

TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE COMMITTEE

Tuesday 10 June 2008

Session 3

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TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE COMMITTEE

13th Meeting 2008, Session 3

CONVENER

*Patrick Harvie (Glasgow) (Green)

DEPUTY CONVENER

*Cathy Peattie (Falkirk East) (Lab)

COMMITTEE MEMBERS

*Rob Gibson (Highlands and Islands) (SNP)

*Charlie Gordon (Glasgow Cathcart) (Lab)

*Alex Johnstone (North East Scotland) (Con)

*Alison McInnes (North East Scotland) (LD)

*Shirley-Anne Somerville (Lothians) (SNP)

*David Stewart (Highlands and Islands) (Lab)

COMMITTEE SUBSTITUTES

Alasdair Allan (Western Isles) (SNP)

Richard Baker (North East Scotland) (Lab)

Gavin Brown (Lothians) (Con)

Tavish Scott (Shetland) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Bill Brash (Scottish Government Transport Directorate)

Stewart Stevenson (Minister for Transport, Infrastructure and Climate Change)

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Alastair Macfie

ASSISTANT CLERK

Clare O'Neill

LOCATION

Committee Room 4

Scottish Parliament

Transport, Infrastructure and Climate Change Committee

Tuesday 10 June 2008

[THE CONVENER *opened the meeting at 14:01*]

Subordinate Legislation

Public Transport Users' Committee for Scotland Amendment Order 2008 (SSI 2008/186)

Mobility and Access Committee for Scotland Revocation Regulations 2008 (SSI 2008/187)

The Convener (Patrick Harvie): Good afternoon, everybody, and welcome to the 13th meeting this year of the Transport, Infrastructure and Climate Change Committee. We have received no apologies for absence. I remind everybody that all mobile devices—phones, BlackBerrys and so on—should be switched off.

Most of our agenda today relates to subordinate legislation. We will begin by taking evidence on two Scottish statutory instruments that are subject to the negative procedure—SSI 2008/186 and SSI 2008/187. Information about the instruments has been circulated. We are joined by the Minister for Transport, Infrastructure and Climate Change, Stewart Stevenson. The minister is accompanied by senior policy officer Bill Brash, head of transport strategy Diane McLafferty, and principal legal officer Jacqueline Pantony.

Committee members will have the chance to question the minister, but I will begin by asking the minister whether he wishes to make any introductory remarks.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Thank you, convener. I am pleased to be here to discuss this important issue with the committee. The amalgamation of the Mobility and Access Committee for Scotland and the Public Transport Users Committee for Scotland seeks to integrate and mainstream disability and accessibility issues into one high-level organisation.

The enlarged passenger transport users committee will represent all public transport users in Scotland and will have particular regard to disability and accessibility issues. The

amalgamation is not intended to reduce our financial support for the relevant issues.

Members of the public may view a single, integrated body as more effective and less confusing than having several bodies responsible for the views of all transport users in Scotland. The current number of bodies in the public sector landscape leads to duplication and potential loss of focus. Through the merger, and the subsequent creation of a mobility and access sub-committee within the passenger transport users committee, we will create a more prominent body that will be in a far better position to influence the development of transport policy.

I turn now to the two Scottish statutory instruments. The Public Transport Users' Committee for Scotland Amendment Order 2008 (SSI 2008/186) will increase the number of members on PTUC from 12 to 15. It also prescribes that at least three of the members must be disabled persons, as defined by the Disability Discrimination Act 1995. There is no upper limit to the number of disabled persons who can serve on the committee. In time, when members' appointments end, it is likely that the number of disabled persons serving on the committee will increase.

The Mobility and Access Committee for Scotland Revocation Regulations 2008 (SSI 2008/187) will be revoked, but the functions and responsibilities of MACS will remain in their entirety. It is a fact that PTUC already has responsibility for advising ministers on the views of public transport users on all matters, including mobility and accessibility issues.

I know that there are X number of MACS members who believe that the move will dilute the voice of the disabled. However, the integration of functions will significantly strengthen the voice of disabled people in transport policy making, with the requirement for PTUC to have disabled members. In addition, a sub-committee will be created that will draw in non-PTUC members without having to go through the formal appointment process and without having to involve ministers. They will be much more masters and mistresses of their own destiny.

I recently met the convener of PTUC, James King, who is with us today. He confirmed that he expects the convener of the sub-committee to be one of the newly appointed disabled persons. A wide-ranging consultation that sought views from stakeholders, including many organisations that represent disability and mobility interests, was carried out between December 2005 and March 2006. The consultation asked for views on whether, as part of the option to have an integrated high-level committee, the functions of the Mobility and Access Committee for Scotland

should be incorporated into PTUC. Comments were received from 74 respondents, the majority of whom were in favour of an integrated high-level committee.

