

WAVERLEY RAILWAY (SCOTLAND) BILL COMMITTEE

Tuesday 23 November 2004

Session 2

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WAVERLEY RAILWAY (SCOTLAND) BILL COMMITTEE 7th 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)

*Margaret Smith (Edinburgh West) (LD)

*attended

CLERK TO THE COMMITTEE

Fergus Cochrane

LOCATION

Committee Room 4

Scottish Parliament

Waverley Railway (Scotland) Bill

Committee

Tuesday 23 November 2004

[THE CONVENER *opened the meeting at 12:16*]

Late Objections (Consideration)

The Convener (Tricia Marwick): Good afternoon. I remind members to switch off their mobile phones and pagers. We have received no apologies.

Under agenda item 1, the committee is required to consider six late objections that have been lodged against the bill and to decide whether each objector has shown good reason for not lodging the objection within the specified objection period. If we decide that the objectors have shown good reason, the objections will be allowed to proceed to preliminary consideration. The paper refers to seven objections, but because of information that has come to light, the committee is not in a position to consider the objection from Nigel Miller. I suggest that we hold that objection until our next meeting. Is the committee agreed?

Members *indicated agreement.*

The Convener: In that case, I invite committee members to comment on each of the six objections with which we are left.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): From what I have been able to see of the reasons for late objection, all the objections seem to fall broadly in the same category as the previous late objections, and we should accept them for the reason that we accepted the previous ones. They seem to fulfil the same criteria, and the objectors' reasons for not responding earlier seem to be fairly justifiable. Unless any committee members have any other thoughts, I recommend that we accept the late objections.

Christine May (Central Fife) (Lab): I agree with Ted Brocklebank, except for on the objection to the whole bill.

The Convener: We will deal with that under agenda item 2. At this stage, we are considering only whether the late objectors have shown good reason for not lodging their objections in time.

Margaret Smith (Edinburgh West) (LD): I am content that we take the objections further, because they fit the same criteria as the late objections with which we have dealt before. We should continue to consider them and take them forward for scrutiny.

The Convener: The committee is agreed that all six objections can go forward to preliminary consideration.

Objections (Preliminary Consideration)

12:19

The Convener: Under agenda item 2, the committee is required to give consideration to the objections and to consider how they might best be dealt with at the preliminary stage.

We will deal first with an objection to the whole bill from the residents of Still Haugh at Fountainhall, which is covered in paragraphs 8 to 14 of our paper. In relation to the whole-bill element, is the committee in a position to decide whether the objectors' interests are clearly affected by the bill?

Christine May: Having tried to comment on that point too early in the proceedings, I thank the convener for the opportunity to speak now.

At a previous meeting, the committee rejected the objectors' arguments against the whole bill, because it did not consider that sufficient evidence had been produced to support the objections. In the interests of consistency, that view should be taken again. The arguments and the evidence to support them are broadly the same. The case has not been made.

Mr Brocklebank: That makes sense. Am I right in thinking that we will accept the objections to specified provisions but not to the whole bill?

The Convener: Yes. First, we need to decide whether the objectors would be adversely affected by the whole bill. If they would not be, we will decide whether we can consider at consideration stage the objections to specified provisions, which are covered in paragraphs 15 and 16 of our paper.

Mr Brocklebank: In that case, I support Christine May's suggestion that the objection to the whole bill is unreasonable for the reasons that she outlined.

The Convener: Does the committee agree not to accept the objection to the whole bill from the residents of Still Haugh at Fountainhall because they will not be clearly adversely affected by the bill?

Members indicated agreement.

The Convener: Although the committee rejects the whole-bill element, it considers that many of the issues that the objections raise are relevant to the committee's consideration of the bill's general principles at preliminary stage and will, doubtless, be covered in oral evidence.

Margaret Smith: Will it be made clear to the objectors from Still Haugh that, although we do not accept their objection to the whole bill, the more

general issues will be considered? Another private bill will affect my constituency and several residents' objections to that whole bill were rejected. People in that neighbourhood felt that those issues would not be considered at all because the objections had been thrown out. People are not clear about the process. When we write to the objectors, it would be useful to make it clear that although their objections to the whole bill are not being accepted, the committee will examine such issues. Much confusion is felt about that.

The Convener: When we considered objections to the whole bill previously, we made it clear that many elements of the complaints would be considered at the preliminary stage. A copy of today's *Official Report* will be sent to the residents of Still Haugh at Fountainhall and I am sure that they will pick up on what we have said. I do not doubt that the issues will be covered in oral evidence.

We have dealt with the objection to the whole bill, so I invite members' views on the objections that relate wholly or partly to specified provisions, as covered in paragraphs 15 and 16 of our paper. Do members agree that those objections should be allowed to proceed to substantive scrutiny at consideration stage?

Members indicated agreement.

Christine May: Reasonable points have been raised, and were made by others. For consistency, the committee should take the same view that they are relevant.

The Convener: Thank you. The committee is agreed.

We will invite evidence from all the objectors whose objections on the adequacy of the accompanying documents and the business case were considered today.

Mr Brocklebank: I gather that there was a potential objector, whose objection we are not accepting on the basis that he is shortly to sell the plot of land that relates to his objection. Could you or the clerks advise us what the situation will be if the people who buy the plot of land decide that they wish to object?

The Convener: An issue was brought to our attention fairly late; that is why we are considering six objections instead of seven. It would be a good idea for the clerks to update us on that at the next meeting, when some of those elements will have become a lot clearer. Are you happy with that?

Mr Brocklebank: Yes.

The Convener: I ask members to consider whether a deadline of 21 January 2005 should be set for the receipt of written evidence. That would

allow the committee to meet shortly thereafter to consider its timetable and witnesses for oral evidence meetings, and possibly to commence oral evidence meetings shortly after the February recess. What are members' views on the suggested deadline?

Christine May: The deadline is reasonable. It allows the same amount of time that was afforded to others. While Christmas and new year fall within the period, in this instance it is reasonable to make the same time limit available to everybody.

Margaret Smith: I agree. It is reasonable that people should have the same time limit.

I am a little concerned that we ensure that the committee sends out a message that we will get to a point at which further late objectors will not have the same length of time, otherwise we could be here forever. We want to progress the bill. We have the capacity to give this group of objectors the same period of time, which is reasonable at this stage.

Mr Brocklebank: I support that entirely, and endorse what Margaret Smith said about there having to be an end to late objections at some stage. I hope that we will receive assurance on that.

The Convener: Indeed. The committee's points are well made.

If we set a deadline of 21 January, I suggest that we have a meeting as quickly as possible thereafter. The next available meeting date would be 25 or 26 January. Does that timescale find favour with the committee?

Mr Brocklebank: I do not object to the timescale, but Tuesdays are difficult for me, because I usually have a fairly full Finance Committee meeting first thing. It would be helpful if this committee could meet on a Monday or a Wednesday, rather than on a Tuesday.

Christine May: I am content with that.

The Convener: I think that is the general view.

Margaret Smith: I dissent from it slightly, but I have to go with the majority.

The Convener: I will leave it to the clerks to finalise the date for our next meeting around 24 to 26 January.

Meeting closed at 12:28.

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