extraordinarily good pensioners day centre, where, correctly, Glasgow City Council includes transportation by minibus to and from the club for all the people as part of the deal. That is what I am aiming for with this amendment. People who organise activities should take account of the transport issue.

The same situation applies in rural areas, where a local council may put on a good sports coaching activity after the school day, but unless the children get the school bus at the end of the day they are stuck, therefore they cannot take advantage of the coaching. In my view, the council should think of that and provide additional transport as part of the cost of the facility; otherwise, it will not benefit the people it should. The amendment seeks to ensure that, at least on paper, proper consideration is given to how people will get to and from an activity that a council or other publicly funded organisation is providing, and if additional transport is required, how it will be paid for and whether people will be helped with concessionary travel or whatever. It is a sensible duty to impose on councils when promoting new projects.

I move amendment 271.

**Cathy Jamieson:** I understand the sentiment that Donald Gorrie expresses. During the course of evidence taking a number of committee members consistently raised the issue of cross-cutting implications and trying to ensure that we cover all aspects of social inclusion in transport policy, but I do not think that this amendment is necessary. Given the good practice that can be found in social inclusion partnerships and community transport initiatives in many local authority areas, it would be better to deal with the social inclusion aspects of transport policy by those means, rather than having the provisions of this amendment in the bill. The amendment is not necessary at this time, although I understand what Donald Gorrie is getting at.

**Fiona McLeod:** I will support this amendment for a negative reason that I encountered locally, and which this amendment might have helped to overcome. The swimming baths in Kirkintilloch were knocked down. If the council had had to consider providing transport to the other publicly funded swimming baths, we would not have had the uproar that we had. So I support this amendment for a negative reason.

**The Convener:** You worked that in well, Fiona.

**Sarah Boyack:** I would like to respond to Donald Gorrie's comments. I agree with the spirit of his amendment. There is general agreement

that local authorities need to consider the transport implications of facilities and projects if we are to tackle our transport problems effectively. However, this amendment does not solve the problem that has been identified. We are already trying to tackle the issues that are addressed in the amendment.

When a facility or project involving the use of land or buildings requires planning permission, there are clear overlaps with the planning system that we already have in place. According to national planning policy guideline 17, the local authority should proceed through development plans and/or handle development through the development control process. In both cases, the transport implications of the development should be a key element of the authority's assessment of the merit of putting the development in the location concerned. As I have already said, there are opportunities for negotiation about access to public transport, where that is relevant to the planning process.

Whether the local authority is the developer or whether its involvement is through another agent, such as a public-private partnership or third party, for significant travel-generating developments a transport assessment should be prepared as a matter of course. That should apply not only to public sector or local authority developments, but across the board. The assessment should cover the expected travel demand and the different types of transport access that are deemed acceptable, including any action that is required to achieve the right kind of split between different types of transport.

The guidelines require consideration of a wider range of transport modes than is covered in the amendment, which is limited to public transport. Those include walking, cycling and the use of cars. The guidelines are also not limited to local-authority-funded projects. The amendment does not cover private sector projects, universities or the national health service. For those reasons, I do not think that the amendment is sufficiently ambitious. There are other ways in which we can tackle this problem.

The amendment also conflicts with the current approach of giving local authorities a degree of discretion in tackling the needs of their communities through the processes that they regard as most appropriate. The power of community initiative, which is being developed by one of my colleagues, will help them to do that. We also expect local authorities to think about wider transport needs through the community planning process and through their links with stakeholders under the best value regime, both of which will have statutory backing. Local transport plans, community transport grants—which are available from the Scottish Executive—and the

safer routes to school initiative are other ways of tackling this issue.

I hope that I have indicated to Donald Gorrie that we have a package of measures already in place to deliver what he wants to achieve, and more. Those measures are appropriate and comprehensive. Tying local authorities down with the specific duty that is suggested in this amendment would not add value to them. I hope that, in the light of my explanation, Donald Gorrie will be happy to withdraw his amendment.