There are others who say that the PTUC remit does not cover all the functions that the MACS remit covers, but one of PTUC's duties is to handle bus complaints that have not been fully resolved by operators. That will include complaints from disabled passengers who will now, through the merger, have an opportunity to be involved in decision making in respect of those complaints. That will give all bus passengers a body to handle their complaints.

MACS and PTUC met in March and plan to meet again on 17 June to ensure that there is continuity between the activities of MACS and those of the new, merged PTUC. I have asked PTUC to check whether any activities that are being carried out by MACS are not within PTUC's remit. If it finds any such matters, those can be addressed in a letter from the Scottish ministers, under section 42(2) of the Transport (Scotland) Act 2005, to the convener of PTUC, asking it to consider and make representations to the Scottish ministers on such matters. The convener of PTUC assured me that he would write to me if he felt that PTUC was constrained in carrying out any of its duties.

PTUC has also spoken to the United Kingdom body, the Disabled Persons Transport Advisory Committee, about working in partnership. I have already discussed with the convener of PTUC the development of an outcomes-based approach to assist in the delivery of our ambitions for Scotland's public services. I have examined the remits of both organisations and feel that, now that the national transport strategy is embedded, the time is right to amalgamate the two bodies.

I welcome this opportunity to discuss the rights of disabled people in relation to transport and broader access issues and to explain the rationale behind our proposals. It would be very disappointing if the disabled were denied a statutory right to be part of PTUC. That would send entirely the wrong signal to the disabled about the importance that we place on their interests and on mainstream organisations such as PTUC having continuously to account for their needs. Accordingly, I hope that, after debate, these issues are not pressed to a vote.

I am happy to answer any questions on either SSI or on the broader issues that they raise.

The Convener: I thank the minister for his opening remarks. We have some time for members to ask questions of the minister and his officials if they want clarification on any technical points. I remind members that the officials will not

be able to take part in the subsequent debate on the motions. If members have points to raise on technical issues, they should do so under this agenda item.

Minister, I refer you to the equality impact assessment that we received today. Why was it not possible for that assessment to be made available to us some time in advance of your coming to speak to the issue in the committee?

Stewart Stevenson: I should explain, convener, that, strictly speaking, the assessment has not yet been published. You have a copy of it ahead of its publication. In light of remarks that you quite properly made to me previously, I sought to get it to you at the earliest possible opportunity. I am not asking you to keep its contents secret, as it will be formally published later this week. It came to the committee at the earliest possible moment so that you could have it in front of you. I am afraid that it was not possible to get it to you any earlier.

The Convener: Is it usual for a committee to receive an equality impact assessment after it has been required to make a decision on such a matter?

Stewart Stevenson: I ensured that you received it before the meeting.

The Convener: What does the equality impact assessment tell you? What do you gain from it?

Stewart Stevenson: I ask Bill Brash to address that.

Bill Brash (Scottish Government Transport Directorate): The assessment goes through the process that we have carried out, including discussion with stakeholders—there has been quite a lot of discussion with stakeholders in the past few months—and concludes that the amalgamation will benefit the wider public and that we will be mainstreaming disability issues in the new, enlarged PTUC. It concludes that there are no problems with proceeding with the amalgamation and recommends that we review it in the next year to determine whether it works.

Cathy Peattie (Falkirk East) (Lab): I have worked hard not to list the 20 or 40 questions that I have on the issue. The minister does not need to worry too much, but I have real concerns. He started by talking about the amalgamation of the two committees, but it seems to me that one committee is consuming the other with a wee bit lip service being paid to the role of disability. That does not look like amalgamation to me.

Stewart Stevenson: It is certainly a change in the organisational structure; that must be accepted. The existence of the new mobility and access sub-committee will enable the same degree of involvement of disabled people in policy making. In fact, it will enhance it because the sub-

committee's members will not have to go through the formal appointments process that the Office of the Commissioner for Public Appointments in Scotland oversees because the sub-committee will be able to draw them in as required. There is a wide range of disabilities and if, for example, the sub-committee or PTUC was considering a particular issue, such as—I will choose one at random—the special needs of people with motor neurone disease, it could draw in people with expertise on that. The present structure of MACS would mean that the minister would have to appoint people to the committee through the appointments process, which many disabled people find challenging—indeed, some people would argue that the broader community finds it challenging. Therefore, in the sub-committee, we have a body that is able to adapt and respond to the work that it is doing at a particular point.

Also, by ensuring that it is required that at least three people who qualify as disabled under the DDA are on the main committee of PTUC, we are ensuring that we make disabled people's needs part of the mainstream of policy making and advice to ministers. My intention is certainly to increase and improve that.

