

# **WAVERLEY RAILWAY (SCOTLAND) BILL COMMITTEE**

Thursday 29 April 2004  
(*Afternoon*)

Session 2

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## WAVERLEY RAILWAY (SCOTLAND) BILL COMMITTEE 2<sup>nd</sup> Meeting 2004, Session 2

### CONVENER

\*Tricia Marwick (Mid Scotland and Fife) (SNP)

### DEPUTY CONVENER

\*Christine May (Central Fife) (Lab)

### COMMITTEE MEMBERS

Mr Ted Brocklebank (Mid Scotland and Fife) (Con)

\*Gordon Jackson (Glasgow Govan) (Lab)

\*attended

### THE FOLLOWING ALSO ATTENDED:

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

### CLERK TO THE COMMITTEE

Callum Thomson

### SENIOR ASSISTANT CLERK

Fergus Cochrane

### LOCATION

Committee Room 3



## Scottish Parliament

### Waverley Railway (Scotland) Bill Committee

*Thursday 29 April 2004*

*(Afternoon)*

[THE CONVENER *opened the meeting at 12:48*]

**The Convener (Tricia Marwick):** Good afternoon and welcome to the Waverley Railway (Scotland) Bill Committee. The meeting is quorate, as three members are present. Apologies have been received from Ted Brocklebank, and I advise members that Mike Pringle has resigned from the committee.

**Gordon Jackson (Glasgow Govan) (Lab):** He did not stay the course for very long.

**The Convener:** I am sure that negotiations are going on with the Liberal Democrats to get a further member appointed to the committee to represent that party.

I welcome Jeremy Purvis, who is not a member of the committee but is sitting in on this meeting.

### Item in Private

12:49

**The Convener:** Under agenda item 1, the committee's agreement is sought to take item 4—consideration of a draft schedule of committee meetings up to the summer recess—in private. Do members agree to take that item in private?

**Members** *indicated agreement.*

## Business Case

12:49

**The Convener:** Agenda item 2 concerns the business case. I ask the committee to consider the correspondence that is appended to the paper regarding the business case for the railway project. The implications of the delay in receiving a copy of the business case will be considered in detail under agenda item 3. Are there any comments on the correspondence?

**Christine May (Central Fife) (Lab):** We should note the correspondence and note with regret the fact that receiving the business case is taking longer than we had anticipated. If the timetable that has been indicated to us is adhered to, we can make the arrangements that will be considered later. We should hope that the timetable is adhered to.

## Preliminary Stage Approach and Future Work Programme

12:50

**The Convener:** Agenda item 3 concerns the preliminary stage approach and our future work programme. We must consider and comment on paper WAV/S2/04/2/2, which is on the committee's approach to the preliminary stage of the bill and whether we will be able to start taking oral evidence when the parliamentary session resumes after the summer recess. I hope that members have had an opportunity to read the paper. I invite comments, in particular on what page 2 of the paper says about the preliminary stage timetable.

**Christine May:** I have a question on paragraph 7, on the preliminary stage timetable. Do our advisers believe that, if the timescale that has been set out in previous correspondence is adhered to, they can have papers ready for us so that we can start to take oral evidence?

**Fergus Cochrane (Clerk):** The optimistic answer is yes. The paper invites the committee to consider whether the convener should write again to the promoter to say that, if there is any further slippage in our receiving a copy of the business case, the implications are, even at this point, that the preliminary stage timetable up to the summer recess and in September could be affected. However, if the business case is received in early May, as the promoter has indicated that it will be, it is hoped that what we have set out is doable.

**Christine May:** In that case, we should work on the assumption that the timetable will be adhered to and that it will be possible for papers to be prepared for us. We should agree to start taking oral evidence as soon as possible.

**Gordon Jackson:** I know that we will consider this matter later, but we are talking about taking evidence on the same day that we receive the analysis of the business case. How can we do anything until we have understood the business case? Does not the business case affect what we think about all the objections? Have I misunderstood what evidence taking on preliminary consideration of objections means?

**Fergus Cochrane:** That matter should be dealt with at the next agenda item.

**Gordon Jackson:** I know, but it is still part of the timetabling.

**The Convener:** There are two issues. Undoubtedly, the committee's provisional timetable has slipped, as our intention was to take oral evidence on the bill before the summer recess. As a result of that slippage, it is unlikely

that we will be able to take oral evidence then. The clerks have suggested that we consider discrete areas that we can timetable in advance of considering the business case. We must consider that timetable later.

