

EDINBURGH TRAM (LINE TWO) BILL COMMITTEE

Wednesday 15 September 2004

Session 2

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EDINBURGH TRAM (LINE TWO) BILL COMMITTEE **2nd Meeting 2004, Session 2**

CONVENER

*Bill Aitken (Glasgow) (Con)

DEPUTY CONVENER

*Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

COMMITTEE MEMBERS

*Marilyn Livingstone (Kirkcaldy) (Lab)

*Kate Maclean (Dundee West) (Lab)

*Stewart Stevenson (Banff and Buchan) (SNP)

*attended

CLERK TO THE COMMITTEE

Graeme Elliott

LOCATION

Committee Room 4

Scottish Parliament

Edinburgh Tram (Line Two) Bill Committee

Wednesday 15 September 2004

[THE CONVENER *opened the meeting at 09:42*]

Interests

The Convener (Bill Aitken): Good morning, ladies and gentlemen, and welcome to this meeting of the Edinburgh Tram (Line Two) Bill Committee. I remind members to switch off mobile phones and pagers.

We have received no apologies. I remind members to note that the sound system, with which we are not all that familiar at present, does not require us to press request-to-speak buttons to activate the microphones.

The first item of business relates to a declaration of interests. It is a statutory requirement and other members of the committee made the appropriate declaration at our first meeting, which Marilyn Livingstone was unable to attend. Accordingly, I now ask her whether she has any declaration of interests to make in respect of the bill.

Marilyn Livingstone (Kirkcaldy) (Lab): No, convener. I am not aware of any declaration of interests that I need to make.

Item in Private

09:43

The Convener: The next item of business is to decide whether we should discuss certain items on the agenda in private. Item 8 is a housekeeping item, which I think we should discuss in private, but I believe that members will feel that the other items on the agenda should be heard in public. Is that agreed?

Members *indicated agreement.*

Late Objections

09:44

The Convener: The third item relates to consideration of late objections. I stress that what we will do at this stage is decide whether to consider the objections despite the fact that they were not lodged timeously. There is no undertaking on the part of the committee at this stage to accept the objections that have been raised; it is merely a question of our accepting that we are prepared to consider them.

There are three late objections. The first, objection 88, is from Mr Leslie Stevenson. An unfortunate situation has arisen in this case, involving an elderly gentleman. Members will note that the objection was, in fact, only a couple of days late in any case. My view is that we should admit the objection. Is that agreed?

Members indicated agreement.

The Convener: Objection 89 is from O2 UK Ltd. The objector is a tenant of the Gyle shopping centre, but it was the previous tenant who was notified of the bill. That was an error, and on that basis it seems reasonable that we admit that objection. Is that agreed?

Members indicated agreement.

The Convener: The third objection—objection 90—is from Historic Scotland. Under the local government planning process, Historic Scotland is an automatic statutory consultee, but that is not the case with private bills, which are considered under a rather different system. That is because the Environmental Impact Assessment (Scotland) Regulations 1999, which make Historic Scotland a statutory consultee under the local government planning process, are not adopted in their entirety by the private bills process, which refers only to schedule 4 of those regulations.

The explanation that Historic Scotland gives for its late objection is the newness of the private bills process. It is claimed that Historic Scotland was unaware of the system that applied. Bearing it in mind that the number of late objections that we have received is not particularly formidable, members may wish to agree to admit the objection from Historic Scotland. However, members will no doubt be a little concerned that Historic Scotland failed to recognise the system that would normally apply. I would have thought that it should surely have been aware that all this was going on and that it should have responded appropriately.

Is it the view of the committee that we admit the objection?

Members indicated agreement.

Site Visit

09:46

The Convener: The next agenda item relates to a site visit. We are required to consider whether we wish to make a familiarisation visit along the proposed route for line 2. We discussed that earlier, and I think that there is a general view that a visit of that type would be useful. If members are agreeable to that, it would be appropriate to identify a suitable date during our discussions on the work programme, which will be dealt with under item 8. It would clearly be beneficial to invite the promoter of the bill to organise and attend the visit, so that the promoter can provide further information on any questions that members may have during the visit, as well as highlight areas of specific interest or concern that might arise. I must stress firmly that the promoter's involvement would be limited to that role; I trust that that will be of some reassurance to objectors.

Kate Maclean (Dundee West) (Lab): I am happy about that, but I presume that as we progress through the bill there will be other opportunities to make site visits. If objectors want us to consider a specific area that relates to their objections, is it possible that we could have other site visits in future?

The Convener: It is an evolving process and we do not know what will crop up in evidence. I certainly would not preclude a visit to a specific locus if a problem were highlighted. We would obviously wish to have our site visit in advance of oral evidence being taken, because we really need to know the location so that we have seen for ourselves the situation that appertains before evidence is given about specific difficulties.

Is it agreed that we undertake a site visit and that we invite the promoter to arrange a visit along the route?

Members indicated agreement.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I understand that the west Edinburgh bus system is being constructed at the moment and that it is the precursor to much of the tram route. It would therefore be useful to ensure that that work is covered on our site visit, because that is an important part of our consideration of the general principles of the bill.

The Convener: It would clearly be of advantage to do that; we shall arrange to do so later.

Basically, we have agreed that we should have a site visit and that we will invite the promoter to arrange it. We will discuss timings and so on when we come to item 8.

Fact-finding Visit

09:50

The Convener: We come to item 5, which relates to a fact-finding mission—fact-finding visit, rather.

Kate Maclean: “Mission” makes it sound more exciting.

The Convener: I am all for introducing excitement into things.