Improving accessibility and ensuring that the voice of disabled people is central to passenger transport issues and transport issues in general provides a broader benefit to society as a whole. For example, although not registered disabled, a person who had broken a bone in their foot, had a stookie and was walking around on sticks would benefit from improved accessibility during their recovery from injury. There are advantages to the wider public in improving accessibility to many public transport facilities, which will be more likely to happen if disabled people sit on PTUC as a key and core part of developing transport policy and advising ministers.

14:15

Cathy Peattie: I agree with what you said about accessibility, which I have worked to achieve all my working life. I believe strongly in accessibility, whether it is for a person with a stookie or a mother with two kids and a buggy.

I also believe in mainstreaming, which you spoke about. However, to call having three disabled people as committee members mainstreaming is nonsense when we are winding up a committee of which 50 per cent of the members and the convener are disabled.

I heard what you said about additional members and it is clear that you are trying to make an effort to involve folk. However, if we are talking about drawing in people when they are required, that is sidelining. I am concerned that when issues that

relate to disability arise, the sub-committee will do a bit of work and report back. Mainstreaming means that the whole committee should consider issues that relate to disability, just as the Transport, Infrastructure and Climate Change Committee considers disability in relation to all its work. How can three people engage with the wider community of disabled people? I am not convinced, but perhaps you can persuade me otherwise. I know that disability organisations share my concern.

Stewart Stevenson: You said that the Transport, Infrastructure and Climate Change Committee must mainstream disability in its work, which is absolutely the case. Putting three people who are disabled on the passenger transport users committee is a substantial step forward for that committee, which currently has no statutory requirement for any of its members to be disabled. It brings to the forefront in that committee the rights, obligations, knowledge and connections to the wide range of bodies that look after disabilities and takes that straight to the heart of decision making in that committee.

In my conversations with James King, who is PTUC's convener, it has been clear that every sub-committee is an important part of PTUC. A sub-committee must be chaired by a PTUC member and it is planned that the mobility and access sub-committee's chair will be one of PTUC's disabled members. The link that the new arrangements will make is stronger than the previous link. By involving more disabled people in decision making and in advising the minister, we will address mainstreaming. Inclusion Scotland says on its website that a key task is removing barriers to participation. We seek to do precisely that.

The member made comments about her personal commitment. Since at least my mid-teens, I have worked with people with mental incapacity. That has been my particular interest. In a practical sense, I am not unaware of the issues, but my experience is different from Cathy Peattie's. The sub-committee's ability to draw in different people as required will ensure that the right people are always sitting at the table, not just to give evidence, but to be a core part of the process. That is valuable.

Cathy Peattie: I am interested in consultation. I am a bit concerned about how two or three people can achieve more participation than could 50 per cent of the members of the Mobility and Access Committee for Scotland. How will the sub-committee engage with the wider disabled community, with organisations that represent people with disabilities and with organisations that people with disabilities run? How do we ensure that people are part of the consultation process?

How do we ensure that the sub-committee does not simply go off and do its work and that it is an integral part of PTUC?

Stewart Stevenson: At the moment, people with disabilities are definitely not an integral part of PTUC. The right people must be involved in making the arrangement work and we have them.

Many bodies will be key to the work and are expressing strong views, such as the Scottish Accessible Transport Alliance, which has submitted evidence to the committee. SATA has a significant role to play. Organisations such as the Guide Dogs for the Blind Association find it useful to give a view on some issues. I will give an example. Much discussion takes place about the design of towns. I know that there is a lot of tension between the needs of blind people, who need pavements, so that they know what is the safe part of a cul-de-sac, and the needs of other users, who benefit from uncertainty in the landscape, which slows cars down and creates a mix. If the committee wants to consider that issue further, it can draw in as many blind people as it wishes, as an absolutely core part of the process. That is only one of a wide range of examples of areas where there are real tensions between the needs of different people in making policy and monitoring what the Government and the private sector are doing.

Cathy Peattie: You said that there were 74 responses to the consultation. It is interesting that the main organisations that deal with disability in Scotland, including the Disability Rights Commission and SATA, are the seven organisations that objected to the amalgamation. The fact that a host of organisations that work with disabled people were concerned about the proposals raises questions.

Minister, you spoke about diversity among people with disability. I do not disagree with what you said, but I cannot see how you can deal with such diversity by having only three disabled people on PTUC, one of whom might be the chair of the sub-committee. The proposal before us will dilute the rights of disabled people to talk about their transport needs and issues about the built environment. I am concerned that we are going to lose some of our ability to be proactive in relation to disability issues. I am not saying that MACS was perfect; I would like to see a bigger, stronger MACS. I am concerned that we are going to lose some of what is important in respect of ensuring that disabled people have a voice.