**The Convener:** Donald, do you wish to press your amendment?

**Donald Gorrie:** Yes. The minister mentioned a number of transport initiatives, all of which are good in different ways. However, they do not impact on the issue that I am raising. The minister mentioned private developments, but they do their own thing.

In my view, the planning process needs more reform than almost any other part of Scottish life—it is just dreadful. In my experience, planners are worried only about whether there are too many cars. They are not concerned about whether the council is holding a keep-fit class somewhere that nobody can get to. I am.

I am addressing a very specific issue, and my proposal does not impact adversely on the other measures to which the minister referred. There is a great deal of budgeting for new projects that does not include transport. The simple point that I am making is that it should, and that my amendment deserves to be included in the bill.

**The Convener:** The question is, that amendment 271 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)

#### 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)

#### ABSTENTIONS

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

**The Convener:** The result of the division is: For 5, Against 5, Abstentions 1.

In line with previous practice, I will use my casting vote in favour of the status quo.

*Amendment 271 disagreed to.*

**Donald Gorrie:** My batting average is creeping up.

**The Convener:** The next amendment for debate is amendment 272, in the name of Helen Eadie.

**Helen Eadie:** I have lodged this amendment in response to concerns that were brought to my attention in a petition to the Scottish Parliament. That petition, which had 90,000 signatures, was the biggest petition that the Parliament has received. It came from Fife, part of which I represent. The petition had the support of all Fife's Westminster MPs: Menzies Campbell, Henry McLeish, Lewis Moonie, Gordon Brown and Rachel Squire. It also had the support of all Fife's constituency MSPs: Scott Barrie, Marilyn Livingstone, Henry McLeish, Iain Smith and me. The petition was also supported by the leader of the council and—Bruce Crawford will correct me if I am wrong—a number of the list MSPs. Councillors from all political parties throughout Fife supported the petition, which proposed that car parking charges should not be imposed at hospitals in Fife.

It is important that people in rural and semi-rural areas should be able to access their hospitals. In many such areas, people are dependent on either a non-existent bus service or buses that come infrequently and do not meet the needs of local people, who do not live anywhere near railway stations.

12:00

Last week the issue of NHS governance was debated in the Parliament. Basically, Fife Health Board and Fife Acute Hospitals NHS Trust have cocked a snook at all Fife's elected representatives, whether at local government level, Scottish level or Westminster level. The imposition of car parking charges may resolve difficulties for the hospital authorities, but experience teaches us that it has a knock-on effect on local residential housing schemes, as cars that would otherwise be parked in the hospital car park are parked on housing estates. The issue of low pay also needs to be taken into account. Cleaners, porters, nurses and other low-paid staff are being taxed in a way that I, along with many other politicians throughout the country, find unacceptable.

Last week, a member of one hospital's medical staff illustrated for me the effects that car parking charges can have. After taking their child to hospital and paying the parking fee, a parent may discover that they need to return home to fetch something that is urgently needed. When they get back to the hospital, they have to pay another fee. Later they may return to the hospital for a night

visit. For that one day, they would pay around £4.50. If the child remained in hospital for a week, the parent would face a bill of up to £20 for car parking charges alone.

The acute trust, which was responsible for drafting the plans for car parking charges, did not put those out to consultation or take account of local people's views. It did not seem to know the meaning of the word consultation. In the health service, the current consultation procedure is 25 years old; I know that the Minister for Health and Community Care is addressing that issue. In Fife, the hospital authorities merely superimposed their name on all the relevant points in Fife Council's green transport plan. They gave no thought to what was the best way forward.

We want to take a holistic approach to health, and people should be concerned by the cross-cutting issues that charging for hospital parking raises. This is not just a transport issue; it is also a health issue. Many people will say that the money raised from car parking charges should be invested in front-line services, and most members would sympathise with that view. However, we must bear in mind that people in rural and semi-rural areas have special problems. I hope that the committee will support the amendment.