At our previous meeting, we discussed the merits of viewing an already established tram system that was similar to the proposed system. After discussing the matter with Transport Initiatives Edinburgh Ltd, we have identified that the Nottingham express transit—or NET—system is the one that is most similar to the proposal in the bill. The paper for this item mentions some European options; however, after the clerk investigated the matter at some length, it was felt that there were clear time constraints. The most similar system that we could have visited is in Orléans in France, which would have necessitated a two-day visit and considerable expense. I do not think that that would have been appropriate.

You will note that the paper proposes that members of both committees undertake this visit together to alleviate some of the burden on the people in Nottingham, who have been very generous in making the appropriate arrangements for us. The Edinburgh Tram (Line One) Bill Committee discussed and agreed the proposal at its meeting yesterday.

Are members agreed that we undertake a fact-finding visit; that we go to Nottingham; that we again consider and agree an appropriate date when we come to agenda item 8; and that we authorise the clerk to seek the appropriate parliamentary approvals to allow us to carry out this visit?

Members indicated agreement.

Jeremy Purvis: I am keen that we receive more information about the European schemes, especially given that we will be examining the National Audit Office report. I do not know whether there is any alternative to a site visit or whether we or the clerks can undertake further work. Perhaps we could even seek information from a company that is not Transdev plc—which appears to operate most of the companies that are mentioned in the paper—or consider some of the work that the promoters have carried out and some of the systems that are mentioned in the NAO report. It might well be that the NAO has gathered more information than is set out in what is effectively its summary report, but I would be interested in receiving more information.

The Convener: That suggestion is eminently sensible.

Joint Meeting

09:52

The Convener: Item 6 concerns evidence taking from the NAO. Members will be aware that the NAO has recently published a report into light rail making and has made a number of recommendations in relation to the success of such schemes in England and Wales. The paper for this item sets out our proposal to hold a joint meeting of the Edinburgh Tram (Line One) Bill Committee and the Edinburgh Tram (Line Two) Bill Committee to take evidence from the NAO on its report’s conclusions.

Given that the promoter and objectors might find the NAO study team’s information useful, it is proposed that the briefing take place in a formal meeting to allow the NAO’s comments to be included in the *Official Report*. The appropriate approval has been obtained from the Parliamentary Bureau and the conveners group will consider the item at its meeting tomorrow. I point out that we are taking this item early to ensure that, if the committee agrees, members can receive the briefing on 23 September before the consideration of evidence taking during the preliminary stage.

Are members agreed that we meet jointly with the Edinburgh Tram (Line One) Bill Committee to take evidence from the NAO study team?

Members indicated agreement.

Stewart Stevenson (Banff and Buchan) (SNP): Can I clarify that we are talking about a formal meeting and not an informal briefing?

The Convener: It will be a formal public meeting.

It is proposed that the meeting take place on 23 September at 12.45 pm.

Stewart Stevenson: I note that you used the word “proposed”. Is there any flexibility about that date?

The Convener: I know that you have a problem in that respect. Unfortunately, we are a little bit behind the 8-ball here. I am sorry about that.

Stewart Stevenson: Well, if so, then so.

The Convener: Are members agreed to allow Jackie Baillie and me to agree between ourselves who will convene the joint meeting?

Members indicated agreement.

Financial Case

09:53

The Convener: We move on to item 7, which relates to the review of the preliminary financial case. In its first meeting on 29 June, the committee agreed in principle that such a review would be beneficial and invited officials to draw up a specification and a list of possible candidates to undertake such analysis. Do members have any views on the paper for this item?

Stewart Stevenson: I have a couple of comments. In annexe A, which is entitled,

“FINANCIAL CASE AND ASSOCIATED DOCUMENTS: INVITATION TO TENDER SPECIFICATION”,

one of the aims is

“To examine and assess the projected financial risks”.

Given that the financial risks reflect technical risks, is not it appropriate simply to refer to “projected financial and technical risks”? That would allow us to understand the sources of the financial risks. I suspect that such risks will be reflected in the report anyway, but including that element as part of the aims will make it clear that we expect to see something about them.

The Convener: That would go without saying. However, I am quite relaxed about including a reference to technical risks. After all, we probably should adopt a belt-and-braces approach.

Stewart Stevenson: My second point is a technical point about the section entitled “Cost and timetable”. I take it that the paper was written to be discussed a week earlier than we are discussing it and that the dates mentioned will be updated.

The Convener: That is indeed the case.

Do members agree to the draft financial case analysis specification at annexe A—not, as stated in the paper and pointed out by an eagle-eyed member, annexe B?

Members indicated agreement.

The Convener: Are members agreed that the specification, if agreed, be published as part of the minutes of the committee meeting?

Members indicated agreement.

The Convener: Are members happy that the organisations that are listed in annexe B that would be invited to submit tenders carry out the financial case analysis by 23 September?

Stewart Stevenson: Should the date not be a week later?

The Convener: You are quite correct. It will be 30 September. We would aim to receive the

analysis by 23 September, but the secondary date is a fall-back position. Are members agreed?

Members indicated agreement.

The Convener: Finally, are members agreed that the committee’s consideration of tenders, once received, be discussed in private at a future meeting because of commercial confidentiality considerations?

Members indicated agreement.

Stewart Stevenson: I should enter the caveat that any agreement that is made should be put in the public domain.

The Convener: Yes.

We will now move into private session to discuss the timetabling of our work programme. I thank members of the public for their attendance and invite them, the official report staff and broadcasting staff to leave the room.

09:57

Meeting continued in private until 10:12.

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