Stewart Stevenson: The new sub-committee will probably be a bigger, stronger MACS, and will be leveraged into a new PTUC that previously had no statutory requirement to have any disabled people on it. We propose that there be at least three disabled people on the new PTUC, but I

imagine that there will be more than that—in any case, there will be three more than we currently have on PTUC.

Given the arrangements that we have, and the direct access that the sub-committee and PTUC have to the research facilities that are available in the Scottish Government and, through it, the budgets for commissioning external research, there are many ways in which what they are doing can be strengthened. It might be worth drawing to the committee's attention the MACS response to the consultation that was carried out in 2005-06, in which MACS said that it would be appropriate to look again at whether it should be part of PTUC. We have looked at that again, and we are now proposing that MACS should be part of PTUC.

Alison McInnes (North East Scotland) (LD): I have a few questions about the equality impact assessment. It is my understanding that the purpose of such assessments is to inform policy and decision making. In that case, why was the assessment made after the SSIs were laid before Parliament?

Stewart Stevenson: The subject has been under consideration for a long time. The consultation to which I referred was part of the previous Administration's work. A great deal of work was done at that stage. We have formulated the proposals that will give effect to new, stronger representation for disabled people. In the light of that, we carried out the equality impact assessment. The assessment benefited from the joint input of PTUC and MACS when they met. An important part of drawing up the impact assessment was looking at the bodies that are directly involved and which we are seeking to draw together. Getting that contribution, in the knowledge of what we were doing, has enabled us to produce the impact assessment that we have put before the committee.

Alison McInnes: I did not find the impact assessment particularly enlightening. It gave a sense of the Government going through the motions. The most important part of the assessment is that you say that you have consulted again, so we are not talking about the initial 2005-06 consultation, which, I point out, was wide. I understand that, at the end of that consultation, the minister decided to delay until 2010 the decision on whether the amalgamation should go ahead and to take a bit more time about it. On the back of all that, the impact assessment says that you consulted over 70 key stakeholders

"on the practical implications of the amalgamation",

but it gives no information on what the responses were. Can you give the committee more detail on those responses and say whether anyone took the

opportunity at that point to raise their concerns on the principle of the amalgamation?

Stewart Stevenson: The principled positions that were taken previously were not greatly modified. The key thing that came out of the consultation was that the majority of respondents thought that putting three disabled people on the passenger transport users committee struck the right balance—some organisations suggested two people and one a higher number. The consultation was valuable to us in concluding that the right number is three.

Alison McInnes: Key groups such as SATA, Inclusion Scotland and the Scottish Disability Equality Forum are advising the Government against this move. Why are you ignoring those views, minister?

Stewart Stevenson: A number of suggestions were made and a range of opinions were expressed. For example, Equality Choice Action Support suggested that MACS should merge with the United Kingdom body, the Disabled Persons Transport Advisory Committee. At the end of the day, I am utterly determined to ensure that we get the resources in place in terms of human beings and that we give PTUC the additional flexibility to draw people into the sub-committee without having to go through the minister or the appointments process. On that basis, I am firmly of the view that the amalgamation will substantially increase the voice of disabled people right across Scotland in policy making and practice.

Alison McInnes: What resources will you earmark for that? I understand that, up until the end of the last financial year, MACS was receiving £200,000 a year. I asked a parliamentary question on the subject, but you were not able to disaggregate your budget and say how much would go to PTUC and MACS.

Stewart Stevenson: I will bring in Bill Brash in a minute. The point is that money is not provided directly to those committees; that is not how it works. There is a budget for supporting the committees but, what is more important, those and other committees have access to funds that are held at departmental level. That enables a committee to tap into central funds. For example, if one year a committee's work programme requires it to commission external research, it can go through the Government central research unit. That allows us to establish whether such research has been done, thereby avoiding duplication, or to consider what extended research might be required.

Therefore it would be—not totally, but slightly—misleading to put a figure on the budget. The amount could vary considerably because of the committee's work programme. In some years,

significant research might be undertaken, which would make the figure higher than that of the previous year. The figure could then fall again the next year. Our objective is to ensure that the committee is adequately resourced. A shared secretariat is already in place for MACS and PTUC. Of course, the expenses that are involved in running the committee will be paid for.

Alison McInnes: Did you consider alternative models including recognising the important status of MACS as a statutory organisation and encouraging it to work jointly with PTUC—in effect, to be the sub-committee? MACS could have become the independent sub-committee. Did you consider directing PTUC to do that? Did you consider any alternatives?