I move amendment 272.

**Des McNulty:** Amendment 272 states:

"It shall no longer be lawful for charges to be imposed in respect of the use of car parking spaces at hospital premises, other than those located in a city, town or other predominantly built-up area."

Only a limited number of hospitals would be caught by the amendment—for example, it would not affect any hospital in Glasgow—so there are problems with the way in which the amendment has been drafted.

If a trust or a board were considering making improvements to road access or car parking facilities, would it be appropriate for those organisations to seek to fund those improvements out of car parking revenues rather than out of money that would be used otherwise for front-line services? There is an interesting argument about what we expect health authorities to do in those circumstances. Should they spend money on improving car parking facilities out of car parking charges?

The third dimension is whether we should find a mechanism of trying to encourage people who visit hospitals to use public rather than private transport. Does amendment 272 sit easily with such incentives? I recognise that, in many circumstances, people have to use private transport, but the amendment, as it is framed, takes away from a green transport strategy.

I wanted to raise those three questions with Helen Eadie.

**Cathy Jamieson:** The points that I was going to raise are similar to those raised by Des McNulty. As a point of principle, I am concerned about the notion that people who have to access health services find themselves having to pay to park.

I am not sure whether the Transport (Scotland) Bill is the correct place to deal with the issue, and there are some problems with the wording of the amendment. There are a number of hospitals in my constituency, including Ayr hospital and Ailsa hospital. One is on the edge of Ayr and could be described as being in the town, and the other is right next door, but might be described as being outside the town. I would prefer us to consider improving public transport links—the minister knows of my interest in a rail link to Ayr hospital as an example of such improvements.

Pressure will have to be brought to bear on the health boards and trusts. I have a great deal of sympathy with what Helen Eadie is trying to achieve with her amendment, but the way in which it is worded raises more questions about than solutions to the problem.

Unless the minister advises me otherwise, I would ask Helen to consider whether we could deal with the issue differently and request her not to press her amendment.

**Bruce Crawford:** Many of the points raised by Helen Eadie are relevant to the situation in Fife—there is no question but that there is a great deal of angst, concern and worry that the authorities have not dealt with properly.

In my view, we should use every opportunity at stage 2 to find avenues for righting wrongs and I applaud Helen Eadie for trying to achieve that with her amendment. It is probably correct to say that charging for car parking is a health service matter—it lies in the health service's court and should never have been allowed to happen. The minister should have issued regulations to put a stop to car parking charges, but that has not happened.

If Helen had put a full stop after "hospital premises", I probably would have supported her amendment. The phrase

"other than those located in a city, town or other predominantly built-up area"

gives both Helen and me problems, particularly given the situation in Dunfermline.

I am sure that the health trust would argue that the hospital in question lies within the boundaries of Dunfermline, in terms of the planning process, even though local people would not recognise that. If the hospital does not lie within a

“predominantly built-up area” already, it might do so in a few years. There are many houses to the north of the hospital and more houses are being built to the south. Although the western expansion might be a relevant factor, it cannot be long before more houses are built on the other side of the hospital. Therefore, suddenly the health trust might come back and say, “Here we are a few years down the road. The circumstances have changed and we now want to put parking charges in.” In fact, the amendment would not stop the health trust arguing now that the hospital is in a “predominantly built-up area”.

As I said, had there been a full stop after “hospital premises”, I might well have supported the amendment, and other members of the committee might have shared that view. However, given that difficulty, I have some problems with the amendment. I will make up my mind on how I will vote after I have heard the minister’s comments.

**Janis Hughes:** I understand that there are problems in Fife and that that situation prompted Helen Eadie to lodge her amendment.