The possible approach that is outlined on pages 2 and 3 of paper WAV/S2/04/2/2 sums up our position with regard to the consideration of late objections, the petition from Stow station supporters and the preliminary consideration of objections. We have been invited to consider whether we should aim to be able to start taking oral evidence on the substance of the bill once the parliamentary session resumes in September. There are two stages—the later oral evidence on the bill, and dealing with discrete areas of consideration in the run-up to the summer recess to give us a clear run come the summer. However, that is all predicated on the business case coming to us at some point.

Does Jeremy Purvis wish to say anything?

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** Yes, if it is in order for me to contribute.

The promoter's outline business case assists the Executive in its value-for-money assessment in the Scottish transport appraisal guidance process and in producing the economic impact assessment and other documents. Why should not having the outline business case prevent the committee from considering the general principles of the bill and determining whether it should proceed as a private bill? I would have thought that not having the business case would not preclude that consideration. As far as I understand the process, the committee cannot go past the preliminary stage without a financial memorandum for the Parliament, because the bill will draw on public funds. Of course, an element of the financing comes from the promoter and is not included in the outline business case because the outline business case applies only to the Executive's contribution to the funding of the railway project.

I am unclear about why not having the outline business case precludes the committee from assessing the general principles of the bill, which is about a railway to Tweedbank. Could not the bill be considered on the basis of the promoter's memorandum, which has already been submitted to the committee?

**Fergus Cochrane:** One consideration that the committee may want to take into account is the need for the railway. Central to that is the economic argument, therefore it could be difficult for the committee to consider the general principles without receipt of the document that goes to the core of the need question.

**Jeremy Purvis:** Have you received a needs assessment from the promoter?

**Fergus Cochrane:** We have not received the business case yet.

**Jeremy Purvis:** My understanding is that a needs assessment is presented to the committee, and that there is an outline business case for Executive funding. The outline business case is designed to meet the criteria for Executive funding in the STAG process, and to satisfy value-for-money tests, which differ slightly from the economic needs that the committee will consider. While the Executive's criteria may be satisfied, they may be different from the committee's criteria on the general principles of the bill.

**Gordon Jackson:** I think I understand that, although I am not sure that I am at the stage of understanding the process at all. I have a sneaking feeling that the issues are slightly more connected than that. I know what Jeremy Purvis is saying—we could consider the needs, desirability and general principles in isolation from the issue of whether the money stacks up—but in the real world those things are connected, in that everything is desirable. I could name a million things that I think are desirable, but they do not stack up financially, because they are not good enough in a financial sense to be priorities. I do not know how desirability can be separated from cost. In an ideal world everything is desirable, but can it be paid for? Does the money stack up? I find it difficult to separate those issues in my mind.

**Christine May:** I have listened to Jeremy Purvis, but I am inclined to agree with Gordon Jackson. I suggest that we operate on the assumption that the proposed timetable is adhered to. If possible, we should take oral evidence before the summer recess, or at least be in a position to do so, but the overriding consideration must be an initial consideration of the outline business case, without which we cannot begin to consider other matters. We have an aspiration, and if it is at all possible to fulfil it we will, but I agree with Gordon Jackson that desirability and cost are inextricably linked. The timetable should be agreed to formally so that, with all other things slotting into place, we can go ahead.

**The Convener:** The committee's previous decision was that the business case was desirable in allowing us to consider the bill fully. Our provisional timetable was predicated on us receiving that information. We do not have that information, so it is for the committee to decide how to handle the forthcoming stages. I hear what Jeremy Purvis is saying, but we need to have the business case in front of us to give us all the information that is available. That does not mean to say that we can take no action between now and July, but it must be recognised that the delay

in providing the business case to the committee is not a delay of our making and that we are doing the best we can. It would be wholly wrong of us to move faster than the committee and the advisers to the committee think we can move in the absence of important information.

Do we agree to start taking oral evidence on the substance of the bill after the summer recess?

**Members indicated agreement.**

**The Convener:** Does the committee agree that I should write again to the Waverley railway partnership, indicating the proposed schedule for committee meetings up to the summer recess?

**Members indicated agreement.**

**Christine May:** Paragraph 8 of paper WAV/S2/04/2/2, on the possible approach, suggests that we may wish to

"consider encouraging relevant parties to provide full written evidence".

That is a good proposal, and I hope that we agree to it.

**The Convener:** I agree that it is a good idea. Do you agree, Gordon?

**Gordon Jackson:** Yes.

**The Convener:** We will proceed in that way.

We have dealt with all the outstanding issues in the paper.

Agenda item 4 is consideration of a paper regarding the committee's schedule up to the summer recess. The committee agreed to take the item in private, so I ask members of the public, official report and broadcasting staff, and anybody who is not a member of the committee to leave the room.

13:01

*Meeting continued in private until 13:11.*





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