Stewart Stevenson: Yes. The option was brought to me early in my ministerial career. I cannot speak fully on the subject, but it appeared to be an overhang from before the election. At that stage, as a minister relatively new in the post—I forget the exact date that it was brought to me—

Bill Brash: June.

14:30

Stewart Stevenson: It was in June—within a month of my taking office. At that time, I concluded that I wanted to see what was happening, and that is what we have done.

The issue has dated from the establishment of PTUC. It looks as if it has been under review for some time—there were certainly a number of vacancies on the committee when I came to office on 17 May last year. Ultimately, the choice was to tightly integrate MACS with a re-energised PTUC. We have a new chair in place. Having done a very good job, John Elliot stood down for a variety of personal reasons and James King is looking forward to a work programme that is appropriate to disabled people as well as to a range of other issues.

I felt that it was important to ensure that we integrated the work programmes in particular. The easiest way to do that, and to deliver the additional flexibility that MACS currently lacks in its staffing, is to merge the two bodies, in essence to retain MACS as a sub-committee of PTUC, and to put at least three disabled people on an enlarged PTUC.

Shirley-Anne Somerville (Lothians) (SNP): You said that there is an overlap between PTUC and MACS. When I hear that, I am concerned that some things may fall through the gaps. For example, PTUC may think that MACS will deal with something and therefore not consider its full remit of representing all users correctly. Will you talk us through the overlap and explain how you will ensure that that problem does not happen

when there is a sub-committee and full committee in session?

Stewart Stevenson: There is overlap and underlap. Some of the responsibilities of the two committees overlap, and others exist only in one of the two committees. An example of an underlap—a responsibility in MACS but not directly in PTUC—is the built environment. That involves many different things, including access to railway stations. There is an issue in respect of devolved and reserved responsibilities, although—as the previous Administration did—we have found that it is possible to invest in relieving access problems at railway stations alongside the Department for Transport's programme. Bus complaints are also part of the underlap: they are the responsibility of PTUC but not of MACS.

I have the powers to bring all that together under section 42(2) of the Transport (Scotland) Act 2005. The overlap is clearly that MACS is engaged to a significant extent with issues related to transport, but some issues that it deals with are not covered in PTUC. For example, issues not currently covered in PTUC include the blue badge scheme, taxi cards, dial-a-ride demand responsive transport and wider issues of private motoring. I want, and am able, to ensure that we transfer all those to the new body.

The basic reason why the two bodies have different powers, but some overlap, is the history of the legislation. MACS dates from the early 2000s, before the Disability Discrimination Act 2005. Things have changed considerably—there is a long timeline of change—and although there are still many challenges in responding to the needs of the range of people with disabilities, the situation has probably moved on considerably since MACS was formed.

Shirley-Anne Somerville: There is still anxiety among disability groups that some of MACS's remit will fall. Will you reassure the committee that that will not happen, and that when problems are brought to your attention in the future, they will be dealt with and examined as speedily as the committee or sub-committee can do so?

Stewart Stevenson: It is certainly the intention that not a single aspect of MACS's remit should fall. Moreover, the convener of PTUC has assured me that he will ensure that that does not happen. If he is in any doubt, he will approach me for a letter that would empower him to do whatever will be required, which section 42(2) of the Transport (Scotland) Act 2005—to which I keep referring—empowers me to provide.

There is no restriction on PTUC considering matters that are reserved as well as matters that are devolved. Clearly, I cannot act on any issues that PTUC raises in relation to reserved matters,

but one reason why we want to establish a concordat with the UK body is to ensure that there is crossover and that issues do not drop into the gap. I, and the convener of PTUC, provide absolute assurances that none of MACS's responsibilities will disappear, and that it will be possible for issues that are not currently on the agenda of either body—but which appear to matter to people who have disability access needs—to be dealt with.

Shirley-Anne Somerville: When such a change is made, it is important that there is proper review to evaluate whether the intended aims come to pass and to test the anxieties that some groups have expressed. Will you detail the evaluation process that will be available to ensure that the proposal works as ministers wish it to?

Stewart Stevenson: We intend to hold a review in a year's time, but we will do so sooner, if required. It is entirely reasonable that people who have become used to working with one structure should wish to be fully satisfied that the new structure is at least as good as that which is being replaced. I believe that the new structure will pick up everything in the present work programme and all the activities that are being undertaken. I hope that as many of the personnel who have been involved in the consideration of such matters in the past will be available to the new structure.

We want to build trust that the enhanced involvement of people with disability access issues at the top of PTUC will mean that the new structure will be able to do more and to do it more quickly, and that the ability to work with the UK body and to deal directly with ministers will mean that PTUC will be able to effect real changes in transport and other policies in relation to which access issues arise.