A similar situation arose at Glasgow royal infirmary about five years ago. In my previous life, I was heavily involved in opposing those plans for various reasons. I have great sympathy with the intentions behind Helen’s amendment because of my previous experience. There is a huge traffic management problem in relation to large, major hospitals, which must be addressed.

Like Des McNulty, I am concerned that money from front-line health services might be spent on car parking. The minister can correct me if I am wrong, but I understand that money generated from car parking schemes cannot be used to make a profit for the trust and must be used to fund the schemes. One of the plus points from the situation at Glasgow royal infirmary was that the scheme gave staff greater security as they came off shift late at night or early in the morning, during the hours of darkness. Staff felt more secure going to their cars, wherever they were parked in the complex. We should consider security, which is not cheap and which must be funded somehow.

I understand that there must be a trade-off but, like Cathy Jamieson, I have serious concerns about expecting people who attend health service facilities or staff to pay for parking. The amendment does not address that issue.

I cannot think of a single hospital in the Greater Glasgow Health Board’s catchment area that would not be considered to be located

“in a city, town or other predominantly built-up area.”

Dare I cross the boundary into the convener’s constituency to mention the hospital at Hairmyres?

I am greatly concerned about what the

amendment would achieve, although I am sympathetic to Helen’s intentions. I have raised car parking charges with the minister before, and I would like us to consider that issue in future, but I do not think that the amendment does what I hope we would be able to do to alleviate the problem.

**Donald Gorrie:** Car parking at hospitals is an emotive issue. A few years ago, it was regarded as the swing issue in a parliamentary by-election in the south of England. Anything that affects how people vote is important to politicians.

There are two separate issues: parking for staff—particularly for less well-paid staff—and parking for people who are visiting day clinics or patients. Like other members, I think that the wording of the last part of the amendment is not helpful. Perhaps there is a mechanism through which the committee could ensure that, either at ministerial level or at committee level, the issue of hospital car parking charges is addressed jointly by the Health and Community Care Committee and the Transport and the Environment Committee. The issue is important and it is good that it was raised, but I do not think that the amendment addresses it in the right way.

**Robin Harper:** I also wish that the wording of the amendment better served the spirit of what Helen Eadie wants to achieve. The problem is not so much about where hospitals are located as about where the people who want to use the hospitals live.

For five years in the 1960s, I lived in a very rural part of Fife, where I had a three-mile walk to the nearest, fairly irregular, bus service. Goodness knows what that service is like now. Car parking charges must cause real problems for people who can get to hospital only by using a car.

However, despite my reservations, I will vote for Helen’s amendment because it is important. If we were to agree to it, it would be up to the Executive to come back with its own amendment that would serve the purposes that it wishes to achieve. I shall support the amendment.

12:15

**Mr Tosh:** The difficulty is the final phrase of the amendment, after “premises”. It introduces a considerable anomaly. Much of what has been said about not having parking charges at hospitals is divorced from the argument about congestion or traffic movement. It is a point of principle about people accessing the health service. I am not sure that we should be attempting to address that issue through a transport bill. However, if we are seeking to do so and want to ensure that people who use rural or semi-rural hospitals do not pay parking levies, I sympathise with that. However, I do not see why we should be prepared to sanction



them at urban hospitals.

Cathy Jamieson mentioned Ayr hospital and Ailsa hospital. I would say that they are both in a rural setting and would be exempt. However, South Ayrshire Council is considering a local proposal to develop all the land between Ayr and the hospitals. By a stroke of the pen, those hospitals would be eligible for parking charges. The distinction between hospitals in built-up and non-built-up areas is not meaningful.

If the local health board were to sanction parking charges at Biggart hospital, nobody would use the car park there; they would all park in the surrounding residential streets. The amendment does not resolve the difficulty. However, it is clear that there is a difficulty, with which members are familiar. This is an opportunity—perhaps sneakily—to deal with it in the Transport (Scotland) Bill. It is an opportunity to tackle an issue that does not seem to be the focus of any immediate Executive attention.