Shirley-Anne Somerville: You mentioned recruitment, which is another issue that disability groups have brought up with us. Why have there been gaps in recruitment? Will you talk us through that process? There is great concern about the fact that MACS was being wound down even before the Government took its decision.

Stewart Stevenson: I ask Mr Brash to comment.

Bill Brash: As we know, the members of MACS all had terms of appointment. We knew that we would have a problem maintaining the number of members who were statutorily required, and the previous minister was aware of that. Papers were produced for the next round, but an election was coming up and the then minister, who had decided that he wanted to continue with his review following the election, thought that it would be a waste of public money to enter, before he had

done his review, a recruitment process that could take about nine months.

However, history changed. After the election, there were many changes and we had again to consider a recruitment process. Given the exercise that we are engaged in, we again thought that it would not be efficient use of public funds to go through such a process, so we went to OCPAS and got dispensation to extend the appointments of members whose terms of appointment were about to run out. That is the present position. MACS is still running, and that will be the case until the proposed legislation is implemented—if it is.

The Convener: There do not seem to be any more questions from members, but I would like to pursue one or two points.

You have told us that 52 out of 74 responses to the consultation were in favour of what has been called “an integrated, high-level committee”. In other words, they supported the proposed merger. How many of the organisations that responded positively to the proposal represented disabled people or had a specific disability focus?

Bill Brash: As has been said, the consultation was general. All the respondents have a say in respect of disabled persons, but the consultation was on the Public Transport Users Committee in general. We did not say that disabled people were allowed to speak only on disabled issues.

The Convener: I accept that it was a public consultation, but I am asking how many organisations representing disabled people, or with a focus on disability, supported the proposal?

Stewart Stevenson: I do not think that we will be able to give a detailed answer. However, from the list of consultees it is clear that for a substantial number the interests of disabled people are an important part of their decision making, even those that are not focused solely on such interests. For example there was, as you would expect, significant input on disability issues from the trade unions. The range of respondents included the Equal Opportunities Commission, the Disability Rights Commission and the Rail Passengers Council. Although the focus of many organisations was not restricted to disability issues, the organisations had a direct and engaged interest in disability issues. For other organisations, that interest might appear less clear, as you would expect.

The Convener: I am aware that all public bodies have an equalities duty, and that it is entirely legitimate that they be consulted on such issues. However, I am asking about the specific organisations and—

Stewart Stevenson: Well, what I—

The Convener: Forgive me, but as far as I am aware, the organisations that you listed did not support the specific proposal. I am thinking in particular of the Disability Rights Commission, as was.

Stewart Stevenson: I repeat that there was clearly a range of views. Even MACS said in its response that it is not opposed to the proposal in principle but is merely opposed to changes being made before the Public Transport Users Committee had been established. I understand that MACS, without saying that the change should necessarily happen, said that the subject should be considered again at a later date. It has been considered again: we are here today as a result.

The Convener: The point that I am driving at is that a number of organisations focus specifically on disability or are representatives of disabled people. As far as I can make out, they have spoken more or less with one voice against the proposal, even if a wider public consultation has resulted in a majority who are in favour of the proposal. Is not it reasonable for organisations to be concerned that, if the merger of the two bodies goes through, they will find themselves in the same situation, in which they speak with one voice on a specific access or disability issue, but are overruled by a wider body of representatives?

Stewart Stevenson: No—

The Convener: You do not understand their concern.

Stewart Stevenson: I understand their concern perfectly. I come back to saying that change can always cause concerns until it is explained and justified. Disability bodies should take account of the proposed sub-committee of PTUC, which will be powerful and will engage directly with the issues. It will be able to draw more people into its membership and will be freed from some of the shackles of direct ministerial control that currently inhibit its ability to draw in people from among those with a wide range of disabilities. For the first time, there will be a statutory requirement: PTUC will have to have disabled people among its members. There will be at least three of them and I expect that, in time, there will be more.

That will directly increase the number of opportunities for me and other ministers to hear strong messages about what disabled people need. I hope that the representatives of the wide range of disabilities in our society will see the sub-committee as an increase in the number of opportunities to engage with ministers and make them aware of the issues, and that the wide range of policy and practical areas are taking account of disabled people's needs. That is the objective that we set for ourselves, and we also wanted to free up what was MACS, which will now be the mobility

access sub-committee, and allow it more control of its own destiny. Having such people on PTUC will substantially increase the chance of disability's voice being heard all the way through the system, and of its being responded to and acted on.

14:45

The Convener: As there are no further questions, I thank the minister and his officials for giving evidence.

We move on to item 2. The minister's officials are welcome to stay at the table, but will not participate in this part of the discussion.

The committee will debate motion S3M-2022, in the name of Cathy Peattie. Cathy Peattie will speak in support of the motion and move it. I will then ask the minister to respond. Thereafter, members will have the opportunity to contribute to the debate and the minister will be able to respond to any points that are raised. Cathy Peattie will then have a final opportunity to speak and say whether she wishes to press or withdraw the motion. If she decides to withdraw the motion, no other member can move it.

We will then repeat the same process under agenda item 3 for motion S3M-2023.

Cathy Peattie: In a sense, I am not against the idea of PTUC being strengthened. It has a very important role, so I am not against the organisation. My concern is that it will not represent the views of disabled people in Scotland.

I would like the minister to reconsider the structure to see whether the role of disabled people in the organisation can be enhanced because I am concerned that MACS will result in sidelining of the views and voices of disabled people in Scotland. Organisations that are involved with disabled people throughout Scotland are equally concerned, so I find it very difficult to support the proposed change.

I move,

That the Transport, Infrastructure and Climate Change Committee recommends that nothing further be done under the Public Transport Users' Committee for Scotland Amendment Order 2008 (SSI 2008/186).

Stewart Stevenson: It is certainly helpful that Cathy Peattie acknowledges that there is value to be had from increasing the role and input of disabled people on PTUC. The order that is being debated today seeks to do that for the first time, and to put in place a statutory requirement that at least three disabled people will be on an expanded committee of 15.

I understand that the history is that it was originally intended to do that, but for recruitment,

logistic and timetabling reasons, it was not done. We are now putting in place something that would have better been put in place at the outset. It would be extremely difficult to argue that adding disabled people to that powerful committee would not be in the interests of the disabled community.

We will, of course, talk about other issues during the debate on the Mobility and Access Committee for Scotland Revocation Regulations 2008 (SSI 2008/187). However, the sub-committee will also provide—albeit not statutorily but through the committee convener—for a strong and flexible way of ensuring that the issues and needs of disabled people are taken into account by PTUC.

I hope that Cathy Peattie will decide not to press the motion, as there will be significant value in having three disabled members on PTUC.

Rob Gibson (Highlands and Islands) (SNP): We have debated the new sub-committee and its wider role. I am unhappy with Cathy Peattie's suggestion that the wishes and needs of disabled people will be sidelined as a result—they are being mainstreamed. PTUC will work in a fashion that will allow the needs of disabled people to be much more at the heart of decisions about public transport and wider mobility interests. The establishment of the sub-committee means that those needs have not been sidelined. The proposals are sensible.

The Convener: The minister does not wish to respond further to points that members have made. I invite Cathy Peattie to sum up the debate and to say whether she wishes to press the motion or to seek leave to withdraw it.

Cathy Peattie: I stand by the motion because it is important that we consider the issue of mobility. I believe strongly that, if a sub-committee is set up to do a piece of work, that work can get lost. I do not believe that the proposals in the SSI would take forward the views of disabled people in Scotland, so I am minded to press the motion.

The Convener: The question is, that motion S3M-2022, in the name of Cathy Peattie, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Gordon, Charlie (Glasgow Cathcart) (Lab)
Harvie, Patrick (Glasgow) (Green)
McInnes, Alison (North East Scotland) (LD)
Peattie, Cathy (Falkirk East) (Lab)
Stewart, David (Highlands and Islands) (Lab)

AGAINST

Gibson, Rob (Highlands and Islands) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Somerville, Shirley-Anne (Lothians) (SNP)

The Convener: The result of the division is: For 5, Against 3, Abstentions 0.

Motion agreed to.

That the Transport, Infrastructure and Climate Change Committee recommends that nothing further be done under the Public Transport Users' Committee for Scotland Amendment Order 2008 (SSI 2008/186).

The Convener: The committee will report to Parliament accordingly.

The next item is a debate on motion S3M-2023, in the name of Cathy Peattie.

Cathy Peattie: If we want to listen to and act on what disabled people say, we must involve them in the discussion. The voice of disabled people in Scotland must be heard. I would like MACS to be better resourced and its work to be encouraged. I know that in the past MACS has been proactive and has been involved in building access reviews and in advocacy, but recent changes have stopped that work. I know that there have been membership issues, which must be examined, but the committee's role is important.

I do not believe in sub-committees. Mainstreaming means MACS looking at all access and mobility issues relating to transport in Scotland.

I move,

That the Transport, Infrastructure and Climate Change Committee recommends that nothing further be done under the Mobility and Access Committee for Scotland Revocation Regulations 2008 (SSI 2008/187).

Stewart Stevenson: I certainly agree with Cathy Peattie that MACS's role and responsibilities are important, but to maintain the committee in its present form would deny us the flexibility that would come from integrating it with PTUC. It would also deny us the opportunity to draw more people more rapidly into engagement with the key issues, such as the built environment, on which there are particular issues for blind people.