Much depends on what the minister can tell us about how the Executive would seek to resolve the difficulty.

**Bruce Crawford:** On a point of order. I want to clarify procedurally whether there is anything that we can do here. Is the power available to the committee to agree to change the amendment by a manuscript amendment, so that it ends at the word “premises”?

**The Convener:** In a sense, the responsibility for that power rests with me, in relation to what happens to the bill at stage 2.

I am not minded to accept Bruce Crawford's suggestion, as much time and discussion have been devoted to the amendment. There is an opportunity to amend an amendment at this late point. However, although there is the opportunity to accept manuscript amendments up until the last moment, I do not think that I could accept this one. It is not a precedent that I would be comfortable with. The amendment has been around for a while, so I will not accept a manuscript amendment.

However, I am sure that the minister has taken note of the comments that have been made, for stage 3 discussions. In addition, I have not put the question yet, so I am not sure how the vote will go. I therefore do not accept Bruce Crawford's suggestion.

On the point that members have made about whether the matter is an appropriate one for the committee, it is a matter that we can discuss; we will discuss it in our work programme.

**Sarah Boyack:** I am well aware of Helen Eadie's concerns because she has put them directly to me. There are concerns in other areas

about parking at hospitals. We have had a member's debate on the issue.

The way in which the amendment is worded and some of the comments that members have made should be addressed in detail, as there are clear concerns.

I will outline the Executive's policy. There have been discussions between the transport side and the health side because of the issues about access to health facilities. We have a clear policy. We sent a letter to all trusts and health boards in February, which made three main points. First, the decision to introduce charges for car parking at NHS hospitals was a matter for local determination, taking full account of local circumstances, which include the needs of staff, patients and visitors. Secondly, car parking charges should not be introduced to generate income. Thirdly, they should be introduced only for reasons of security or better to manage existing facilities, for example, to discourage fly parking.

I understand that eight hospitals in Scotland have introduced parking charges. That suggests that few hospitals take the decision lightly. Helen Eadie referred to local consultation—she has very effectively made strong points about consultation today. The existence of a petition of such a scale makes that point effectively.

It is important to stress that the income raised from such charges has been used to police unsafe car parks—that was mentioned by Janis Hughes—and for the introduction of CCTV, to enable people to use those car parks in the knowledge that they will be safe.

If those funds were not drawn from parking charges, it would prevent hospitals from making necessary improvements to the safety and operation of their car parks, or such vital work would have to be financed from elsewhere in the health budget. Would we rather that the funds came from primary health care resources? I leave that question for the committee. It is not for us today, but it is a relevant issue in relation to health funding.

A series of comments were made by Cathy Jamieson, Des McNulty and Janis Hughes about the need for better public transport, which I strongly support. We raised that issue when we discussed the sections of the bill that relate to buses. We asked whether there were better ways to provide new transport facilities.

Improving access to the new hospital was one of the issues raised by City of Edinburgh Council in its public transport fund bid. Under Helen Eadie's amendment, it would be interesting to work out whether the new hospital would be

“in a city, town or other predominantly built-up area”

or whether in the future it would be in a predominantly built-up area. Bruce Crawford, Cathy Jamieson and Murray Tosh also referred to the definition of the wording in Helen Eadie's amendment. The status of hospitals could change over time.

We must consider the wider issues, but this is not the right place to deal with this matter; it is for health boards. Helen Eadie also referred to accountability. In the Transport (Scotland) Bill, our objective should be to improve public transport. There is the new Queen Margaret train station in Dunfermline. New public transport facilities are being developed across the country. They do not meet all the concerns of members—we are discussing not just public transport facilities during the day, but off-peak access to hospitals. Many concerns are buried under the points that members have raised, which would not be addressed by Helen Eadie's amendment or by an amended amendment. The wider issues justify greater debate and discussion, but this is not the right place to sort out the issue.