Cathy Peattie referred to involving disabled people in discussions on the subject. The change in structure on which I have sought to persuade the committee would deliver exactly that. If we keep MACS in its present form, the OCPAS appointments process, which disabled people find particularly challenging, will continue. In practice, it would deny many people the opportunity to go through the process successfully and serve on PTUC. I regret that we may not be able to establish the sub-committee of PTUC, which would make it much easier for disabled people to serve and to make their voices heard.

As we heard from Bill Brash, the process that we are discussing today continues the actions of previous ministers, so I am a little surprised that

the committee is at odds with the approach that the previous Administration clearly took.

Alison McInnes: I agree with Cathy Peattie's motion. MACS should be strengthened—we should ask what we can do to hear the voice of disabled people more clearly. Will disbanding that discrete committee improve the lot of disabled people? I am not convinced that it will. The minister has said that he wants to hear strong messages about what disabled people need, but I am not sure that he is listening. Key disability groups, including SATA, Inclusion Scotland and the Scottish Disability Equality Forum, have all said no to the measure, but the minister is keen to move ahead with it. The case has not been made. We should proceed by strengthening MACS.

Rob Gibson: I can well understand why there is a lot of frustration among disabled people about progress on the built environment, such as stations and ferry terminals, and about ferries, trains and buses. However, I wonder how much of that frustration has been built up in the past six years and in a long period before that, as a result of a lack of progress on those matters. Perhaps that frustration is clouding people's views about the best way in which to get change and to get it quickly. The members who voted for motion S3M-2022 will want to vote for S3M-2023 and keep MACS in existence. That may send a signal, but that signal will not get to the root of the problem; rather, it will maintain an institution that perhaps has not achieved what it might and should have achieved.

The Convener: Minister, do you want to respond to any of those points?

Stewart Stevenson: I simply highlight that MACS has had considerable difficulty with getting members and with the appointments process. I had thought that creating a more flexible structure under the umbrella of PTUC would remove many of the barriers to disabled people contributing through the formal structures that Parliament has legislated for. We shall wait and see what the vote is on this occasion.

Cathy Peattie: Minister, it would not matter what your political persuasion was—I would feel the same. If you look at my track record, you will know that I would give Labour ministers a hard time if I disagreed with them.

Stewart Stevenson: I am sure you would.

15:00

Cathy Peattie: It is important that the minister reconsider the proposal—we need to listen to the voice of disabled people throughout Scotland. I agree with Alison McInnes that it is important to listen to organisations, so I would like there to be a

strengthened MACS. The minister is right that the work of MACS has been difficult, at least in the past year. That has been a result of its losing its secretariat and, as we heard from Bill Brash, not being able to have elections. I believe that the organisation has been run down. I want the organisation to be built up and to work hand in hand in the future with PTUC to make transport better throughout Scotland for able-bodied and disabled people.

I will not seek to withdraw my motion—I will press it.

The Convener: The question is, that motion S3M-2023, in the name of Cathy Peattie, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

FOR

Gordon, Charlie (Glasgow Cathcart) (Lab)
Harvie, Patrick (Glasgow) (Green)
McInnes, Alison (North East Scotland) (LD)
Peattie, Cathy (Falkirk East) (Lab)
Stewart, David (Highlands and Islands) (Lab)

AGAINST

Gibson, Rob (Highlands and Islands) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Somerville, Shirley-Anne (Lothians) (SNP)

The Convener: The result of the division is: For 5, Against 3, Abstentions 0.

Motion agreed to.

That the Transport, Infrastructure and Climate Change Committee recommends that nothing further be done under the Mobility and Access Committee for Scotland Revocation Regulations 2008 (SSI 2008/187).

The Convener: We will report to Parliament accordingly.

I see that the minister wants to comment. I can offer him a moment to speak.

Stewart Stevenson: The discussion has been useful. I will consider what we wish to do, as there are several options. We are not divided on the objectives—only on the means. Wherever we go from here, it is important that we take that thought from the room. We are all committed to making life better for disabled people and to ensuring that the responses to disabled people's needs benefit the wider community. I hope that we can work on that basis. I thank Cathy Peattie for promoting the debate, which has been useful.

The Convener: When the SSIs go to the Parliament—the Parliamentary Bureau will decide when that happens—there will be an opportunity to put on the record again the general support for the objectives that we share.

Decision on Taking Business in Private

15:02

The Convener: We come to item 4 on the agenda. The committee will be aware that we plan to consider the appointment of an adviser on the budget process for 2009-10. Do members agree to do that in private?

Members indicated agreement.

Meeting closed at 15:02.

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