I therefore ask members not to agree to the amendment. This is an issue for future discussion between the transport side and the health side, which the committee probably wants to examine in greater depth. I do not think that the Transport (Scotland) Bill would lead to a fix on the issue. The amendment might make members feel happier in the short term, but it would not address the long-term problems that members have raised.

I ask Helen Eadie to withdraw the amendment. If she does not do so, I ask members not to support it.

**The Convener:** I ask Helen Eadie to conclude our discussions on the amendment. In doing so, will she indicate whether she wishes to press or withdraw the amendment?

**Helen Eadie:** Members have suggested that there are different ways to raise the issue and that this is not the proper place or time to raise it. My question to every member of the committee is: what is the way? Fife Health Board has just said, "Tough. It is a matter for the acute trust." The acute trust has said, "Tough. We are going to go ahead." Will the Scottish Parliament say to the people of Fife and elsewhere, "Tough. Just get on with it"? That is not the way to treat people, especially when the Parliament has received its biggest public petition on the issue.

I am pleased that members acknowledge that there is an issue, which must be addressed. If we did not acknowledge that the issue must be addressed, that would be a matter of concern for people throughout Scotland.

I accept the concerns that my colleagues have expressed about the drafting of the amendment.

Bruce Crawford made a point about whether the hospital would be defined as being in Dunfermline. Queen Margaret hospital is on the perimeters of the town, so there would not be a big difficulty, but there would be a difficulty with Victoria hospital. I therefore take his point.

The issue was raised of money for front-line health services and whether it would be appropriate for the health service to fund car parking. Whenever there is a barrier preventing access, especially for some of the poorest people in our communities, that is a problem for the Scottish Executive to address on a cross-cutting basis. We should not say that only the health service would fund that. It is for the Scottish Executive to say that it accepts that no person in society should be debarred from accessing emergency health care or health provision. The point that Murray Tosh made is relevant.

What will make my mind up, convener, will be your ruling on the issue. If I pressed my amendment to a vote and the committee were to vote no because of the issues that have been raised today, would that debar the matter from being revisited at stage 3? At that time, we might be able to achieve a consensus in the committee on addressing the issue in the bill.

Could you advise me on that? I do not want the issue to die. The Parliament and the Executive must address it.

**The Convener:** Stage 3 is taken in the chamber. It would be a matter for the Presiding Officer whether he selected any amendments that he received on the matter, taking into consideration what had happened in the committee.

**Helen Eadie:** Therefore, were I to press the amendment to a vote, it does not mean that raising the issue would be debarred at stage 3.

**The Convener:** I was daring to speculate, but I have been advised not to speculate on that matter. I will therefore not answer that question. It is up to the Presiding Officer to determine whether he selects the amendment, based on the discussions in the committee.

**Helen Eadie:** I do not want the issue to die. I will press the amendment to a vote.

**The Convener:** The question is, that amendment 272 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)  
Harper, Robin (Lothians) (Green)

**AGAINST**

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**

McLeod, Fiona (West of Scotland) (SNP)

**The Convener:** The result of the division is: For 3, Against 7, Abstentions 1.

*Amendment 272 disagreed to.*

**The Convener:** I suggest that this is an appropriate time to stop our consideration of the bill at this meeting. At our next meeting, I hope that we will conclude our discussion of stage 2 of the Transport (Scotland) Bill. All amendments to the remaining sections and schedule to the bill—sections 69 to 78 and schedule 2, plus the business that we did not cover today—will be taken at that meeting. I also advise members that amendments to the remaining sections and schedule to the bill must be lodged by Monday 20 November at the latest.

The committee has agreed to take in private the next item, which is consideration of the draft terms of reference for our water inquiry. That item is deferred from last week's meeting.

I thank members of the press and the public, interested organisations and the minister and her officials for coming this morning. We look forward to further deliberations at our next meeting.

12:27

*Meeting continued in private until 12:53.*



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